



Feedback on BC's Critical Minerals Strategy: Discussion Paper

6th Nov, 2023

To: Critical.Minerals@gov.bc.ca.

Dear Sir or Madam,

Thank you for the opportunity to provide feedback on this document.

Zero Waste BC is a non-profit association dedicated to driving systemic change towards Zero Waste in BC. Zero Waste is the conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health. Our current resource consumption systems of linear-take-make-waste not only create waste and other forms of pollution, deplete resources, change land uses and diminish biodiversity, but also generate a huge amount of greenhouse gases which constitute just some of the discharges that threaten the environment and human health. Research for our recent report, [A Zero Waste Agenda for BC](#), showed that from 2010 until 2018, diversion rates increased across BC but the disposal rate remained the same due to increased consumption (up 23% per capita) showing that we need to focus on redesign of systems, reduction and reuse rather than only recycling and composting and certainly over increasing extraction of virgin non-renewable resources.

We hope that this feedback will assist in developing and strengthening our systems.

Environmentally and socially, mining in BC has a troubled past with examples such as the Tulsequah Chief acid mine drainage which remains an ongoing source of pollution, Britannia Beach where the province was required to conduct the clean-up and at a significant cost to the public, and Mount Polley where the environment and people's livelihoods were damaged, again with the public bearing most of the costs and almost no repercussions to the responsible company. Many other examples exist.¹ In addition, BC is home to many mining companies that have a very poor reputation internationally.^{2,3,4} These examples, show that BC needs to do significant work on the Environmental, Social and Governance (ESG) criteria before proceeding to expand

¹ <https://reformbcmining.ca/wp-content/uploads/2023/05/BCMLR-Dirty-Dozen-report-2023-web.pdf>

² <https://www.cbc.ca/radio/ideas/canadian-mining-abuses-1.6854852> ,

³ <https://www.cbc.ca/news/canada/british-columbia/settlement-amnesty-scc-africa-mine-nevsun-1.5774910>

⁴ <https://www.amnesty.ca/human-rights-news/canadian-mining-firm-human-rights-violations-drc/>

mining any further. To obtain the social license for further mining, British Columbians must be assured that the industry will do things well, that the industry will be responsible and **will be held** responsible to the highest international standard so that the sacrifice of the local environment would be justified. Tax payers must no longer be on the hook for the poor performance of the mining companies. Mining companies should not be permitted to set up shell companies to limit the liability of the parent company. The Mineral Tenure Act modernization will address some aspects of this but more safeguards are needed.

Mining should not take place where First Nations do not want it to take place. In addition to First Nations rights, the wishes of other local communities must be respected and mining should not take place where it is not supported. In addition, the practice of giving subsurface mineral exploration and mining rights without the permission or even knowledge of the landowner must cease. Environmental aspects must be paramount over economic interests, particularly with respect to biodiversity, critical habitat, old growth and endangered species; protection of water and water quality; integrity of parks and the park system; and acid mine drainage and other forms of pollution.

With regard to the six areas of focus, please see our feedback below:

1. Advancing Recognition and Reconciliation with Indigenous Peoples

We support the implementation of DRIPA and that mining must not occur on a First Nation's land without their permission and participation. The recent BC Supreme Court ruling ([Gitxaala v. British Columbia \(Chief Gold Commissioner\)](#)) makes it clear that BC needs to incorporate free, prior and informed consent (FPIC) before granting mineral claims in the province within the next 18 months. In addition, Indigenous-led land use planning is creating Indigenous Protected and Conserved Areas (IPCAs) as well as no-go zones for mining activity. The province (and mining companies) needs to respect that not all of the over 75% of BC's land base currently open for mining and mineral exploration will be kept open for "critical" minerals – or any other minerals. FPIC is on-going – a relationship, not a check-box – and needs to be achieved and maintained throughout the mining process (exploration, construction, operation, closure, reclamation). There should be support for Indigenous Guardians and other community initiatives to help with monitoring and enforcement, revenue sharing agreements where consent is given (but not as a way to pressure communities into consenting), and potential job opportunities in re-mining and renewable energy hubs. A key part of free consent must be more robust economic opportunities and a redress of the inequalities that exist as a result of the colonial system. Resource extraction should not happen solely because there are no other options for a community to support itself.

2. Enhancing Public Geoscience -without the protections noted above put in place to safeguard the environment, communities and the public purse, further mineral exploration will only worsen the burden the province already faces from past mining

to date. Critical minerals must actually be critical minerals and not just an opportunity to expand mining. The focus of BC's "critical minerals" strategy should be on minerals needed for the energy transition (to get off fossil fuels). BC mostly mines coal, gold and copper. Given the biodiversity crisis and extent of cumulative impacts, mines for the energy transition – if consent is achieved and environmental risks minimized – should be prioritized over new gold and coal mines (neither of which are needed for renewable energy). Geoscience should also go into identifying rare earth minerals and other elements that can be mined from existing mine waste and tailings. The province should quantify the amount of minerals going to waste through other systems such as municipal waste and spur innovation on mineral recycling and recovery. This could be part of the province's Circular Economy Strategy. Care must be taken to ensure that if minerals are mined, they are actually being used for the critical needs identified.

3. A Competitive Fiscal and Regulatory Environment

To date the competition has led to a race to the bottom and significant public subsidies but this needs to change to be a race to the top. First Nations, NGOs and community groups have long advocated for a disaster fund financed by the industry to clean up spills, redress to communities for mining pollution, and/or for additional reclamation funds when companies go bankrupt or abandon mines. With the potential expansion of mining in the province, this needs to be addressed. BC must also strengthen its regulatory regime for mining to better protect communities and the environment. There are still gaps in ensuring best available technologies and practices are used for tailings and water treatment, and that safety comes first.

Mining should not occur unless it is absolutely necessary and meets at a minimum, best-in-class standards, where BC does not choose to set a higher bar. We support clarity that this will be a requirement with no weakening of regulations for specific mines. Tax credits should only be provided to companies that are recovering already-mined elements to support recycling, recovery and better use of mine tailings rather than for virgin materials as incentives for virgin materials only exacerbate the impacts of a linear economy and promotes ongoing, inefficient use of materials. We encourage the phase out of the existing tax credits in favour of ones supporting a circular economy.

There should be removal of barriers to creating a circular economy while enhancing barriers to linear and environmentally destructive systems.

4. Innovation, Training and Environmental Stewardship

We support the intention of enhanced environmental stewardship but think that the focus must be on innovation around using the minerals that we have already mined and processed first. Similar to the work done on plastics, a deeper dive on minerals should be done to understand existing material flows around the province and where

opportunities lie to recover the minerals that are currently wasted. There is strong public support in BC for reducing consumption and improving efficiency, and finding materials from recycling and re-mining, before opening new mines. There is a need to look at the whole value chain including areas of focus on alternative solutions for reducing fossil fuel dependence (e.g., public transit, urban planning, etc.), and the need to reuse/recycle/re-mine as part of the strategy. There should be a focus on brownfield sites for re-mining tailings, and opportunities to reduce, re-use, recycle, and repair, as a **critical** part of the whole energy transition. Finding other solutions than simply developing new mines needs to be added as a new focus area.

5. Infrastructure and Climate Action

Using the Zero Waste Hierarchy, the government should prioritize reducing the demand and need for critical elements (such as encouraging right to repair, mandatory product warranties, use of circular not virgin materials, and better design to extend the life of products that have critical minerals rather than supporting the existing churn of materials), encourage systems to reuse or share products and recycle existing mined materials.

Consider the opportunity costs and burden associated with energy demands (i.e. use BC's clean energy to support existing users switching out from fossil gas, oil and coal – rather than for new mines). New mines should develop their own renewable energy sources and not be subsidized by taxpayers.

There should also be an inclusion of the broader climate impacts where mine workers fly in from a broad range of locations instead of living and working in the local community. There are also social impacts on the nearby community from this system that need to be considered.

The discussion paper should not ask how do we support mining projects but rather what are the strict qualifications that a critical mineral project must meet in order to qualify for consideration for permit approvals. These are non-renewable resources that we must treat as precious and limited.

6. Public and Investor Outreach

Again the focus should be less on communicating what exists but rather on improving the current system so that the public can feel assured that there is a robust system to protect the environment and communities and that mining will only occur when absolutely necessary. We need to encourage better use of existing materials rather than continuing to support a very wasteful system.

Climate change is affecting all of us. There's an urgent need to take action that includes the transition off fossil fuels, but also doesn't result in a modern-day gold rush. We need to make sure that BC's "critical minerals" strategy is broad and includes rethinking the

need for some uses of minerals, reducing consumption, reuse of products, recycling minerals, re-mining tailings, considering and respecting other land use priorities, and redesigning for a more circular economy, while reducing social and environmental impacts and risks from mining.

Sincerely

Sue Maxwell
Chair, Zero Waste BC