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Conservation Council of New Brunswick - News Release

CCNB and Friends of Earth Take John Baird to Court over Irving Refinery Proposal

Fredericton – What if Irving Oil's proposed new oil refinery is subject to a federal environmental review. That's the Conservation Council's what if.

Canada's Environment Minister John Baird is facing a lawsuit for his lax treatment of Irving Oil's proposal to construct a massive oil refinery in Saint John. The Conservation Council's Fundy Baykeeper and Friends of the Earth Canada commenced the lawsuit to ensure that the multi-billion dollar refinery – which is expected to generate greenhouse gas emissions equivalent to New Brunswick's biggest coal-burning power plant– faces the full scrutiny of an environmental assessment by the federal government.

Launched by Ecojustice (formerly Sierra Legal Defence Fund) on behalf of the Conservation Council and Friends of the Earth Canada, the lawsuit challenges the federal government's decision to dramatically restrict its assessment of the environmental impact of the proposed Irving refinery to the facility's wharf structure – ignoring obvious local and transboundary air pollution, impacts on endangered Atlantic salmon and Right whales, and the global warming impacts of the refinery.

"Minister Baird's decision to evaluate the wharf and turn a blind eye to the refinery itself is not only illegal, it is plainly absurd," said Ecojustice lawyer Justin Duncan. "The law is clear; the federal government must conduct an assessment of the entire project in order to evaluate the impact this refinery will have on the health of the region's residents and the environment. "

If not overturned by the federal court, John Baird's decision to study only the wharf would leave the assessment of the refinery's environmental impacts to the province whose environmental assessment process failed to protect the environment from the massive upgrade of the existing Irving refinery. For example, the existing refinery's emissions of carcinogenic benzene have increased by a factor of ten since the refinery upgrade, increasing the levels of benzene in Saint John's air by 60 percent. The provincial environmental assessment process found there would be no change in emissions of this carcinogenic air pollutant.

"We are gravely concerned about the impacts the proposed Irving refinery would have on people's health and our ability to achieve our greenhouse gas targets," said David Coon, Policy Director for the Conservation Council of New Brunswick.

"The massive increase in shipping traffic a new refinery would bring threatens the critically endangered Right whales along their migration route," said David Thompson, the Fundy Baykeeper. "What if this results in more ship strikes," said Thompson. "John Baird is refusing to review this as well. What if this drives the nail into the coffin of the only remaining Right whales on Earth," asked the Fundy Baykeeper.

The Irving Refinery is one of three new refineries proposed across Canada where Minister Baird has refused to order a full environmental assessment and instead restricted federal involvement to the associated wharf or docking facilities, including projects in Southern Head, Newfoundland and Sarnia, Ontario. These proposed refineries will be the first to be built in Canada in approximately 25 years. The Irving refinery is intended to supply America's seemingly insatiable appetite for gasoline, in states such as Massachusetts.

New England's most prominent environmental groups made formal requests to Environment Minister John Baird in June 2007 that he order a full federal environmental review of the Irving refinery project as required

under the terms of the Canada- US Air Quality Agreement. They received no reply.

The lawsuit argues that under the *Canadian Environmental Assessment Act* the federal government must study and minimize the harmful environmental impacts of these types of large-scale industrial projects.

“Given the refinery will join the ranks of the largest polluters in the country, the federal government has a legal obligation to examine the full environmental impact of the project,” said Beatrice Olivastri from Friends of the Earth Canada. “Passing the buck to New Brunswick is not acceptable,” she said.

Government respondents include Environment Canada, Transport Canada and the Department of Fisheries and Oceans. Irving Oil Ltd. is also a respondent to the suit. It is expected the Federal Court will hear the application in mid-2008.

For further information please contact:

David Coon, Policy Director, CCNB, 458-8747
Justin Duncan, Ecojustice , (416) 573-4258

David Thompson, Fundy Baykeeper, cell 650-5849, office 694-8770
Beatrice Olivastri, Friends of the Earth Canada, (613) 241-0085 X26, cell (613) 724-8690

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