

To: Clerk / Mayor / Reeve / Councillor / Warden

November 2017

**RE: Gravel Watch Ontario Correspondence Regarding Cornerstone Standards Council**

**Background**

Earlier this month you may have received a letter from Gravel Watch Ontario (GWO) outlining concerns their organization has with the Cornerstone Standards Council's (CSC) Responsible Aggregate Standard and Certification System. We are writing to provide clarification from CSC's perspective regarding concerns raised in that letter and to provide you with additional information regarding our certification system.

Since its inception in 2011, one of CSC's goals has been to raise the level of transparency between aggregate operations and community organizations like Gravel Watch Ontario. While GWO's correspondence implies a number of failures on CSC's part, it is rewarding to note that their ability to make these claims is a direct result of the increased transparency that CSC Certified operations have exposed themselves to. By exposing themselves to CSC audits the sites that have undergone certification audits have been held to a higher level of scrutiny than they have over their years as active aggregate operations. What's more, CSC has had a real impact as sites have changed operational practices, undertaken new community engagement efforts, and developed methods for improving a site's resource efficiency.

Voluntary certification systems like CSC, which bring together traditionally opposed stakeholders, can be quite challenging but have been found to reduce conflict in other resource sectors. While this can be a difficult role to fill CSC's commitment is to continue its efforts engage those individuals and groups interested in improving the environmental and social performance of the aggregate sector. As such, CSC appreciates GWO's submission of comments during our recent consultation period. This consultation period followed a pilot period that offered us in-the-field feedback on the Standard and Certification System. We are now entering a revision period where CSC's Standard and Certification will be reviewed and revised. In order to share information about CSC, and to hear concerns of community members, one of CSC's partners (Environmental Defence) is hosting community workshops in early December. Feedback will inform a revision of the Standard and Certification System which will be released in early 2018.

While we appreciate the scrutiny and feedback provided by GWO, we believe the concerns raised don't accurately reflect the language of the Standard and the results of CSC audit reports. We would like to take this opportunity to clarify a number of points for your information.

**Clarification on Concerns Raised by GWO**

GWO stated: "CSC's Standard does not include explicit targets"

GWO claims that because there are not explicit targets for noise, dust, vibrations etc. in the Standard that CSC does not ensure high levels of operational practice are met and monitored. While it is true that the Standard does not include explicit targets for these types of operational impacts we do require companies make monitoring data publicly available. During the

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standard development process, it became evident that there was no one size fits all approach for pits and quarries on issues such as noise and dust etc. Acceptable levels of noise for an operation located beside a community or neighborhood could be totally different than one that is acceptable for a remote rural operation. CSC's Standard Development Panel agreed that the best way for companies to raise the bar is to:

- Transparently engage with the community where they operate to study the impact of operation with a particular focus on the issues important to the community;
- Develop a mitigation approach that will address these issues and keep a record of the steps taken to resolve issues and concerns raised;
- Adopt mitigation measures, that are sometimes not required by regulation, to ensure impacts are within an acceptable level; and
- Implement a monitoring program to ensure that mitigation measures are having the desired impact.

GWO stated: "The Standard doesn't require operations to exceed regulatory requirements"

It is disappointing to see that GWO misquotes the CSC Standard in its correspondence. This not only misleads those who received the letter, but also discredits the value of input GWO has provided to CSC in the past.

The letter you received earlier this month claims that CSC's Standard does not require sites to exceed regulatory requirements and quotes the following sentence as evidence: "When addressing adverse environmental impacts ... the applicant implements (consistent with the scale and intensity of the operation) an Environmental Management System or a series of Standard Operating Procedures that are consistent with or exceed existing regulatory requirement." Unfortunately this sentence is not complete and omits an important piece of information. On page 29 of the Standard you will see that this sentence omits the words "**and Appendix 9.**" Appendix 9 of the Standard outlines operational practices that are over and above regulatory requirements and establish best practices for the sector. By being consistent with Appendix 9 operators are indeed exceeding regulatory requirements for adverse impacts their site may cause.

GWO stated: "Requirements must be met before certification is awarded"

It is concerning that GWO's correspondence claims that "for any certification program to be legitimate, the requirements of the program must be met before certification is awarded." This comment indicates a misunderstanding of how most environmental and social certification systems operate. Nearly all voluntary certification systems (including the Forest Stewardship Council, Marine Stewardship Council and ISO) work under the assumption that not all requirements of a Standard will be met at the time of certification.

Voluntary certification systems often work on a system of both major and minor non-conformances. If, in the course of an audit, a major non-conformance is identified the site will not receive certification – during CSC's pilot period this has occurred with one site failing certification based on a major non-conformance identified by the auditors. Alternatively, the auditors may identify minor non-conformances and still grant certification on a probationary basis. If the operator is unable to address these non-conformances with six months their

certification will be revoked. The importance of this approach is that rather than punishing companies for minor issues it encourages businesses to improve their practices.

GWO stated: "Certified sites are not required to comply with regulatory requirements"

GWO's final claim is that CSC sites are not complying with regulatory requirements. This, in our opinion, fails to understand the outcomes of the audit reports. In the course of audits CSC looks for evidence that an operation is in conformance with its site plan and regulatory requirements. This auditing process provides a higher level of scrutiny than regulatory enforcement, which assesses only if a violation has occurred. As CSC requires a higher level of monitoring and record keeping some companies will be challenged to demonstrate that they are in conformance.

Regarding the one specific audit referenced by GWO, the auditors were not provided data to confirm that the operation does not meet the minimum reporting requirements of Ontario Regulation 127. However, through interviews with neighbours, MNRF staff and company representatives the auditors found no evidence that there was a concern regarding dust levels or reason to believe the site surpassed minimum reporting requirements. The audit report identified this as a MINOR non-conformance and the operator has since provided data (which has also been made publicly available to the community) that they are operating within the parameters of the law and the non-conformance has been closed.

### **Summary**

CSC is committed to delivering a certification system that improves the social and environmental practices of aggregate operations in Ontario. As such we will continue to solicit input from stakeholders across the province and allow the Standard and certification system to evolve in such a way that it raises the bar while being achievable by progressive aggregate operators of all sizes and geographies.

If you have any questions or would like a representative to visit your municipalities to answer any questions or concerns we would be more than happy to arrange a meeting.

Thank you kindly,



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