

National Pollutant Release Inventory and Mine Tailings & Waste Rock:

The ENGO Perspective

Prepared by John Jackson

March 2007

Part A: Background

When the NPRI was set up, mining activities prior to the processing of mined materials were exempted from reporting to the NPRI. As a result of urging from environmentalists, in 2003 Environment Canada announced that it intended to remove this exemption and started consultation with the NPRI Multi-stakeholder Work Group on Substances. Effective with the 2006-reporting year the mining exemption was removed except for pits and quarries. Pits and quarries will be added in the 2007-reporting year.

There has been confusion, however, as to whether the removal of this exemption requires the mining sector to report NPRI substances sent to mine tailings ponds and waste rock piles.¹ At a NPRI workshop on this issue in May 2005, environmental groups stated that NPRI substances in tailings and waste rock should be reported as on-site disposal. In contrast, Environment Canada's NPRI office and the mining industry said that materials put into tailings and waste rock piles should not be reported.

The debate over this continued and led to a special workshop in March 2007 by the Mining Sector Sustainability Table on this topic. The workshop participants "generally agreed on the need for some type of mandatory regular reporting mechanism relating to the 'core set' of information needs relating to tailings and waste rock."² Not all sectors agreed, however, that this reporting should be through the NPRI. The workshop ended with all participants stating that "further multi-stakeholder discussions pertaining to this topic would not be helpful in the absence of a government decision on the issue of inventory-based reporting for a 'core set' of information, and that Environment Canada must, within six months, make this decision."³

¹ The mining sector has always been required to report releases of NPRI substances to the environment *from* tailings or waste rock areas, but substances contained in materials added to tailings or waste rock areas were not reported.

² "Workshop on Information Needs Associated with the Risks & Hazards of Mine Tailings and Waste Rock," March 21-22, 2007, p. 4.

³ Ibid.

Part B: The ENGO View

Environmental groups have always said that it is essential to report on NPRI substances sent to tailings and waste rock areas. Three main reasons have been given for requiring this information to be reported:

- This information is critical for communities because of the high risks associated with tailings and waste rock facilities at active and abandoned mines. Communities should be aware of the possible threats posed by these facilities.
- The materials that go to tailings ponds and waste rock piles are going to disposal. Other sectors are required to report the materials that they dispose of either on-site or off-site so it is unreasonable to exempt the mining industry from this NPRI provision.
- Materials sent to tailings and waste rock areas are reported under the U.S. Toxics Release Inventory (TRI). One objective of the NPRI is to have consistency between the TRI and NPRI to make it possible to make cross-border comparisons and to help the Commission for Environmental Cooperation⁴ address hazardous materials continent-wide.

At the March 2007 Mining Sector Sustainability Workshop, industry agreed that information on mine tailings and waste rock should be publicly available, but did not agree that NPRI was the appropriate place for this to be reported. ENGOs, however, feel that NPRI is the only appropriate place for this information to be reported. At the March 2007 workshop we presented the criteria critical for an appropriate reporting tool. These are:

- National, providing consistent information across all jurisdictions
- Mandatory
- Annual reporting
- Facility specific
- Geo-spatial (being able to find the site on a map)
- Searchable
- Publicly available through one portal or location
- Reporting releases to all media (air, land, water), including transfers to disposal and recycling
- Quantified data
- Includes all CEPA toxic substances at a minimum
- Comparable with other jurisdictions, and
- Comparable with other industrial sectors.⁵

The only tool that meets all of these criteria is the NPRI.

⁴ The Commission for Environmental Cooperation was set up under the North American Free Trade Agreement.

⁵ “Workshop on Information Needs Associated with the Risks & Hazards of Mine Tailings and Waste Rock,” p. 21 & 23.

Part C: ENGO Position

It is the view of the ENGOs that as of the 2006-reporting year, when the mining exemption was removed, the mining sector (except for pits and quarries operations) has become legally obliged to report the placement of NPRI substances in tailings and waste rock facilities. This position is based on the fact that the *Canada Gazette* Notice of February 25, 2006, lists only “mining related to pits and quarries” in its lists of exemptions [Schedule 2, 3.(1)]. As of the 2007-reporting year, the exemption for pits and quarries has also been removed [*Canada Gazette*, March 3, 2007, Schedule 2, 3.(1)].