

Message Body:

Dear Sirs,

Thank you for the opportunity to make a submission to the Newfoundland and Labrador Hydraulic Fracturing Review Panel.

I am a citizen who is concerned about fracking in the province, as I feel it presents unacceptable risks to the environment and to human health. I wish to comment specifically on three issues: 1) risk assessment, 2) waste water management, and 3) public consultation process. I am also including links to two documents I would like to see the panel include in its deliberations and which will inform my comments on risk assessment. These documents are:

-- "The Precautionary Principle in Canada" (a document prepared by the Environmental Law Centre at University Victoria): <http://www.elc.uvic.ca/associates/documents/Jun14.10-Precautionary-Principle-Backgrounder.pdf>

-- "Rescuing the Strong Precautionary Principle from Its Critics" (a paper from environmental law scholar Noah M. Sachs): <http://illinoislawreview.org/wp-content/ilr-content/articles/2011/4/Sachs.pdf>

1. Risk Assessment

The panel should be referencing the "strong precautionary principle" to assess risk.

The NL Government provided reference document, "Basis for Development and Guidance for Hydraulic Fracturing: Part 3," outlines a risk assessment model presumably to inform the methodology for the review panel. This model, called "as low as reasonably practicable" (ALARP), is first of all inappropriate for assessing risks of fracking as it was developed for workers' health and safety. Why has the provincial government not used language of precaution in terms of a risk assessment model as it has with other projects?

Assessments to do with environmentally sensitive issue or industrial projects in the province typically employ what should be understood as the "weak precautionary principle." This understanding of risk generally says, "where risks are uncertain or unknown, a particular project should be allowed to proceed so long as mitigation measures are put in place." This is sometimes called the weak precautionary principle by critics because if risks are uncertain or unknown, how can mitigation authentically be put in place?

On the other hand, the "strong precautionary principle" says, "where risks are uncertain or unknown, a particular project should not be allowed to proceed." This is authentic precaution, because it does not accept the premise that unknown or uncertain risks to the environment or to human health are

reasonable.

The strong precautionary principle is described in greater detail in the documents linked above. From this perspective, if the panel is unable to quantify all the risks posed by fracking or is unable to guarantee that risks will be mitigated, then the panel should recommend a continuation of the moratorium on hydraulic fracturing in the province.

2. Waste Water Management

Without a clear plan for what is to be done with the waste water from any potential hydraulic fracturing in the province, the panel is unable to authentically assess risk.

Waste water from fracking contains toxins and dangerous chemicals, and will require a complex process to dispose of. Without being able to clearly state how the waste water will be handled and disposed of (will it be re-injected? held in tailings ponds? trucked across the province for treatment?) how can the panel authentically assess risk? Waste water management has been a major issue in other jurisdictions, and so without knowing precisely the plan the panel is essentially unable to carry out its mandate and should therefore recommend a continuation of the moratorium.

3. Public Consultation Process

Public consultations should be held in communities throughout the province.

In order for the fracking review panel to be an authentic democratic process, it must be inclusive and hold public consultations throughout the entire province. Since environmental issues extend beyond the immediate locale of a particular project, all potentially affected communities need to have a voice. For example, potentially contaminated water does not respect that hydraulic fracturing is happening on the West Coast. Moreover, if waste water ends up being trucked across the province, communities that waste will be moved through need to be authentically consulted. For this reason, I suggest the panel hold public consultations in all regions of the province.

Conclusion

In my opinion, fracking should not be allowed to proceed in NL, for the reasons I have outlined above. I once again thank the panel for the opportunity to submit comments.

Sincerely,
J. Parsons