



September 30, 2016

Government of British Columbia
Health, Safety and Reclamation Code for Mines
Code Review Secretariat
CodeReview@gov.bc.ca

To Whom It May Concern,

In the context of the ongoing review of BC's *Health, Safety and Reclamation Code for Mines* (the Code), MiningWatch Canada respectfully reiterates its recommendations set forth on day one of this review: ***"that the review needs to be broad enough to address the full range of necessary changes in mining policies and regulations in British-Columbia,"***¹ including, but not limited to:

- Improved environmental impact and sustainability assessments of mining projects
- Strengthened financial assurance for spills, accidents, and site closure reclamation
- Stronger environmental and safety compliance mechanisms
- Transparent community consultation processes, starting at the exploration phase
- Land use planning ahead of mining to reduce conflicts, balance development choices, and improve decision-making
- Respect for First Nations' treaty and inherent rights to land, waters, and resources

MiningWatch was—and is still is—calling for broader public consultation process and a legislative committee process to help develop any proposed changes. Submitting proposed changes to a legislative committee in Victoria would ensure greater public scrutiny and greater regulatory stability in the long term.

In 2015, we joined Fair Mining Collaborative and Northern Confluence in submitting a report entitled "Path to Zero Failures"², detailing how B.C. mining laws should be updated to prevent future tailings storage facility disasters like Mount Polley. The report included five priority recommendations:

1. Broadening the scope of the current limited Health, Safety and Reclamation Code review to truly ensure a 'Path to Zero Failures.' This includes a public review of all statutes that regulate mining: Mines Act, Mineral Tenure Act, Environmental Management Act, and Water Act.
2. Creating a permanent provincial Independent Tailings Review Board and/or site-specific Tailings Advisory Committees to oversee the management of all tailings storage facilities in B.C. First Nations, NGOs, and community representatives should officially participate in these committees to ensure transparency in improve public trust in the mining industry.
3. Moving drastically away from conventional, wet saturated tailings production and switch to paste or thickened tailings, or to a combination of Best Available Technologies. The

¹ <http://miningwatch.ca/news/2015/6/26/bc-mining-code-review-welcome-needs-broad-scope>

² http://www.fairmining.ca/wp-content/uploads/2016/01/The_Path_To_Zero_Failures.pdf

Independent Expert Engineers Panel recommended B.C. move away from 'business as usual' and conventional tailings storage facilities, and require mines to use alternative methods like dry stacking tailings.

4. Strengthening mandatory financial securities, requiring new securities for emergencies and accidents, and a full-cost analysis of potential tailings dam failures at the project outset.
5. Adopting the principles of Free, Prior and Informed Consent and recognize First Nations' inherent right to self-determination and self-governance throughout all aspects of resource development.

While some changes brought to Part 10 of the Code in July 2016 are an improvement from the previous version, they still fail to meet most of the needed reforms to truly prevent future mine disasters and ensure safe mining in BC.

In this context, we urge the BC government to broaden the scope of the current Code review to other key Acts and Policies relevant to mining in BC. In addition to the 2015 [Independent Review Panel's](#) and [BC's Chief Inspector of Mines](#) recommendations, we also urge the Code Review Committee members to review and consider all of the following analysis prior to submitting their final recommendations to the BC government:

- Path to Zero Failures, 2015 (including sections on Parts 1 & 9 of the Code):
http://www.fairmining.ca/wp-content/uploads/2016/01/The_Path_To_Zero_Failures.pdf
- Failure to Adequately Address Tailings Pond Issues, Comments on Part 10 of the Code Review, 2016: <http://sierraclub.bc.ca/wp-content/uploads/2016/08/Comments-on-the-Code-Review-Changes-to-Part-10-Mine-Health-Safety-and-Reclamation-Code.pdf>
- Ignoring Best Practices: Report on Tailings Dam Safety in Transboundary British Columbia, 2016: http://miningwatch.ca/sites/default/files/post-mountpolleytailingsdamsafety_0.pdf
- BC Auditor General Report, 2016:
<http://www.bcauditor.com/sites/default/files/publications/reports/OAGBC%20Mining%20Report%20FINAL.pdf>
- On Financial Security & Liability Issues:
 - Toward Financial Responsibility in British-Columbia Mining Industry, 2016:
https://d3n8a8pro7vhmx.cloudfront.net/ubcic/pages/1290/attachments/original/1463347826/Toward_Financial_Responsibility.pdf?1463347826
 - New Analysis – British Columbia Ranks Worst in Canada for Unsecured Environmental Liability of Mine Sites, 2016:
http://miningwatch.ca/sites/default/files/2016-05-30-bcminingliability-analysis_0.pdf
 - New B.C. Government Data Reveals Massive Increase in Abandoned Mines Clean-up Costs, 2016: <http://miningwatch.ca/news/2016/6/10/new-bc-government-data-reveals-massive-increase-abandoned-mines-clean-costs>
- Cleaning Up BC's Mining Industry, 2016:
https://www.wildernesscommittee.org/sites/all/files/publications/2016_mining_paper_web_final.pdf
- Uncertainty Upstream: Potential Threats from Tailings Facility Failures in Northern British-Columbia, 2015: <http://fnemc.ca/?portfolio=uncertainty-upstream>

- Top 40 Mining Reforms Needed for BC, 2013: <http://miningwatch.ca/blog/2013/1/31/top-40-mining-reforms-bc>
- Fair Mining Practices: A New Mining Code for BC, 2013: <http://www.fairmining.ca/fair-mining-code/>
- Modernizing BC's Free Entry Mining Laws for a Sustainable Mining Sector, 2013: http://wcel.org/sites/default/files/publications/WCEL_Mining_report_web.pdf
- Fixing BC's Outdated Mining Laws, 2013: <http://theyee.ca/Opinion/2013/03/29/BC-Mining-Laws/>
- Reinventing Environmental Assessment in BC, 2012: <http://theyee.ca/News/2012/11/08/Reinvent-Environmental-Assessment-in-BC/>, as well as Environmental Assessment in British Columbia, 2010: http://www.elc.uvic.ca/wordpress/wp-content/uploads/2014/08/ELC_EA-IN-BC_Nov2010.pdf

Thank you for your consideration,

Feel free to contact us for any further information,

Sincerely,



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Thank you to the support of MEC & Patagonia for the work we do in BC to help better protect critical ecosystems and livelihoods affected by mining.