

**From:** Parker, Dr. Rob  
**Sent:** Friday, June 22, 2012 10:23 AM  
**To:** Barss, Peter  
**Cc:** Corneil, Dr. Trevor; Goodison, Dr. Karin; Larder, Dr. Andrew; Pollock, Sue  
**Subject:** RE: KGHM AJAX open pit mine proposal for Kamloops - letters and documents regarding a health hazard from a citizen, a ministry, and an MHO  
**Importance:** High

thanks Peter for the opportunity to look at some of the materials around this situation and to comment. I only provide the following comments back in the interest of our mutual internal IH MHO group collegial support, as you requested them – quite wisely I think – on this complex issue. I don't know that there is a single right way, and the thoughts I have below may or may not be helpful.

Obviously it is hard for the rest of us to fully understand and for you to capture the depth of discussions and material reviewed, so I would find it hard to comment knowledgeably on the science-technical-epidemiologic question – 'does this mine pose a significant enough and demonstrable potential human health risk to the residents in and around Kamloops, such that it is reasonable and appropriate to issue an MHO Order under Section 31 of the Public Health Act, that the project be halted/not approved?' (and by corollary, who the Order should be given to? – the EAO?)

The attachments of your June 21 two letters certainly cover a range of aspects, both of potential impacts of the mine, limitations in what has been provided by the proponent, and also what you see as BC govt regulatory process limitations and functional inadequacies, such as staffing at the EAO. While I think I see the intent of the two separate letters of the same date, both to EAO – one covers the BC regulatory and functional review process limitations, the other more the potential impacts of the mine – I must admit I do find them a bit confusing. Both are of moderate length, and while covering somewhat different themes, are still two separate letters, sent the same date, to the same agency-people (EAO), on the same project. I think a clearer approach may have been to send EAO a single letter/document – perhaps a shorter single letter outlining your major concerns, in bullet, one sentence format, that references an attached document from you that goes into more details on each of the concerns.

It is also not clear to me at the end of each letter, what if anything you are asking the EAO to do, nor signaling to them clearly what you may or will do. It may be better, for further correspondence, to clearly outline the expectations on the recipients.

I think there are obvious and significant concerns for potentially situating such a major mine so close to a sizable community, and extreme due diligence should be taken by all parties to ensure that human health is protected – I think you give good voice to that.

But because this is such a significant and high profile proposal, then I think there should be a clear process of internal public health consultation before such an Order is potentially issued. You are obviously doing that with your email below, which is great.

It may be helpful to prepare a initial 'draft', of what such a potential Order could look like, and then arrange a teleconference with yourself, Andrew as the SMHO, and Perry or Eric or both from the PHO's office, and perhaps Brian Emerson – to discuss it. I would guard against for this particular aspect having too large a group (ie adding HP Director, Tim Lambert, BCCDC, etc) – I think the main point of the t-c would be for a few MHO/PHO colleagues, to review from an MHO-legal perspective, two aspects:

1. is an MHO Order warranted, at this stage of the process? is it appropriate, and the best option?
2. is the 'draft' Order crafted in the right way? is it to the right person/agency? is it both specific and succinct enough as to what is to be done? is the evidence/justification base cited sound enough? does it seem in line with the principles of progressive and natural justice?

If this small group thought they had consensus that an MHO Order was needed and the form of it, it would be prudent then to run that 'draft' Order by MoH or our own legal council.

In dealing with this situation and proposal from an MHO perspective in trying to fulfill our legal and moral responsibilities to protect the public health, the only other short comments I would have, in bullet form, are:

- be conscientious and specific in all correspondence and consideration, as all written materials are at least open to request under FOIPP, including this quite appropriate intra-MHO consultation and email correspondence.

- I am not sure the 'opportunity-cost' argument of time or money is the most pertinent one to raise in assessing this issue, or deciding on an Order. While the time/expense resource needed is I think a real issue, the decision to issue the Order should be only decided on the potential risk to human health, and whether the proponent has been able to significantly show that those human health risks and hazard from the mine does not exist.

- while public concerns are a very valid measure and consideration, and while the single letter writer attach does I think write a good letter outlining some of the major factors of concern – I would not cite it or give it individual credence, as from a quick search the author has no specific professional or technical expertise. The letter is valid simply by the fact that she is a citizen of Kamloops, and has concerns.

- I would remove the rhetorical Latin and English phrasing in any correspondence. While they may well be principles from public health or public policy literature for us to reflect on as we do any assessment, I would keep individual assessment of this specific proposal to the technical aspects of the proposal, the potential human health risks and affects, and the deficiencies in what the proponent has provided to date to sufficiently address those aspects, and the legal and regulatory aspects, including what is written in the Public Health Act.

- if an MHO Order is to be issued, in terms of progressive and natural justice – ---- and if it is assessed by you and consulted public health colleagues, that at least a significant part of the concern is that detailed information on both the specific operation of the mine, potential hazards created, mitigation strategies and assessed human health impacts, have not been adequately addressed the proponent --- then it may be more appropriate that the MHO Order cite that.

So to say the above another way – perhaps the proposed MHO Order, would not say 'the proposed mine application should be cancelled/not approved'.

Rather, perhaps the proposed MHO Order may indicate, that the mine proposal should not be approved at this time; that it should only undergo any further proposal assessment once the proponent has provided the technical and assessment documentation requested by public health; and that only based on the available information at this time, there are significant potential health risks to the public from siting such a mine so close to a major community, that should be fully addressed before any approval is considered.

- I think the above paragraph, is the more appropriate consequence at this stage in the process. I think it is a bit hard to argue, from a public health perspective, both that there is insufficient evidence (from the proponent) of risk mitigation and lack of human health impact, and at the same time state absolutely that the project should never go ahead. If full information and a full as possible assessment has been done, then it may be appropriate to say conclusively whether the project should go ahead or not. In the absence of such full information and assessment, it may be more appropriate to say, as an MHO, the project should not be approved or go ahead at this time, until the proponent adequate assesses and provides information on all health risk concerns --- and then a final determination can be made. I think it is less defensible to 'pre-judge' what further discussions and assessments may or may not further clarify. I do think it appropriate for us as MHOs to state what more specifically is needed from the proponent for us to be able to do an adequate assessment of the risk to the public's health.

- I think any concerns about BC govt process, regulatory environment, EAO staffing functionality, etc – should be addressed by other processes, and kept separate from responding to the specific mine proposal.

The regulatory environment and applicable legislation is what it is in BC at present, and should be applied as appropriate to this specific proposal. If in dealing with this proposal, it points out potential limitations to existing BC review processes...then we have means to raise those bigger system issues, through the BC EH Policy committee, HOC or the Ministry or govt directly.

I hope the above is helpful, as part of the consideration of the best way to proceed on a public health basis, in considering this mine proposal.

Rob