

Judith Marshall: Four years after Mount Polley tailings dam breach and it's business as usual

The tailings dam disasters at Mount Polley and Mariana were not one-off events but point to systemic issues. If a single government ministry remains responsible for both promoting and regulating mining and extractive industries fail to make major changes to how they operate, more catastrophic tailings dam failures will surely take place.

JUDITH MARSHALL Updated: August 28, 2018



Contents from a tailings pond is pictured going down the Hazeltine Creek into Quesnel Lake. *JONATHAN HAYWARD / THE CANADIAN PRESS*

“If you asked me two weeks ago if this could have happened, I would have said it couldn’t.”

Imperial Metals president Brian Kynoch spoke these words at a news conference on Aug. 5, 2014, the day after the devastating collapse of a tailings dam at one of Imperial’s operations, the Mount Polley copper and gold mine.

More than 24 million cubic meters of water filled with metals-laden mining waste, or tailings, spilled into Polley Lake, down Hazeltine Creek and into Quesnel Lake — an important source of drinking water and spawning territory for one quarter of B.C.’s sockeye salmon.

Investigations into the disaster have revealed that Imperial Metals should have known that a breach was likely. A 2010 inspection report uncovered by Vancouver Sun reporter Gordon Hoekstra had identified concerns about the integrity of the tailings storage facility, including a large crack in the perimeter wall and broken instruments for measuring water pressure. The company had received warnings that the amount of effluent held back by the dam exceeded authorized levels, despite nine increases to the dam’s embankment height since its construction in 1997. Workers employed at the Mount Polley Mine had expressed concerns about dam safety to management — and even to the B.C. Ministry of Energy and Mines — but these were ignored.

How could this have happened in a place like Canada, understood by its citizens and seen by others as a “developed” country, a beacon of stability and democracy?

When the Fundão tailings dam collapsed one year later in Mariana, Brazil, it seemed more believable that a South American country would have the kind of lax regulation that could lead to a disastrous spill. Brazil, after all, is located in the southern hemisphere, often portrayed as “developing,” endemically corrupt and politically unstable.

A closer look at the mining disasters in Mount Polley and Mariana, however, reveals remarkable similarities in the circumstances leading to both breaches, as well as in the responses afterward by mining companies, governments and society.

In both cases, the mining companies enjoyed close relationships with political parties and government officials, making significant financial contributions to major parties, lobbying intensively and advancing narratives, blurring the distinction between mining industry interests and what is genuinely in the public interest.

Those narratives centre on the idea that mining investments bring economic growth and job creation (with no consideration of mining's environmental and community impacts, nor any reference to issues of Indigenous rights). The mining discourse regularly denigrates regulatory measures as needless red tape laid by inefficient government bureaucrats. Yet had robust compliance and enforcement mechanisms been in place, experts suggest that both dam breaches could well have been prevented.

As The Tyee reported, mine inspections in B.C. had been reduced by nearly half since 1991. Further, only one year after the disaster, with investigations still underway, then-Premier Christy Clark announced new support for mining, including \$6 million to reduce permit turnaround times.

Clearly the B.C. government had come to see its role as serving the mining industry, rather than defending the public interest. Indeed, a 2016 report evaluating the provincial government's oversight of the mining industry by B.C.'s auditor general concluded that the ministry of energy and mines was at risk of "regulatory capture."

A change in government in 2017 raised expectations of major changes. The new government has taken important steps, including committing to implementation of the U.N. Declaration on the Rights of Indigenous Peoples, banning corporate and union political donations, and undertaking a review of B.C.'s controversial "professional reliance" model. There has been silence, however, on the auditor general's central recommendation: to address the "irreconcilable conflict" of having one government ministry tasked with both promoting and regulating mining.

In the meantime, mining company practices have not been substantially overhauled. The Mount Polley Mine resumed operations in June 2016. To date, no one has faced fines or punitive measures.

The more one analyzes the tailings dam disasters at Mount Polley and Mariana, the clearer it becomes that these breaches were not one-off events but point to systemic issues. If regulatory capture continues and extractive

industries fail to make major changes to how they operate, more catastrophic tailings dam failures will surely take place.

Judith Marshall is the author of Tailings Dam Spills at Mount Polley and Mariana: Chronicles of Disasters Foretold.

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