

New Study Demonstrates Alberta Failing to Enforce Environmental Legislation

Syncrude Mildred Lake and Suncor Oil Sands responsible for the majority of the alleged contraventions.

July 23, 2013. Edmonton. A new study, **Environmental Incidents in Northeastern Alberta's Bitumen Sands Region, 1996-2012**, found that environmental violations in Alberta's bitumen sands region are frequent, enforcement is rare, record keeping is dysfunctional, and there is a chronic failure to disclose important environmental incident information to the public.

Dr. Kevin Timoney, the study's lead author, says, "Examination of the records in the Alberta Government's Environmental Monitoring System (EMS) demonstrates a legacy of over nine thousand environmental incidents over the 1996-2012 period while environmental legislation remained virtually unenforced. Over four thousand of the incidents were violations of Alberta's environmental laws and regulations."

Some of the key findings:

- A minimum of 9,262 environmental incidents are documented in the bitumen exploitation region of northeastern Alberta over the 1996 to mid-2012 period.
- The incidents documented represent an unknown fraction of the true number of incidents occurring per unit time because of the combined effect of missing records, redacted records, multiple contraventions subsumed under a single incident, under-reporting, and the fact that other kinds of incidents, such as pipeline spills, are typically not reported to the EMS database.
- A recurrent feature of the incidents is that the volume, duration, and chemical composition of the releases to air, and spills, leaks, and discharges to land or water are unspecified or unknown. This lack of basic data limits the ability to understand industrial impacts and represents a significant deficiency in government and industrial monitoring.
- There were a minimum of 4,063 alleged contraventions (or perceived violations of legislation).
- The contraventions were chronic and repetitive and indicated little progress towards better management practices.
- The environmental enforcement rate is far below that in the United States. The rate in the study area is 0.9 % of the alleged contravention rate. In comparison, the average enforcement rate for violations of the Clean Water Act in the United States for the period 2004-2007 was 16.0 %, over 17 times the environmental enforcement rate in Alberta's bitumen sands region.
- Because enforcement is rare, and most enforcement actions impose only minor financial penalties (median penalty \$4,500.), industry may have little incentive to undertake improvements that might result in increased costs.
- Little is known of the environmental incident record prior to 1996. There is a 29-year data gap from the beginning of operations in 1967 through 1995 about which no incident information is currently available. This lack of information constitutes a major environmental uncertainty.
- Examination of the Alberta Energy Regulator pipeline releases database revealed 1,179 pipeline releases in the study region over the period of record.
- The performance of industry as it relates to public disclosure of information is examined and found to be inadequate.
- Industrial self-reporting as the foundation of the environmental record, both on the part of Alberta government and the Alberta Energy Regulator, fails the test of openness and transparency that are essential to good governance.

- There are significant problems in the Alberta Government's environmental monitoring and reporting system, from missing records, to error-filled data, long wait times for requested information, and failure to disclose important records. Evidence is presented that indicates that the most serious incidents are never made available to the public.

"The Alberta government's disclosure process fails to deliver timely, accurate, error-free, and complete information. Procedures used to store and retrieve information from their database are dysfunctional. Because of the incomplete and error-filled data disclosed by government, the calculated incident rates should be viewed as minima of the true rates," Timoney said.

Alberta Premier Alison Redford has portrayed the Alberta Government as responsible stewards who enforce "some of the most environmentally friendly legislation in the world. We have nothing to hide, and we'll talk about our record." The Alberta Government has gone on record to the effect that: "Those who do not comply with Alberta's environmental laws and regulations are held responsible for the effects of their actions on the environment."

Timoney continues, "The environmental record stands in contrast to the political rhetoric about Alberta's responsible bitumen sands development. The data provide clear evidence of a different reality."

Peter Lee, executive director of Global Forest Watch Canada and co-author of the report, notes that the Alberta Government's new open data portal has done little to address the deficiencies documented in the report. He adds that "if the Alberta government wishes to increase its credibility in regard to environmental stewardship and government transparency, it must begin to provide the public with timely, accurate, online information. The only good news from our study is that media attention and public involvement appear to facilitate enforcement actions by the Alberta Government."

The full report (**Environmental Incidents in Northeastern Alberta's Bitumen Sands Region, 1996-2012**) is available for download at www.globalforestwatch.ca.

We welcome your comments on the science and technical aspects of the report. See the Google Site: <https://sites.google.com/site/bitumenenvironmentalincidents/>

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