

Flin Flon Soils Study

Community Advisory Committee Terms of Reference

1.0 Background

HBMS, in cooperation with Manitoba Conservation, invites interested members of the public, including neighbours, and representatives of local organizations to participate in a Community Advisory Committee (CAC) for the Flin Flon Soils Study. The CAC is being formed to provide public input to the process of conducting a Human Health Risk Assessment (HHRA) in the Flin Flon / Creighton area and other tasks as noted under 2.0 Purpose, below.

Manitoba Conservation conducted sampling in August 2006 to determine the concentration and potential distribution of metals and other elements in the surface soils of Flin Flon, Manitoba (includes Channing) and neighbouring Creighton, Saskatchewan.

Sample sites included publicly accessible lands such as boulevards, parks/playgrounds, schoolyards, vacant lots and undeveloped parcels of land in each community. A total of 108 sites were sampled, including 93 sites in Flin Flon, 13 sites in Creighton, a site at Bakers Narrows Provincial Park and a site in Cranberry Portage. The survey was designed and funded by Manitoba Conservation, with assistance from the Saskatchewan government.

Results of this preliminary assessment of soil conditions identified elevated concentrations of some elements, including arsenic, cadmium, lead and mercury in some areas sampled. At some sites across the study area, the detected levels of one or more elements do not meet the recommended soil quality guidelines for human health, as defined by the Canadian Council of Ministers of the Environment (CCME). Past and present atmospheric emissions from the Hudson Bay Mining and Smelting Co., Limited (HBMS) smelter complex are a potential source of these elevated levels.

This preliminary assessment neither confirms the existence nor absence of human health risk but simply triggers the need for the additional investigations now underway to refine the information and to determine if there are potential human health risks under certain exposure conditions.

The HHRA is a follow-up study to a report by Manitoba Conservation (*Concentrations of Metals and Other Elements in Surface Soils of Flin Flon, Manitoba, 2006*; published July 2007). In response to this report, and in cooperation with the Manitoba and Saskatchewan provincial governments, HBMS will undertake a scientific investigation to better understand the nature of soil conditions in the area, and determine if exposure to these soils may present unacceptable, long-term health risks to residents and/or visitors to this area.

2.0 Purpose

The CAC will enable HBMS, its consultants and collaborating agencies to obtain input and comment from members of the public, and to demonstrate (document) how HBMS uses that input in its decision-making process for the HHRA. Throughout the HHRA process, the CAC will also provide liaison between the company, the technical and regulatory authorities and the local public.

- 2.1 Activities upon which the CAC might offer commentary would include:
 - a) the sampling and reporting of community soil metal levels;
 - b) the development and implementation of HHRA studies;
 - c) the initiation of any remedial work arising from the conclusions of the HHRA studies;
 - d) associated public communication and consultation activities, and
 - e) other linked matters, as the Committee sees fit.
- 2.2 The CAC will be maintained until such time as the Human Health Risk Assessment is completed and distributed to the public, or as long as HBMS and the CAC members deem the work of the CAC to have value.
- 2.3 The CAC is not responsible for the scientific or technical review of the study. The CAC may, however, offer its comment and input to HBMS, its consultants and collaborating agencies on these matters. Through participation as observers on the Technical Advisory Committee and other mechanisms, the CAC will be provided with current scientific information and perspectives.
- 2.4 In addition, the CAC will provide opportunities for members of the public to express their concerns or to ask questions about any aspect of the Flin Flon Soils Study, such as questions related to scientific or technical matters or to process or procedural issues.

3.0 Membership

- 3.1 The CAC is a voluntary committee comprised of no fewer than eight (8) and no more than fifteen (15) interested representatives from the surrounding communities.
- 3.2 Each member will meet two or more of the following criteria:
 - a) Member has a direct stake in the outcome of the risk assessment;
 - b) Member has good familiarity with public committee processes; and
 - c) Member has leadership involvement with community projects, initiatives or groups that have a focus on environmental, health or community development topics in the Flin Flon and Creighton area. Leadership involvement includes being selected by a legitimately interested organization to represent that organization.
- 3.3 The Committee welcomes the presence of provincial agencies, technical consultants and others engaged in the HHRA as regular observers. The facilitator

may need to seek input from those directly engaged with the HHRA more frequently than from casual observers.

3.4 Once formed, the CAC will review and accept membership applications according to the criteria noted above.

3.5 Membership is for the duration of the Committee's work.

3.6 The CAC shall notify HBMS of any changes in membership and shall announce any changes at the next full CAC meeting that is open to the public.

3.7 Membership on the CAC does not constitute endorsement of HBMS or its policies or actions.

4.0 Responsibilities

Responsibilities of HBMS

4.1 HBMS will provide an external facilitator to facilitate CAC meetings and a recording secretary to assist in the development of Committee Records of Decisions and other committee documents.

4.2 HBMS will support the Committee financially to cover the costs of meeting venues and logistics and the preparation and distribution of meeting materials.

4.3 HBMS will consider seriously any advice provided by the CAC and will explain to the CAC how its advice was used and in cases in which the advice was not taken, the reasons why it was not taken.

Responsibilities of the Facilitator

4.4 The facilitator will have demonstrated skills in facilitating similar community advisory bodies and a familiarity with the HHRA process.

4.5 The facilitator will assist the Committee members to meet the purposes and objectives of the Committee through the planning of meeting agendas, presiding over the meetings, and coordination of other activities of the CAC.

4.6 The facilitator will ensure these terms of reference are followed.

4.7 The facilitator will endeavour always to keep the discussions on track and will assist the Committee to be as efficient as possible without sacrificing the richness of any discussion.

4.8 The facilitator will conduct meetings in an impartial manner and will endeavour always to help the Committee focus on interests rather than positions.

4.9 The facilitator is accountable to the Committee for his/her performance in meeting these responsibilities.

Responsibilities of the Members:

- 4.10 Members will represent and explain their interests, needs and concerns or those of the organization they represent.
- 4.11 Members will seek to understand the interests, needs and concerns of the other members.
- 4.12 Members who represent an organization will maintain a strong connection with the organization they represent and ensure a timely exchange of information and opinions with their organization.
- 4.13 Members will endeavour to attend all meetings and in cases in which this is not possible will work with the facilitator and other members to ensure they are up to date when they are able to return to the table.

5.0 Meeting Procedures

- 5.1 The Committee shall meet as required to meet its purposes.
- 5.2 The CAC is enabled to make two types of decisions. Firstly, it decides wholly on its own its procedural matters. Secondly, it provides advice and observations to HBMS and, on occasion, to other bodies respecting HHRA matters.
- 5.3 The CAC shall endeavour to reach consensus on any of its decisions. Consensus is defined as no significant dissent. On advisory matters, should consensus not be reached, the Committee will forward appropriate description of all perspectives to HBMS.
- 5.4 CAC meetings shall normally be open to the public. In rare instances, CAC members may also choose to hold some meetings (or portions of meetings) in-camera, where this is deemed appropriate, normally to discuss privileged or personal information.
- 5.5 To ensure efficient use of the voluntary time of citizen Committee members, comments from public observers at Committee meetings will normally be accommodated towards the end of a meeting when the main substantive elements of the meeting have taken place. At this time, observers will have the maximum amount of information and the facilitator will have knowledge of the time available. This also ensures that Committee members perspectives are given first priority. Observers or the broader community may also elect to provide the CAC with written comments at any time. The public must be made aware that any formal submissions will be made public.
- 5.6 A Quorum shall consist of fifty percent of the membership, plus one.
- 5.7 In the absence of a quorum, meetings and discussions may be held but no decisions will be made until the next meeting when a quorum is available.

- 5.6 All agendas, minutes and letters from the Committee, and all public communications on behalf of the Committee, must be approved by the Committee.
- 5.9 All documentation received or produced by the Committee shall be made accessible to the public. Those individuals or organizations who submit documentation to the CAC, assume all responsibility for the accuracy of the data and information and assume all responsibility for all privacy or confidentiality requirements.
- 5.10 The Committee may identify sub-committees in order to complete its work. Those sub-committee would function by the same rules as the Committee itself, although sub-committees may, of necessity, need to meet without the services of a facilitator.
- 5.11 The Terms of Reference of the CAC will be reviewed on an ongoing basis.

6.0 Records of Decision and Secretariat

All administrative services associated with this Committee will be the responsibility of HBMS.

Meeting discussions will be recorded in a Record of Decision document. Records of Decision will highlight the results of each discussion including the major perspectives raised with respect to any topic but will not be a word-for-word minuting of the discussion. Normally, the Records will not include attribution of particular remarks unless the member specifically requests it.

The Facilitator and the Recorder will endeavour to prepare a draft record and distribute it to all members, irrespective of whether they were in attendance, within seven days of the meeting. Similarly, the Facilitator and the recorder will endeavour to provide meeting materials one week ahead of their being considered by the Committee.

7.0 Dealing with the Media

The Flin Flon Soils Study and Human Health Risk Assessment will be of general community interest and will result in media interest. Media are welcome to attend meetings of the CAC.

Members are free to discuss their views of the study and the CAC consultation process with the media. However, members should not attempt to represent overall Committee views or the views of their fellow Committee members.

Should the Committee wish to provide an overall Committee view of the study or the Committee process to the media, the Committee will select a spokesperson from the membership to represent those views. The Committee will provide guidance to the spokesperson on the general tone of any comments and more specifically approve any written communications from the Committee to the media.