

Closing Remarks from Delta Resident Larry Colero for Roberts Bank Terminal 2 Public Hearing

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Review Panel Secretariat, Roberts Bank Terminal 2 Project

c/o Canadian Environmental Assessment Agency

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Dear Panel,

These closing remarks will explain why I remain convinced that the entire Roberts Bank Terminal 2 Environmental Impact Assessment to date is invalidated by its reliance on data, analysis and conclusions from sources seriously compromised by contract relationships and commercial incentives. Due to this inherent conflict of interest, your panel cannot rely on most of the key information provided by the project proponent.

The hearing transcript of my oral presentation on May 15 of this year states that your Chairperson, Mme. Jocelyne Beaudet, responded to this crucial, overarching flaw in the review process by stating, "...the proponent has always prepared the environmental impact assessment." That may be case in Canada, and while the proponent prepares the assessment in many other countries (not all – for example, not in the USA), the fact that it has always been done this way offers little comfort and no assurances for those of us who would be impacted by RBT2, or for the prudent protection of natural ecosystems.

Two References Offered by the Panel Chairperson

I have now reviewed the references which Mme. Beaudet offered in response to two specific concerns raised in my submission.

One reference suggested for my consideration was CP 22-70-2003E, the guideline on application of the precautionary principle entitled *A framework for the application of precaution in science-based decision making about risk*. Having read that document, I still believe that the precautionary principle as specified in the requirements of the *Canadian Environmental Assessment Act* (sections 4.1 b. and g. and *Mandate*) has not been observed in the structure of this EIA process, due to the inherent conflicts of interest and high likelihood of various assessment biases explained in my written submission.

The second reference offered was Document 1199 on the Registry, *Invasive Species at Tsawwassen First Nations Lands*. However, this report contained information limited to invasive *plants*, and primarily focused on the proliferation of and efforts to control the quantity of *Spartina* on land.

The concern stated in my submission was specific to "invasive *aquatic* species" which appears not to have been investigated at all. My submission explained the high probability of irreparable harm from invasive *aquatic* species by quoting from the April 3, 2019 *National Post* article which stated that Canada's Environment Commissioner Julie Gelfand had "looked into the impact of invasive aquatic

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species, most of which are accidentally introduced to Canadian waters on the hulls of ships coming from international waters and many of which harm native marine life after arrival. She found that although Canada has made commitments to prevent invasive species from taking hold in Canadian waters, neither *Fisheries and Oceans Canada* nor the *Canada Border Services Agency* did what they promised to do. She says a lack of understanding of whether provincial or federal authorities are responsible is interfering with efforts to prevent invasive species from getting established.”

I submit that the omission of invasive aquatic species from this EIA may be an example of the jurisdictional problem stated above. Whether it is or not, it is reasonable to predict that this critical omission will result in very significant and widespread irreparable harm to aquatic ecosystems from invasive aquatic species if your panel approves the *Vancouver Fraser Port Authority* (VFPA) plan to effectively multiply the number of large ocean-going vessels in this region to service RBT2.

Other Examples of Incomplete Scope

My contention remains that the scope of the current impact assessment also omits relevant and potentially severe risks based on an arbitrary limitation of time and geography. While a limited time frame facilitates commercial interests, I believe that to be true to their purpose and mandate, CEAA-appointed panels should base their decisions on existing knowledge at the time of the panel’s decision.

In this case, there has not been enough attention paid to cumulative impacts from past and pending projects, *i.e.*, in combination with other projects and developments planned for this region. A wide range of possible cumulative impacts on the natural environment have simply been overlooked for the sake of expediency. I believe the panel’s ultimate decision should be based on any available information at the time of its decision, and I recommend that decision be postponed if necessary to obtain and assess up-to-date information essential to making a realistic, fully-informed decision.

Specifically in this case, major federal initiatives like the TransMountain Pipeline and provincial policies to promote LNG Canada have been deliberately overlooked as relevant scenarios – declared outside of the scope of the EIA panel’s purview. While assessing the compounding impacts of those two titanic shipping projects would delay the RBT2 project, it would likely raise safety concerns to the point where I suspect prudence might dictate that the RBT2 project needs to be reconsidered in light of the actual present situation rather than an arbitrary point in the past.

Geographically, impacts considered in this EIA appear limited to the waters surrounding Roberts Bank, when in fact ocean currents will transport harmful effects much further. Furthermore, synergistic effects need to be taken more seriously to acknowledge the importance of preserving interdependent ecologies that can never be replaced once destroyed by a disruption of the natural balance.

And so, I believe that the high degree of widespread and irreparable potential harm from RBT2 requires a new, more objective and more inclusive overall assessment before this project could ever be approved in good conscience.

Probable Biases and Commercial Relationships that Undermine Credibility

Regarding my claims of fatal conflicts of interest pervading the assessment process, expert advice must be impartial, and should not be tainted by the very likely possibility that for personal or corporate gain, commercial interests will override public safety and ecosystem survival.

As an example, some consultants contracted by the VFPA to provide information for the EIA have already concluded that significant adverse environmental effects are unlikely. I still contend that a real or apparent conflict of interest is inherent in that expert analysis and/or the data selected for analysis, and that the reliability of contracted report conclusions has been compromised by contractors' commercial relationships with the proponent. (I provided examples in my written submission.)

As explained in my oral presentation, while it may or may not be *prevalent* practice, experts can often be rewarded by the proponent to obtain the answers the proponent wants, or punished if they do otherwise. Those incentives and disincentives can result in something other than a fulsome, impartial assessment. (Upon request, I can now provide two documents supporting this claim that were not yet published at the time of my submission.)

Quantification/Measurement Bias and the Port's Inherent Conflict of Interest

Another example of unsubstantiated optimism is the basing of future projections on past averages to predict "50-year storm" events. Using past averages ignores the compounding effects of climate change and the synergistic impacts of inter-related disasters, which will likely occur more frequently in future, and with increasingly greater severity than in the past.

Since the synergistic impacts of climate change cannot be quantified and appear to have been omitted in the data analysis presented, my submission suggested that zero may have been substituted for "x" in equations to calculate future climate-related events. This was never denied, and I have seen no indication to date that exponential scenarios were considered in projecting future outcomes, even though, to my mind, that is far more realistic than basing predictions on a linear projection of the past.

I also suggested in my submission that two fundamental and long-established mathematical laws may have been overlooked, one of which is *Benford's Law*. This concern was also never addressed by the proponent or the panel. If true, this presents yet another reason to believe that the VFPA's data analysis and projections are not credible. And yet your panel remains heavily reliant on information presented by the VFPA – a commercial enterprise that has rarely acted in the public interest – as your primary source of scientific information.

I urge the panel to remember that until recently, the VFPA (dba Port Metro Vancouver) was eager to ship thermal coal from the US, further blanketing communities, farmlands and fragile ecosystems around rail line routes with coal dust, and contributing substantially to the acceleration of climate change. In their plan to ship US thermal coal, the Port insisted they had the right to ignore nine municipalities and eight MLAs who either outright rejected the US coal shipment proposal or

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demanded a full health impact assessment. They appear not at all concerned about public interest.

In 2017, *Ecojustice*, representing the groups *Communities and Coal Society* and *Voters Taking Action on Climate Change*, argued in federal court that the port's approval process was not impartial, and that senior port officials stood to benefit from the project's approval based on the port's bonus system. **In other words, the port was in a direct conflict of interest.** The VFPA has now abandoned those plans, and is eagerly looking for another reason to expand their empire.

For the same reason, the proponent is clearly in a conflicted position in its dual role of assessing and simultaneously promoting and standing to gain from the proposed RBT2 project. Given this inherent conflict of interest, the veracity of any information provided by the VFPA remains highly suspect.

Conclusion

Due to the commercial biases of both the VFPA and its contractors, I continue to believe that they have likely conducted an inadequate and perhaps even misleading impacts assessment. Furthermore, there has been no valid cumulative impacts assessment since past, present and reasonably foreseeable future projects have not been taken into consideration.

If assessment deliberations have been compromised by the biases and other factors I mention above, then there can be no validity to either the judgements made to date, or any decisions yet to be made by the same parties. There is simply too much at stake to have such a crucial decision made final by individuals who, due to their income source, their political allegiances or their economic ideologies, may be swayed by the influence of close association, contractual relationships, or direct employment with the VFPA. The VFPA is simply an unsuitable entity to accurately judge negative project impacts.

I sincerely believe that the only reasonable decision for the current CEAA panel is to demand an impartial review of the RBT2 proposal by experts and scientists who are entirely independent, *i.e.*, they have no direct or indirect commercial relationship with the Vancouver Fraser Port Authority.

I urge the panel to responsibly protect the natural environment as well as local residents, by breaking with tradition and calling for a truly impartial assessment of project impacts.

<Original signed by>

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