



# The Federal Role on Mine Closure and Reclamation in Canada

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# Purpose

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- ◆ Why is the Canadian Federal Government involved in the remediation of contaminated sites?
- ◆ What is the Canadian Federal Government's role in Mine Closure and Reclamation?

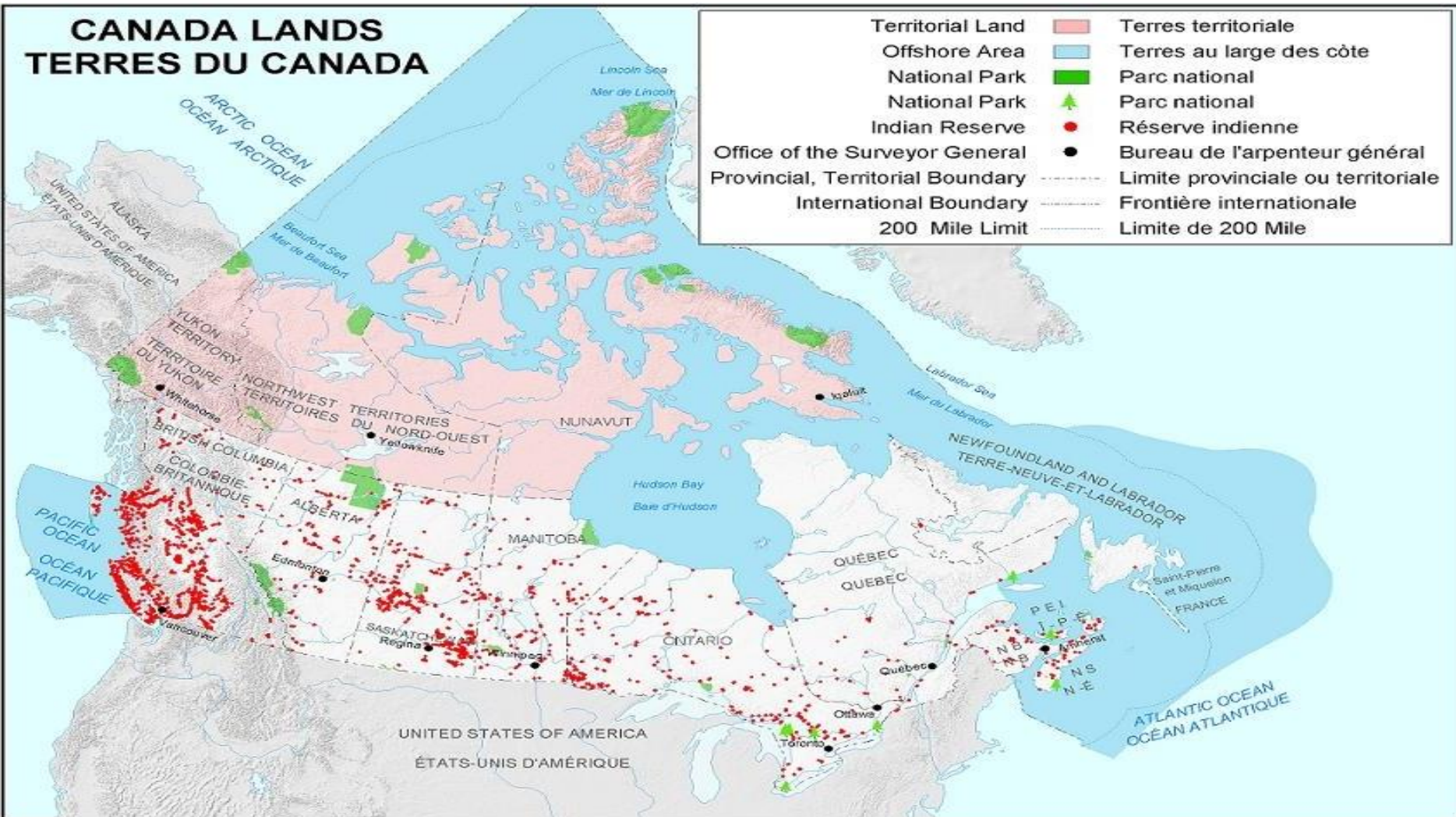
# Introduction

- ◆ Long before proper environmental regulations were in place, decades of human activity have left a legacy of contaminated land across Canada.
- ◆ In the 1990's, the price of commodities dropped considerably and many mining companies filed for bankruptcy.
- ◆ These abandoned mines became the responsibility of the Canadian Governments.
- ◆ Virtually every sector of the Canadian economy has contributed to the problem:
  - Mining
  - Forestry
  - Steel manufacturing
  - Petro chemical production etc.

# Jurisdictional Framework Provinces & Territories



# Jurisdictional Framework – Canada Lands



# Jurisdictions – Division of Powers

## Federal jurisdiction

- National defence
- Foreign affairs
- Employment insurance
- Banking
- Federal taxes
- The post office
- Fisheries
- Shipping, railways, telephones and pipelines
- Aboriginal lands and rights
- Criminal law

## Provincial jurisdiction

- Public lands and forests
- Health system
- Municipal institutions
- Marriage
- Property and civil rights
- Education
- Business licences
- Provincial constitution
- Provincial Taxes

## Shared jurisdiction

- Agriculture
- Companies and economic development
- Prisons and justice
- Fishing
- Public works
- Transportations and communications
- Immigration

# Environmental Issues



- ◆ Environmental issues, such as contaminated sites, are not specifically addressed in the Canadian Constitution.
- ◆ For matters falling under the broad “environment” label, Governments have authority to legislate on matters falling within their jurisdictions.
- ◆ The Federal Government has a residual power to make laws for the peace, order and good government of Canada.
- ◆ Environmental issues have been interpreted by government bodies and clarified by the courts to identify which level of government has power in these areas.

# Federal Legislation

- ◆ In theory, the Federal Government would have wide control over environmental legislation.
- ◆ In practice, the role of the Federal Government has traditionally been one of leadership in information-gathering, research and setting national standards.
- ◆ Contaminated sites which are on federally owned land, sites where provincial and territorial governments have adopted federal legislation or where no such provincial/territorial legislation exists are subject to Federal requirements.
- ◆ Lands owned by Crown corporations are subject to Federal requirements.
- ◆ On Federal lands where both federal and Provincial/Territorial legislation exist, the more stringent of the two will be used.





# Federal Legislation

- ◆ Canadian Environmental Protection Act (CEPA, 1987)
  - Designed to protect human health and the environment from exposure to substances
- ◆ Fisheries Act (1985)
  - Designed to conserve and protect fish and fish habitat and manage Canada's fisheries resource
- ◆ The Canadian Environmental Assessment Act (1992)
  - Framework for planning project in an environmentally-acceptable way so as to avoid potential adverse effect.
- ◆ Numerous others (artic waters act, hazardous products act etc.)

# Provincial Legislation



◆ Provincial Governments have taken the lead role in the development and enforcement of environmental legislation including that related to contaminated sites.

- ◆ Some provinces such as AB and BC have enacted legislation which directly address contaminated sites.
- ◆ Others such as Ontario have released guidelines which address contaminated sites, but have not drafted regulations.

# Government Environmental Policy

- ◆ Public and regulator concern for pollution and contaminated sites has increased considerably in recent years.
- ◆ Increasing degree of government regulation and corresponding activity intent upon protecting the environment.
- ◆ The following is the regulatory philosophy that has emerged in response to contaminated sites issues;
  - Protection of human health and the environment
  - Responsibility and liability
  - Priority shift to prevention
  - Remediation based on intended land use
  - Protection of groundwater resources

# Mining in Canada

- ◆ Mining is a temporary activity with the operating life lasting from a few years to several decades.
- ◆ Mine closure occurs once the mineral resource at a working mine is exhausted, or operations are no longer profitable.
- ◆ Mine site reclamation policies have now been implemented to limit any future liability for new and/or existing mines.



# Mine Regulations in Canada

- ◆ Provincial and Yukon governments regulate the mining industry and have all developed and enacted legislation and regulations for the administration of mining activities and mine closure.
- ◆ Federal government has also developed acts and regulations that govern mine closure, and is responsible for mine reclamation and closure in Nunavut, the Northwest Territories, and on First Nation Reserves.



# Mine Closure in Canada

- ◆ All jurisdictions in Canada require that closure plans are put on file and funds for the cleanup and reclamation are provided by the mining company before mining operations can begin.
- ◆ The approved closure and reclamation plan must be continuously updated by the mining company and approved by the responsible government agency.
- ◆ Financial assurance is increasingly required as a guarantee that the funds required for mine closure will be available.



# Federal Departments Involved

## Four expert support departments responsible for contaminated sites

- Environment Canada
- Health Canada
- Fisheries and Oceans Canada
- Public Works and Government Services Canada

## Custodians responsible for contaminated sites

- **Aboriginal Affairs and Northern Development Canada**
- Agriculture and Agri-Food Canada
- Canada Border Services Agency
- Correctional Services Canada
- Environment Canada
- Fisheries and Oceans Canada
- Health Canada
- Jacques Cartier and Champlain Bridges Incorporated
- National Capital Commission
- National Defence and the Canadian Forces
- National Research Council Canada
- Natural Resources Canada
- Parks Canada Agency
- Public Works and Government Services Canada
- Royal Canadian Mounted Police
- Transport Canada

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- ◆ Largest liability of any department
- ◆ Over 80 sites total
- ◆ Giant Mine – Northwest Territory
  - Gold
  - Arsenic (15 underground chambers 250 000 tonnes)
- ◆ Faro Mine – Yukon
  - Lead, Zinc
  - Acid Rock drainage (260M tonnes waste rock, 55M tonnes tailings)



# Federal Contaminated Sites Inventory

Classification Type	<u>Suspected</u>	<u>Active</u>	<u>Closed</u>	Total
High Priority for Action	0	729	895	1,624
Medium Priority for Action	0	1,932	1,183	3,115
Low Priority for Action	0	1,463	848	2,311
Insufficient Information	0	132	363	495
Not a Priority for Action	0	467	2,254	2,721
Site(s) not yet classified	2,604	1,063	8,887	12,554
<b>Total</b>	2,604	5,786	14,430	<b>22,820</b>

# Conclusion

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- ◆ In Canada, we now have policies and legislation as well as increased environmental awareness that will prevent future environmental and liability issues from the closure of mines.
- ◆ The Government of Canada is taking action through the Federal Contaminated Sites Action Plan (FCSAP) and remains committed to the proper management of those contaminated sites for which it is responsible.
- ◆ Federal departments, agencies and consolidated crown corporations remain responsible for undertaking their operations in an environmentally sustainable manner in order to protect and safeguard the health of future generations and the ecosystems of tomorrow.

Thank you