

From: Birchall, Charles J.
Sent: Monday, December 17, 2012 3:34 PM
To: 'kirk.lambrecht@justice.gc.ca'
Cc: 'Gary Perkins'
Subject: Jackpine Mine Expansion Hearing - Undertaking #54

Hello Mr. Lambrecht:

Based on our telephone conversation of today's date, you have asked that the writer send you an e-mail setting out the clarification that the Panel is seeking in relation to Undertaking No. 54.

In responding to the Panel's request for comment on additional information provided by Shell Canada Energy ("Shell"), Ward Chickoski, Regional Director General, Prairie Region - Alberta, Health Canada sent a letter dated 1 August 2012 (Exhibit No. 005-018) stating as follows:

"As per HC's advisory role under the Act, HC suggests that additional information be provided in the following areas: human health risk assessment and air quality effects. This information will better inform HC's review of the potential human health implications of the project and any mitigative and/or management options that could reduce potential human health impacts. HC's comments are available in Attachment 1..."

Attachment 1 (pages 20 and 21) sets out specific questions for Shell designed to "better inform HC's review".

By letter dated 13 August 2012 (Exhibit No. 001-0058) at page 3, Shell responded to HC's request for additional information as follows:

"HC has suggested that additional information is required in order to fully inform their assessment of the human health risks and air quality effects. Shell is concerned that HC had the opportunity to request this information at any time over the last 4 years of the regulatory review. In a letter to the JRP dated November 17, 2011, HC indicated that in the areas for which it has expertise 'Health Canada is of the view that there is sufficient information in these areas to proceed to a public hearing'. Shell assumes HC's conclusion has not changed. Shell queries the purpose of HC's requests and submits that these requests should not delay the public hearing for the Project".

During the course of cross-examination on 15 November 2012, Undertaking 54 was given by the Canada Panel to follow up with Health Canada to determine whether the answers provided by Shell to the questions posed by HC in Attachment 1 were satisfactory.

In responding to undertaking 54, Mr. Bryan Haggarty, Regional Director, Health Programs, Prairie Region, Health Canada stated as follows:

"Since the Health Canada submission of August 1, 2012, Health Canada has not received any further information to review".

Therefore, is Health Canada satisfied (based on the information that was provided by Shell prior to and during the hearing) that it has a sufficient understanding of "the potential human health risks of the project and any mitigative and/or management options that could reduce human health impacts"?

If the answer to the question is "yes", then could Health Canada please provide a response setting out its understanding of such matters as well as its conclusions respecting the "potential human health risks" associated with the project taking account of the mitigative and/or management options.

If the answer to the question is "no", then could Health Canada please set out the questions in Attachment 1 that still require an answer from Shell in order for Health Canada to complete its analysis and understanding of the potential human health effects of the project.

Please do not hesitate to contact me should you have any questions or require further information.

Regards,

Chuck Birchall



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