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No fracking in N.L. without social license: Ball

By: [Justin Brake](#) | June 23, 2015
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Photo by [Graham Kennedy](#).

Amid concerns around the potential for hydraulic fracturing to be permitted in the province, the leader of the official opposition says if his party forms government in the fall election the controversial method of oil extraction won't happen without the approval of local residents and communities.

In a recent interview with *The Independent* Liberal leader Dwight Ball said that while his party is supporting the external fracking review panel in fulfilling its mandate, he understands the concerns people have over the panel's composition and will side with them if, once the panel's report is released, they still don't want fracking to take place in the province.

The review panel, which consists of five government-appointed members, has been heavily criticized for its absence of women, Aboriginal representation, representatives of the fishing and tourism industries, or anyone who actually lives on the Island's west coast, where oil companies have proposed to use fracking.

The panel is currently in the process of reviewing feedback from N.L. residents and other relevant information on the hydraulic fracturing process before presenting its findings to the provincial government this fall.

In addition to the fact he won't support fracking without a social license from residents, Ball also said that he doesn't see how a social license can be obtained by industry given the current panel's mandate and composition.

Ball's clarification of the Liberals' position on fracking comes after two years of grassroots organizing across the province in opposition to fracking, particularly on the Port au Port Peninsula, in Bay St. George, Gros Morne and other parts of the west coast.

Despite ongoing requests from residents and organizations, Department of Natural Resources Minister Derrick Dalley has not added any new members to the review panel, which critics have argued is stacked in favour of fracking since three of the panelists have publicly supported the practice in the past.

At a May 25 press conference in St. John's, at which a number of organizations came together to express their concerns over the fracking review panel's mandate and composition, actor and activist Greg Malone, a spokesperson for the group Coalition Against Pesticides N.L., said the culture of risking human health and the environment in search of profits must not be allowed to continue with fracking.

"We do not have a good record for doing things safely in Newfoundland, or for doing things in an environmentally-responsible manner. Whether it's fish farms or mining, they have all left toxic messes behind for the communities to deal with," he said.

"We have high and escalating rates of cancer and neurological disorders in Newfoundland — highest in North America and among our children. We don't have the wiggle room to dump any more toxic chemicals on ourselves here. We lost our cod fishery, the forests have been ravaged, yet we are now going to send out a pretend panel with its mind already made up to pretend to examine the very real dangers involved in hydraulic fracturing.

"We're going to blast the ground under our feet, inject it with toxic liquid to extract the noxious gases — sounds like a real winner for Newfoundland," he continued. "It's a winner for a couple of people and a handful of jobs and it's a big loser for most of us, leaving a toxic mess and huge health problems."

Meanwhile, the NDP has taken a firm stance on fracking and has called for an outright ban on the practice in Newfoundland and Labrador.

"If you think about things that have been happening in this province as of late, be that draining lakes in Labrador to reach the resources underneath a pond, to the use of chemicals on our roadways used for

roadside clearing, to fracking itself and other sources of extraction,” NDP member and Environment critic George Murphy said at an NDP town hall on fracking last November, “I think we’ve got to ask ourselves some questions, and it makes one wonder exactly where we’re going when it comes to our environment and our government’s stance with our environment and what they’re doing to protect the environment for us.”

Interview with Dwight Ball on Fracking

JUSTIN BRAKE: I attended a press conference [on May 25], where several members of various groups from around the province that have concerns with the fracking review process got together to express those concerns. And they’re not new concerns — they’re ones that have been expressed since it was decided that there would be an independent review [on fracking].

It’s been a little over two years since [Liberal MHA] Jim Bennett introduced a private members’ motion that called on the government to regulate fracking, and that motion of course assumes that fracking can be done safely with a proper regulatory framework in place. But it’s been two years since then and [in that time] we’ve watched as numerous other jurisdictions have conducted their own thorough reviews — and last December alone Quebec, New York and New Brunswick all banned fracking, citing major environmental concerns and concerns about human health. So my question is, has your opinion, or has the party’s opinion, on fracking changed at all since that private members’ motion was introduced a little over two years ago?

DWIGHT BALL: First and foremost, back in March of 2013 the private members’ resolution you made reference to, it was really to put strong regulations in place in case—because at that point what we were hearing was some people were showing interest in this. So I felt at that point, we felt as a party that it was important to make sure you get ahead of this so that anyone who was interested in looking at [fracking] would see there were regulations in place and we needed them to be very strong so that someone would come in and before you knew it there would be somewhat of a license given and the regulations would have to catch up to where the current practice would be.

So it was important to me at that point back in March 2013 that those regulations be in place to establish a provincial position on that. Of course that was defeated by the government and we’ve seen Nova Scotia, New Brunswick, Quebec, and certainly lots of other states since then, put in moratoriums... with some conditions that would allow research of hydraulic fracturing to occur within their jurisdictions.

So primarily where we [are] now is that...we’ve supported the independent panel. And if you remember the first step to this was an internal review, which didn’t really give us any information at all. And, first and foremost, we asked for that to be released, which they did when they named the external review committee. And at the time when they announced the five members on that committee, we didn’t take any objection to those as individuals, but we did say that the committee should have the option to be able to expand. Scott Reid, our MHA in that area, has also asked for that.

But this has primarily been focused on any activity that would occur on the west coast, and I’ve held numerous meetings and a number of phone calls with members in that area [and Burgeo – La Poile MHA] Andrew Parsons attended a public meeting out there in the summer of 2013. So we’ve been involved in this and anytime anybody reached out to us we’ve offered to meet with those groups. I couldn’t tell you how many meetings I’ve had with the Port au Port anti-fracking awareness group; there’ve been quite a few.

So right now we’re at a stage where we’re kind of waiting for this committee to complete its work...and we’ve certainly encouraged as many groups as possible to actively get involved and get in front of the committee so that they let their wishes [be] known. It was disappointing for me that in some ways there was not room given for some of our Aboriginal groups. When you look at the province it’s certainly the highest density of Aboriginal groups that we would have in our province, I would suggest, in that area. And certainly the number of health concerns that have come up in the last few years, even since this committee has been named, so a provision for someone directly related to healthcare, and certainly a female voice [should have been included on the panel].

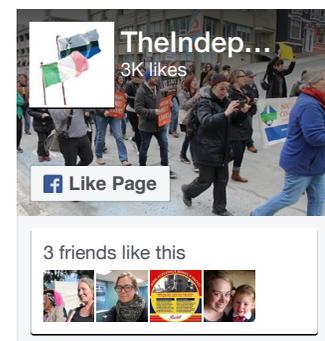
I think it was well within the mandate of this committee, if they wanted to expand they could have. But right now we understand they will report sometime this fall, and I guess we’ll see what they come back with. And indeed, if it a conclusive report then we’ll be providing feedback when they finalize their work.

JUSTIN BRAKE: Some of the people and groups who are speaking out about this are saying that, if the panel doesn’t include any Indigenous voices, any women’s voices, or indeed anybody who actually lives on the west coast and would have to live with the potential consequences of a ‘yes’ decision — I guess people are saying that there can’t be anything conclusive rendered in a report if those voices aren’t on the panel. Do you feel the panel is legitimate, even though you’re saying you agree with those calls for more diverse voices?

DWIGHT BALL: Let’s say there were strong regulations that were put in place. Let’s say we got to that step; I’m not suggesting that we will ever get to that step. But regardless of that there still is a social license that you require when you are going to go into any type of business that impacts the people where the footprint is going to [be]. And right now, given what I’ve seen of the work of this committee —and not to prejudge what the outcome will be—obtaining a social license based on the concept of this committee right now, I don’t see how they could do that, I don’t see how that social license could be obtained based on the work of this current committee.

JUSTIN BRAKE: In December when New Brunswick Premier Brian Gallant announced a strong moratorium on fracking there, he cited the precautionary principle in saying that the technology could only be used if five conditions were first met, one of them being a social license. But the way that the panel and the government are assessing the risks of fracking [here] — this is where the precautionary principle comes in — the government document that the panel is referencing to understand the risk assessment is using a method known as ‘as low as reasonably practical’, whereas the precautionary principle, if interpreted in a strong way, says if there are potential risks, and the magnitude of those risks are potentially severe—either environmental or human health-wise—we don’t proceed, if we don’t fully understand the risks and we don’t fully understand if there’s any way of preventing them or adequately mitigating them. What are your thoughts on choosing between a strong precautionary principle—part of that being a social license—and the one that is currently being used, which is ‘as low as reasonably practical’?

DWIGHT BALL: I can understand that. When you’re going into an area like this here, let’s not forget that this is what they’re considering, using the west coast as an example here...is that this is really underwater. So this is something that you can have potential damage done, but before you’d even be aware of it, and [it would be] very difficult to mitigate damage that would be done on the ocean. Not that we make an excuse or any justification for anything that could happen on land, but you can understand it’s much easier to contain environmental accidents if you are on land versus offshore. And what would happen to what has been a very economically viable fishery for many, many years, and



certainly lots of opportunity for the tourism industry in that area as well?

So, you know, it certainly requires a social license, because this is not only just 'Not in My Backyard' philosophy, it's much more than that. You really need that social license because to be able to carry out some kind of significant industry like we're talking about here, or like *industry* is talking about here, in western Newfoundland.

JUSTIN BRAKE: Do you think it's reasonable though that people are calling for the use of the *strong* precautionary principle?

DWIGHT BALL: I think that's reasonable, and you know, keep in mind that this is something that is unknown. This would be brand new to this area, so I think that anything you do, any measures you take to make sure that if indeed this was ever to be done—I'm not suggesting that it is, but if there was ever a way that you would ever see this done—the precautionary principle, obtaining that social license is certainly a must.

JUSTIN BRAKE: The future of CETA [the Comprehensive Economic Free Trade Agreement between Canada and the European Union] is uncertain, but it's very likely that industrial activities in Newfoundland and Labrador could fall under the terms of CETA in the coming years. Fracking is a controversial practice and we're learning more and more about it every week, every month, every year. In Quebec they green-lighted fracking but then reversed their decision a couple years ago in part of the province [the St. Lawrence lowlands], and [American company] Lone Pine Resources is now seeking \$250 million in compensation, mostly I think for lost potential profits. If we did decide in this province to permit fracking here, and then decided when more information came to light, or maybe if something bad happened, is that relationship between these kinds of trade agreements and practices like fracking a concern to you?

DWIGHT BALL: It is a concern because really these are liabilities that you could find yourself signing on to, and with CETA as an example you raise a good point because CETA is not well understood in our province right now, and when you speak to government officials—and I've tried to get information, because our primary focus is really around the fisheries fund, but it goes much further than that; it affects the pharmaceutical industry, it affects agriculture, procurement, and so on.

So we find ourselves in a situation where we've made a commitment to a particular industry and all of a sudden the rules around that industry—through legislation or free trade agreements we would have signed—changes, and we now find ourselves on the hook for liabilities that we weren't anticipating when this was done. And these are the things that we need to understand well in advance so that not only do we look at it from the economic options, which a lot of people would, and opportunities that would be available strictly through royalties and whatever that would mean in work, but also we need to have a good, clear understanding that, if we start this industry, what are the potential liabilities that this generation or some future generation would be responsible for?

JUSTIN BRAKE: Perhaps the biggest concern with fracking—and it hasn't been talked about very much...is climate change, [which] was nowhere [in the terms of reference]. A lot of people I've spoken with, that's one of the first thing that they mention. There are a lot of numerous notable problems with methane leakage on fracked wells—they call those fugitive emissions as you know—and there's a lot of debate over how much methane leaks from a well.

But we do know that a significant number of wells have been found to leak where studies have been done in various jurisdictions, methane of course being the most potent greenhouse gas. And wells have to be monitored pretty much forever after they are decommissioned; if the well integrity is not good the wells could leak anytime after, 20 years, 50 years, 100 years after a well is decommissioned.

The Progressive Conservative government in our province has been fairly silent on climate change — at least they haven't said anything meaningful on the matter given it's the biggest crisis humankind has faced, and with the fisheries [impacted here], Labrador warming rapidly, and the oceans warming, in Newfoundland and Labrador we're already seeing the impacts here. So with fracking and climate change...there's an important relationship between those two. Have the Liberals given thought to climate change more broadly?

DWIGHT BALL: In a broader sense we've talked about how you reduce the usage of greenhouse gases and so on, and how we better use the resources that we currently have available to us.

But, you know, the issue around fracking and how you monitor wells that you would see escaping methane, that is not something that we've taken a very close look at yet, and as you know with this panel that's currently in place, the impact of climate change is not something [they're looking at], unless it comes up during a presentation. And I have not seen any of the presentations yet, so it'll be interesting to see what level of detail, if indeed anyone does report, or if climate change becomes part of that discussion — I've not yet seen that.

But we are developing policies now for the next election platform and there will be positions in there on climate change.

JUSTIN BRAKE: The [fracking review panel] report is due in October, [just before] the provincial election. It's very likely that you could be the next premier of Newfoundland and Labrador and that the Liberals will be our governing party. If you're handed that report, given all of the concerns that are being expressed—and it sounds like you consider all of the ones I've mentioned legitimate concerns—what will you do when given that report? Will you do exactly as it says or will there be other considerations to make?

DWIGHT BALL: There will be lots of things to consider once the final report comes back, and certainly I think what'll be equally important is not just the report itself, but when you sit and read through the all the things that have been presented to the [panel], because not all those concerns, from time to time, get reflected in the report.

So it's certainly going to be a long look at this, a long look at the details, because this decision about where hydraulic fracturing occurs in any jurisdiction...is one that will be a very significant decision to make. So we will not just be jumping into a conclusion simply because we've had a five-member panel that have held a few hearings across the province [and] then comes out with a recommendation. You can expect much more of that from us for sure — and there will be public involvement.

And in particular, I can guarantee you that a social license for the people on the Port au Port Peninsula, in this case, the Aboriginal groups — there will need to be a buy-in for anyone, for support from any area where hydraulic fracturing would be considered.

JUSTIN BRAKE: When you say Aboriginal groups, on the Island we're talking about the Mi'kmaq specifically?

DWIGHT BALL: In this particular case, yeah. Because you've got the Qalipu band right now, and we've

got the Flat Bay band council too, that operate and live in that area and...certainly obtaining a social license will include those groups to be a part of it.

JUSTIN BRAKE: With the Qalipu band, the chief, Brendan Sheppard, has already in a sense indicated that he is not overly concerned with fracking because he signed a deal with one of the companies that was looking at fracking, and a lot of the [band] membership expressed concern over that. So when you talk about social license from the Aboriginal groups, do you mean with the whole membership or just the chief?

DWIGHT BALL: It would be membership-driven, [and] the chief of today may not be the chief of tomorrow, so we'll see where that goes.

JUSTIN BRAKE: It sounds like you are on-side with a lot of the concerns of these groups. Do you plan to make fracking an election issue?

DWIGHT BALL: [Laughs]. I plan on making every issue that's affecting Newfoundlanders and Labradorians an [election issue], and I'm sure it will be an issue and we need to be ready for that. In particular, as I said, the people from the Port au Port anti-fracking group — I've met with that group a *lot* more than I've met with any pro-fracking groups, that's for sure. So I'll leave it there for now.

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