

Press Release FOR IMMEDIATE RELEASE
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**NAFTA CHALLENGE BLATANT ATTEMPT TO INTIMIDATE CANADIAN GOVERNMENTS AND
DIGBY NECK COMMUNITY**

(Halifax) – A legal challenge of the Joint Review Panel’s rejection of the Digby Neck Quarry has more bark than bite but a flawed trade agreement may fail to sort the sour grapes from substance of the case, says the Sierra Club of Canada. Bilcon, the company that wanted to build a large export quarry on Digby Neck, launched their challenge under the North American Free Trade Agreement (NAFTA) Chapter 11 yesterday, claiming that they had been treated unfairly in the federal-provincial environmental assessment process.

“A review of the environmental assessment process and of comments from the Panel Chair Robert Fournier, and other experts suggest that that the proponent Bilcon was not discriminated against,” said Gretchen Fitzgerald, Sierra Club’s Atlantic Canada Chapter Director. “The delays in the regulatory process alleged by Bilcon lawyer Barry Appleton, were mostly a result of Bilcon’s tardiness in preparing its documents, and were not due to any actions of governments or the community.”

“Contrary to the assertions of Bilcon’s lawyer, the panel was authorized under the Canadian Environmental Assessment Agency to examine the impacts of biophysical changes caused by the project on socio-economic conditions and physical and cultural heritage of the Digby Neck community,” said Stephen Hazell, Executive Director of Sierra Club of Canada, “That is all that they did.”

According to Dr. Janet Eaton, a NAFTA critic who participated in the Digby Quarry assessment, NAFTA’s Chapter 11 Investor State Mechanism is flawed and undemocratic as revealed in a range of studies. “The fact that this company can challenge the findings of a fair and balanced democratic environmental assessment adds impetus to the many voices calling for NAFTA to be reconsidered in light of all the evidence regarding its many flaws and failures to live up to its promises. We need to re-craft a trade approach with the US, one that recognizes the asymmetry in the relationship and one which is based on 'fair trade' principles that address the imperatives of the environment, community values, Canadian sovereignty, poverty and job creation.”

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Background Document:

Final Report of the Whites Point Quarry Joint Review Panel
<http://www.gov.ns.ca/enla/ea/whitespointquarry/WhitesPointQuarryFinalReport.pdf>