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**Sent via E-mail: [petitions@oag-bvg.gc.ca](mailto:petitions@oag-bvg.gc.ca) and [Jerry.DeMarco@oag-bvg.gc.ca](mailto:Jerry.DeMarco@oag-bvg.gc.ca)**

Jerry V. DeMarco  
Office of the Auditor General of Canada  
Commissioner of the Environment and Sustainable Development  
Attention: Petitions  
240 Sparks Street  
Ottawa, ON K1A 0G6

**Attention: Petitions**

Dear Mr. DeMarco,

**Re: Petition to the Commissioner of the Environment and Sustainable Resource Development on Impacts of Glencore's Proposed Investment in Elk Valley Resources Ltd**

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I write to you on behalf of Wildsight Society pursuant to section 22 of the *Auditor General Act* to petition your office to seek answers to questions regarding the federal government's upcoming decision about whether to approve Glencore PLC's investment in Elk Valley Resources Ltd. and the consequences of that investment on taxpayer liability and economic, environmental, and human health.

**BACKGROUND**

The Elk Valley cuts through the Rocky Mountains of southeastern British Columbia, roughly 60 kilometres from the Alberta and Montana borders. It is home to rare ecosystems and species like high elevation grasslands, bighorn sheep, and old growth forests that are important to settler and Indigenous communities alike. The forests provide habitat for many species and draw tourism to the region.<sup>i</sup>

Also found in the Elk Valley is the Elk River, which flows southward to where it drains into the Kootenay River near the Canada-US border. The Elk River supplies drinking water for countless human and non-human life, supports recreation and tourism, and provides habitat for unique fish and plant species.<sup>ii</sup> The fish, wildlife, plants, and resources of the Elk River Valley have been of central importance to the Ktunaxa people for millennia.

In addition to these important environmental, social, and cultural features, the Elk Valley has been home to coal mining operations for over 120 years. Currently, the region houses four active steelmaking coal mines, all owned by Teck Coal Ltd. (“Teck”). Teck also owns a fifth coal mine in the Elk Valley, although it is no longer actively producing. In addition to Teck’s five mines, Montem Resources Alberta Operation Ltd. owns an existing, inactive coal mine, and three new coal mines are proposed for the region owned by Centermount Coal Ltd.,<sup>iii</sup> NWP Coal Canada Ltd., and North Coal Ltd. respectively.<sup>iv</sup>

### **Selenium contamination in the Elk Valley**

Rock that surrounds coal seams contains selenium which, when disturbed and turned into waste rock, leeches selenium into the surrounding environment.<sup>v</sup> When selenium leaches into soil, water, and sediment, it is taken up by terrestrial plants, algae, invertebrates, and fish. Wildlife that eats these organisms can then be exposed to the selenium. In high concentrations, selenium is toxic and as a result, standards exist for the allowable concentration of selenium in surface water that supports life, including drinking water.<sup>vi</sup> In fish, chronic exposure to high levels of selenium can lead to reductions in reproductive success, and in some cases, deformities to spines and gill plates.<sup>vii</sup> Humans can also be exposed via consumption of fish, plants, wildlife, or drinking water.<sup>viii</sup>

Teck’s coal mines have contaminated the Elk River and many of its major tributaries with dangerous levels of selenium that continue to impact surface and groundwater not only in the Elk Valley, but downstream in Montana, Idaho, and back into Canada where the Kootenay River and meets the Columbia River at Castlegar.<sup>ix</sup> Teck’s pollution of the Elk Valley and beyond has created one of the largest selenium contamination events in the world, and one of North America’s worst pollution problems.<sup>x</sup>

The selenium contamination created through Teck’s mining operations has generated massive environmental harms in the Elk Valley and far downstream. For instance, the Westslope Cutthroat Trout in the Upper Fording River, an Elk River tributary, stands at the brink of extirpation. The trout’s status is an indicator of water quality issues and a warning of broader environmental harms to come such as impacts to algae, plants, invertebrates, birds, and other wildlife. There have already been serious impacts on other fish species and human health as well, including particularly serious impacts on Indigenous communities. Those living in the Kootenay Watershed, especially downstream from the Elk River in the United States, have expressed dissatisfaction with the pollution flowing into the waters that they use.<sup>xi</sup> These environmental harms also seriously impact Indigenous peoples and their treaty and Aboriginal rights.

Selenium is not the only pollutant of note however, given that mines also release large amounts of sulphates, nitrates, nickel, and heavy metals such as cadmium into the watershed.<sup>xii</sup> Additionally, mine operations have resulted in calcite cementation in streambeds, causing loss

of fish breeding habitat and impacting benthic invertebrate populations.<sup>xiii</sup> Teck has been pressured into beginning to address selenium pollution through construction and operation of water treatment facilities, but mining processes result in many other negative ecological impacts that are often glossed over.

Teck's impacts on the environment are so severe that Teck received the largest *Fisheries Act* fine in history and caused the Trudeau and Biden administrations to invoke an International Joint Commission ("IJC") investigation of the intractable pollution.<sup>xiv</sup> Significantly, these environmental harms have created extraordinary direct and indirect costs of environmental remediation and reclamation - and perpetual multi-billion dollar financial liabilities for current and future operators of Teck's mines.

### **Glencore's proposed investment in Elk Valley Resource Ltd.**

Glencore PLC ("Glencore") is proposing to make a majority share investment in Elk Valley Resources Ltd. ("EVR"), Teck's coal company comprising all five of its Elk Valley mines. Since Glencore is a foreign-owned company, its investment in EVR requires the Minister of Innovation, Science and Industry ("the Minister") to make a decision under the *Investment Canada Act* ("ICA") about whether to approve the investment based on whether it will provide a net benefit to Canada.<sup>xv</sup>

The Minister's decision requires him to consider the factors set out in section 20 of the *ICA*. The factors include consideration of "the effect of the investment on the level and nature of economic activity in Canada..." and "the compatibility of the investment with national industrial, economic and cultural policies, taking into consideration industrial, economic and cultural policy objectives enunciated by the government or legislature of any province likely to be significantly affected by the investment".<sup>xvi</sup> Given the severe environmental consequences associated with mining operations in the Elk Valley, the Minister's decision about whether to approve Glencore's investment in EVR also has significant implications for sustainable development in the Elk Valley.

Among the relevant policy objectives that the Minister should consider under s. 20 of the *ICA* is enunciated in BC's Major Mines Reclamation Security Policy (Interim) ("Policy"). The Province developed this Policy "to ensure that permittees for major mines pay the full cost of environmental cleanup and reclamation for their mine" and one of its objectives is to reduce the differential between reclamation liabilities and securities for existing mines.<sup>xvii</sup> Although the specific security a mine operator must post depends on the how long the mine has been operating and its estimated lifespan, the Policy seeks to require that operators post sufficient reclamation security at all times during the life of a mine "to provide assurance that taxpayers will not be required to pay for mine site reclamation and environmental clean-up if companies default on their obligation to do this work".<sup>xviii</sup>

It is of note that if the investment is approved, Glencore plans to demerge its combined coal operations, including its stake in EVR, into a standalone company.<sup>xix</sup>

### **The environmental liabilities of coal mining in the Elk Valley**

At present, Teck has posted \$1.49 Billion held by the Province of British Columbia as security to cover the reclamation costs of its operations, including those associated with the selenium contamination it continues to cause in the Elk Valley. This \$1.49 Billion is about \$417 million lower than the Province's estimated liability for EVR - and despite promising to ensure this full amount is in place by the end of Q1 2024 – Teck has not provided any explanation as to why it had previously not provided the full amount required by the Province.<sup>xx</sup>

Even if it has provided the full amount under the provincial policy – the \$1.9 Billion figure pales in comparison to the estimated \$6.4 Billion it will take to remediate the contamination, according to a recent independent expert study commissioned by Wildsight (“the Study”) that has not been directly disputed.<sup>xxi</sup>

Further, the Study's estimated \$6.4 Billion reclamation cost is itself a conservative one as the full costs of reclamation and remediation from the impacts from EVR's mines from now into the future could be much higher for several reasons. For one, a key component of the Study's estimated reclamation cost is the cost of implementing Teck's water treatment plan, but the plan only estimates the costs associated with building water treatment facilities from now until 2027 and operating those facilities for 60 years, despite the fact the Policy states that such estimates should account for 100 years of operation.<sup>xxii</sup> The costs and impacts of large scale mining projects such as the EVR mines have been regularly underestimated in the past and can persist for many decades if not centuries.<sup>xxiii</sup> There are no guarantees that this will be enough to sufficiently reduce selenium levels.<sup>xxiv</sup> Further, the Study solely addresses remediating the selenium contamination caused by Teck's mines, not other contamination or harm to the environment from the mines' operations.<sup>xxv</sup> The reality of remediating contamination caused by mining operations involves much more, such as addressing other water quality concerns, land management, monitoring, and water treatment beyond 60 years.

The deficiency between the current security held by the Province and the likely costs of remediation means that if Teck, Glencore, a subsequent standalone company, or whichever entity owns EVR in the future, fails to or is unable to cover the cost of reclamation and remediation of the EVR mines, there is a real potential that up to \$4.9 billion, and possibly more, will fall to and become a burden of taxpayers. Decisions relating to the management and remediation of the environmental liabilities arising now and into the future from Teck's coal mines therefore have the potential to significantly impact the environment and sustainability within the Elk Valley for hundreds of years – and the potential to create a multi-billion-dollar economic drag on the economy and taxpayers.

## Concerns associated with Glencore's proposed investment in EVR

Although the present environmental liabilities of EVR raise serious concerns for burdening taxpayers, Glencore's proposed acquisition of EVR raises additional concerns in relation to the environment and sustainable development and relates directly to the Minister's consideration under the *ICA*.

The first concern relates to the potential deficiency in security for EVR. As set out above, there is ample evidence to suggest that the current amount of security posted by Teck is woefully inadequate to cover the projected liabilities from EVR operations.

The consequences of deficient security have been shouldered by taxpayers before, as seen by the \$2 billion taxpayers are covering to remediate Yukon's Faro Mine, the more than \$4 billion taxpayers are covering to remediate the Northwest Territories' Giant Mine, or the \$46 million taxpayers paid to clean up BC's Britannia Mine.<sup>xxvi</sup> These massive taxpayer burdens demonstrate the serious economic risk associated with companies that fail to provide adequate security to cover the environmental liabilities created by their operations. It is entirely foreseeable that these kinds of massive liabilities could arise from the EVR facilities if adequate security is not ensured.

The second concern relates to Glencore's historical environmental track record. In BC alone, Glencore is already delinquent on their modest commitments of \$8.6 million in bonding in three of their four inactive properties.<sup>xxvii</sup> In Columbia, a Glencore subsidiary simply deserted two coal mine operations in 2020 when operation was deemed uneconomic.<sup>xxviii</sup> There are concerns that Glencore and its subsidiary have thus far avoided any public accountability related to compliance with its remediation obligations despite the fact that the operation of these mines for more than 25 years has left over 20,000 families from nearby fishing, Afro-descendant, and Indigenous communities with degraded ecosystems, serious respiratory and digestive diseases, serious atmospheric pollution and reduced access to food and drinking water. Additionally, many of these communities have been displaced from their sacred and ancestral territories.<sup>xxix</sup>

As of 2023, Glencore's Horne Smelter in Quebec has released so much arsenic into the air that a decision was made to move 200 neighboring homes, at a cost of \$88.3 million to the provincial government.<sup>xxx</sup> Children living near the smelter were found to have arsenic levels an average of 4 times higher than children in a neighbouring town.<sup>xxxi</sup> Furthermore, in Montana, Glencore's shuttered Columbia Falls Aluminum Company Plant was listed on the National Priority List and designated as a Superfund site in 2016, meaning that long term cleanup of a portion of the 2400 acre site has been ordered.<sup>xxxii</sup> Estimates from the EPA suggest that it would cost between \$624 million and \$1.4 billion USD to clean up<sup>xxxiii</sup> and it does not appear that any clean up of this site has occurred.<sup>xxxiv</sup>

The third concern relates to Glencore's intention to demerge EVR and its existing thermal coal assets into a separate company – that it has referred to as CoalCo. – composed predominantly

of thermal coal assets and EVR's metallurgical coal mines.<sup>xxxv</sup> Should Glencore follow through with this publicly stated objective, Teck or Glencore could partially or even fully insulate themselves from the significantly large unsecured environmental and financial liabilities associated with the EVR mines.<sup>xxxvi</sup> Instead, it could fall to a company whose future financial viability is based solely on the volatility of the coal market, and predominantly the thermal coal market. This amplifies the existing concerns set out above and jeopardizes the ability of the eventual owner of EVR to afford the massive liabilities associated with the EVR mines, as well as potentially other mines around the planet.

In part these concerns arise from the fact that the thermal coal market is projected by many to sunset in the coming years. The International Energy Agency ("IEA") stated that "early and significant reduction in (thermal) coal-related emissions" is necessary to avoid catastrophic climate change impacts.<sup>xxxvii</sup> The IEA also projects that achieving net zero emissions by 2050, a policy objective of the federal government, requires the end of all unabated thermal coal use by 2040.<sup>xxxviii</sup> These projections are also supported by the Intergovernmental Panel on Climate Change, which states that steep reductions of thermal coal are required to prevent the most dangerous impacts of climate change.<sup>xxxix</sup> According to the UN Environment Programme, global coal development must decline by 11% per year between 2020 and 2030 to prevent those impacts, and the same organization recently found that a near total phase out of coal production is necessary by 2040 for the same reasons.<sup>xl</sup>

In fact, due to the need to phase out thermal coal to avert catastrophic climate change, there are many credible international bodies and governments encouraging the sunset of this industry, including the Government of Canada through its leadership in the Powering Past Coal Alliance.

The projections highlighting thermal coal's inevitable decline, when considered alongside the potential for long-term liabilities associated with coal mining operations, make it particularly important to manage those liabilities in the Elk Valley. It is entirely foreseeable that a company with cash flows based on the sunset of thermal coal industry (such as Glencore's demerged CoalCo.) would encounter difficulties in having adequate assets to pay for reclamation and remediation centuries into the future.

## QUESTIONS

In light of the potential for significant environmental and financial burdens arising from Teck's current EVR operations, along with the uncertainty associated with the ability of Glencore, or its future demerged coal company, to address those burdens, the Minister's obligations under the *ICA*, and the federal government's obligations to the environment in the context of sustainable development, we pose the following questions:

1. When undertaking decisions under the *ICA* that relate to investment decisions that could have an impact on the environment or sustainable development, does the federal

government assess the environmental and financial liabilities -- including but not limited to the types of future liabilities discussed in the Background section above -- associated with those investments and the extent to which they put taxpayers at risk. If so, how does it assess those liabilities?

2. When the Minister is making a determination regarding “net benefit to Canada” under s. 21 of the *ICA*, do any federal policies, guidelines or practices ensure a systematic evaluation of potential federal or provincial financial liability for future environmental remediation? If so, what are those specific policies and guidelines?
3. Do any of the policies, guidelines or practices require a comprehensive review of the environmental security track record of a potential purchaser?
4. How will, or how has, the Minister assess(ed) the environmental and financial liabilities of Glencore’s proposed investment in EVR?
5. How will, or how has, the Minister assess(ed) the potential long term financial impacts of Glencore’s proposed investment in EVR on future taxpayer liabilities as described above in the Background section?
6. To what extent will the Minister consider Glencore’s environmental liability security track record in making his decision regarding Glencore’s investment in EVR, particularly in light of the guidance set out in BC’s Major Mines Reclamation Security Policy?
7. To what extent has the federal government considered Glencore’s human rights track record under international agreements such as UNDRIP?
8. In light of the potential for significant impacts on Canadian taxpayers, will the Minister consider only approving Glencore’s proposed investment if Glencore undertakes to post adequate security for EVR’s coal mining assets as a part of its application under the *ICA*?

Thank you in advance for your consideration of this petition.

Sincerely,

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**Fraser Thomson**  
Staff Lawyer

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## ENDNOTES

- <sup>i</sup> British Columbia, “The Elk Valley” (accessed 6 May 2024), online: <<https://elkvalleywaterquality.gov.bc.ca/pages/the-elk-valley>> [Elk Valley].
- <sup>ii</sup> Elk Valley.
- <sup>iii</sup> Note: The federal government [terminated](#) the environmental assessment for Centermount Coal Ltd.’s Bingay Main Coal Project.
- <sup>iv</sup> British Columbia, “Mining in the Elk Valley” (accessed 1 May 2024), online: <<https://elkvalleywaterquality.gov.bc.ca/pages/mining-elk-valley>>.
- <sup>v</sup> Burgess Environmental, “Review of Reclamation Security Addressing Selenium Contamination Teck Coal’s Elk Valley Mines” (18 March 2024), online (pdf): <[https://d1tfm8vclptjj.cloudfront.net/wp-content/uploads/2024/03/2024-03-18-Teck-Coal-Final-Report\\_Reduced\\_Cover-Letter.pdf?x78559](https://d1tfm8vclptjj.cloudfront.net/wp-content/uploads/2024/03/2024-03-18-Teck-Coal-Final-Report_Reduced_Cover-Letter.pdf?x78559)> [Burgess], at 1-2.
- <sup>vi</sup> Burgess at 1-2.
- <sup>vii</sup> A. Dennis Lemly, “Review of Environment Canada’s Teck Coal Environmental Assessment and Evaluation of Selenium Toxicology on Westslope Cutthroat Trout in the Elk and Fording Rivers in Southeast British Columbia” (25 September 2014), online (pdf): <[https://www.teck.com/media/2014-Water-review\\_environment\\_canada-T3.2.3.2.1.pdf](https://www.teck.com/media/2014-Water-review_environment_canada-T3.2.3.2.1.pdf)> [Lemly], at 11.
- <sup>viii</sup> Burgess at 1-3.
- <sup>ix</sup> *Ibid* at 1-3,-4.
- <sup>x</sup> Calvin Sandborn and Fraser Thomson, “Comment: With the sale of Teck coal mines, make polluters pay” (22 April 2024), online: <<https://www.timescolonist.com/opinion/comment-with-the-sale-of-teck-coal-mines-make-polluters-pay-8633264>> [Sandborn and Thomson].
- <sup>xi</sup> ELC IJC submission, quoting University of Victoria Environmental Law Centre on behalf of Wildsight, “Request for an Inquiry into Regulatory Negligence: Canada’s Failure to Control Elk Valley Coal Mine Pollution” (July 2021), online (pdf): University of Victoria Environmental Law Centre [July 2021 ELC Report] at 5-6, 10, 284-285.
- <sup>xii</sup> Teck Coal Ltd., “Report: Permit 107517 Surface Water Quality Monitoring 2022 Annual Report” (31 March 2023), online (pdf): <<https://www.teck.com/media/Surface-Water-Quality-Monitoring-2022.pdf>> [Surface Water Report].
- <sup>xiii</sup> Lotic Environmental Ltd., “Regional Calcite Monitoring Program 2022 Report” (April 2023), online (pdf): <<https://www.teck.com/media/Calcite-Monitoring-Program-2022.pdf>> [Calcite Report].
- <sup>xiv</sup> Sandborn and Thomson.
- <sup>xv</sup> Glencore, “Acquisition of a 77% interest in Teck’s steelmaking coal business for US\$6.93 bn” (access 6 May 2024), online: <<https://www.glencore.com/media-and-insights/news/acquisition-of-a-77-percent-interest-in-tecks-steelmaking-coal-business-for-USd6-93-bn>>.
- <sup>xvi</sup> *Investment Canada Act*, RSC 1985, c 28 (1<sup>st</sup> Supp) [ICA], s. 20.
- <sup>xvii</sup> Ministry of Energy, Mines and Low Carbon Innovation, “Major Mines Reclamation Security Policy (Interim)” (5 April 2022), online: <[https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/reclamation-and-closure/major\\_mines\\_reclamation\\_security\\_policy\\_interim\\_v1\\_05apr2022.pdf](https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/reclamation-and-closure/major_mines_reclamation_security_policy_interim_v1_05apr2022.pdf)>, [Policy] at 2.
- <sup>xviii</sup> Policy at 3.
- <sup>xix</sup> Glencore, “Acquisition of a 77% interest in Teck’s steelmaking coal business for US\$6.93 bn” (access 6 May 2024), online: <<https://www.glencore.com/media-and-insights/news/acquisition-of-a-77-percent-interest-in-tecks-steelmaking-coal-business-for-USd6-93-bn>>.
- <sup>xx</sup> Ministry of Energy, Mines and Low Carbon Innovation, “Chief Inspector of Mines 2022/2023 Annual Report” (accessed 10 May 2024), online: <[https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/reports/annual\\_report\\_of\\_the\\_chief\\_inspector\\_of\\_mines\\_2022-2023.pdf](https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/reports/annual_report_of_the_chief_inspector_of_mines_2022-2023.pdf)> [Annual Report], at 38. See also: Burgess at 1.
- <sup>xxi</sup> Burgess at 1 & ES-1.
- <sup>xxii</sup> Burgess at 3-1 & 4-5; See also Policy at 11.
- <sup>xxiii</sup> Cooke, Colin A., Emmerton, Craig A. & Drevnick, Paul E., “Legacy coal mining impacts downstream ecosystems for decades in the Canadian Rockies” (1 March 2024) Environmental Pollution Vol 344 online: <<https://www.sciencedirect.com/science/article/pii/S0269749124000423>>; see also Pedretti, Daniele, Mayer, K.



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Ulrich & Beckie, Roger D., “Stochastic multicomponent reactive transport analysis of low quality drainage release from waste rock piles: Controls of the spatial distribution of acid generating and neutralizing minerals” (June 2017) *Journal of Contaminant Hydrology* Vol 201 p 30-38 which shows that in most models suggest that acid rock drainage (the main mechanism of selenium release from waste rock) only approaches background levels after 150 years after a mine is closed.

<sup>xxiv</sup> Some experts expect selenium contamination will persist for hundreds of years after the operations halt. See Carol Linnitt, “For decades B.C. failed to address selenium pollution in the Elk Valley. Now no one knows how to stop it” (4 December 2018), online: <<https://thenarwhal.ca/for-decades-b-c-failed-to-address-selenium-pollution-in-the-elk-valley-now-no-one-knows-how-to-stop-it/>>.

<sup>xxv</sup> Burgess at 4-5.

<sup>xxvi</sup> Sandborn and Thomson.

<sup>xxvii</sup> Annual Report at 38.

<sup>xxviii</sup> Glencore, “Prodeco to relinquish mining contracts” (4 February 2021), online:

<<https://www.glencore.com/media-and-insights/news/prodeco-to-relinquish-mining-contracts>>.

<sup>xxix</sup> London Mining Network, “Colombian communities demand mine closure plan from Glencore” (29 March 2022), online: <<https://londonminingnetwork.org/2022/03/colombian-communities-demand-mine-closure-plan-from-glencore/>>.

<sup>xxx</sup> CBC, “Quebec to move 200 households away from Horne Smelter in Rouyn-Noranda” (15 March 2023), online: <<https://www.cbc.ca/news/canada/montreal/quebec-move-households-horne-smelter-1.6779645>>.

<sup>xxxi</sup> The Globe and Mail, “A Quebec city, fearing arsenic in the air, presses the province to get tougher on Glencore smelter” (25 January 2023), online: <<https://www.theglobeandmail.com/canada/article-quebec-glencore-copper-smelter-arsenic/>>.

<sup>xxxii</sup> US Environmental Protection Agency, “Anaconda Aluminum Co Columbia Falls Reduction Plant, Columbia Falls MT. Cleanup Activities” (accessed 15 May 2024), online:

<<https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0800392#bkground>>.

<sup>xxxiii</sup> KPAX, “Cleaning the Columbia Falls Superfund site: ‘We have one chance to get it right’” (13 April 2024), online: <<https://www.kpax.com/news/local-news/flathead-county/cleaning-the-columbia-falls-superfund-site-we-have-one-chance-to-get-it-right#:~:text=Estimates%20from%20the%20EPA%20suggest,Oregon%2C%20nearly%20500%20miles%20away.>>>.

<sup>xxxiv</sup> United States Environmental Protection Agency, “Anaconda Aluminum Co Columbia Falls Reduction Plant” online:

<<https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Stayup&id=0800392#Stayup>>.

<sup>xxxv</sup> Glencore, “Proposal for a merger between Glencore and Teck and simultaneous demerger of combined coal business” (April 3, 2023), online: <<https://www.glencore.com/media-and-insights/news/Proposal-for-a-merger-between-Glencore-and-Teck-and-simultaneous-demerger-of-combined-coal-business>>; Glencore, “Acquisition of a 77% interest in Teck’s steelmaking coal business for US\$6.93bn” (November 14, 2023), online:

<<https://www.glencore.com/media-and-insights/news/acquisition-of-a-77-percent-interest-in-tecks-steelmaking-coal-business-for-USd6-93-bn>>.

<sup>xxxvi</sup> While there are circumstances that Glencore or even Teck could be pursued as “responsible parties” under BC’s *Contaminated Sites Regulation*, that regulation provides a number of scenarios where that liability could be reduced or eliminated, not to mention the other methods by which collection of said liabilities could be frustrated.

<sup>xxxvii</sup> IEA, “Coal in Net Zero Transitions. Executive Summary” (accessed 1 May 2024), online:

<<https://www.iea.org/reports/coal-in-net-zero-transitions/executive-summary>>.

<sup>xxxviii</sup> IEA, “Net Zero by 2050. A roadmap for the Global Energy Sector” (accessed 8 May 2024), online:

<<https://www.iea.org/reports/net-zero-by-2050>>; see also IEA, “Coal” (accessed 8 May 2024), online:

<<https://www.iea.org/energy-system/fossil-fuels/coal>>.

<sup>xxxix</sup> IPCC, “Global Warming of 1.5° C” (2019), online:

<[https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15\\_Summary\\_Volume\\_Low\\_Res.pdf](https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Summary_Volume_Low_Res.pdf)>.

<sup>xl</sup> UN Environment Programme, “World’s governments must wind down fossil fuel production by 6% per year to limit catastrophic warming” (2 December 2020), online: <<https://www.unep.org/news-and-stories/press-release/worlds-governments-must-wind-down-fossil-fuel-production-6-year>>; UN Environment Programme,

“Governments plan to produce double the fossil fuels in 2030 than the 1.5° C warming limit allows” (8 November 2023), online: <<https://www.unep.org/news-and-stories/press-release/governments-plan-produce-double-fossil->

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[warming#:~:text=Given%20risks%20and%20uncertainties%20of,2020%20levels%2C%20at%20a%20minimum.>.](#)