



***Independent Environmental Monitoring Agency***

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September 30<sup>th</sup>, 2004

Chuck Brumwell  
Manager, Northern Division  
Environment Canada  
5204 - 50th Avenue, Suite 301  
Yellowknife, NT X1A 1E2

**Re: Request for Environment Canada to review the BHP Billiton Nitrate Toxicity Study**

Dear Mr. Brumwell,

In June of 2004, BHP Billiton (BHPB) released a draft report titled *Acute and Chronic Toxicity of Nitrate to Early Life Stages of Lake Whitefish and Lake Trout*. The purpose of the report is to ‘describe the results of laboratory tests on the sensitivity of lake whitefish and lake trout embryos, alevins and swim-up fry to exposure...<sup>1</sup>’ to nitrate.

The research study was initiated by BHPB largely at the request of the Independent Environmental Monitoring Agency (the Agency) to address the concern that effluent from mining activities could affect northern fish species at low concentrations. This concern was identified based on a Government of Canada report *Nutrients and Their Impact on the Canadian Environment*. We recommended that the company, regulators and government departments carefully consider this issue for management and monitoring of the Ekati Diamond Mine<sup>TM</sup>.

In a recent meeting between the Agency and Anne Wilson of Environment Canada it was noted that Environment Canada has declined an opportunity to review the BHPB nitrate toxicity study draft report. We believe that this research is relevant to Environment Canada’s mandate and increased involvement in diamond mining initiatives such as the recent workshop and report on the environmental review of the diamond mine sector.

BHPB’s research is extremely timely, particularly to the growing diamond mining industry across Canada, and could contribute to the refinement of the CCME guidelines for nitrate. As well, a goal contained in the description of the Canadian Environmental Protection Act (1999) (C-15.31) is for Environment Canada ‘...to assess potentially toxic substances and to develop regulations to control toxic substances.’<sup>2</sup> Therefore,

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<sup>1</sup> BHP Billiton Diamonds Inc.

<sup>2</sup> Canadian Environmental Protection Act (1999)

Environment Canada's stated reluctance to offer its expertise in reviewing this document is puzzling to us. We urge Environment Canada to reconsider its position on this issue and conduct a review of the BHPB nitrate toxicity study.

While we understand that Environment Canada's review scientists may be very busy at the moment, please understand that BHPB undertook this work voluntarily, at its own expense and we understand, according to Environment Canada protocols for such work. This to us represents a cost and time-effective way to assist Environment Canada to fulfill its mandate.

If further information is required, please contact us through our office.

Sincerely,

-ORIGINAL SIGNED BY-

William A. Ross  
Chairperson

Cc: Society Members, EMAB