

Penobsquis women say, "The fight is not over"



Penobsquis residents like Heather McCabe and their supporters demonstrated outside the Mining Commissioner Hearings in Sussex in 2011. McCabe is continuing to demand compensation through the Mining Commissioner for impacts she says she is suffering as a result of potash mining in their community. Photo by Tracy Glynn.

By TRACY GLYNN

Sewage is leaking into the ground beneath Heather McCabe's home in rural Penobsquis. McCabe has made several costly repairs to her septic lines to no avail. She regularly sprays Javex underneath her home to avoid getting sick from the bacteria in the sewage and sleeps in her dining room because her bedroom walls are bowing. She worries that her home is not safe for her 79-year-old mother, who lives with her. McCabe blames PotashCorp, a Saskatchewan-based multinational mining company, for what she calls her house of nightmares.

"My mom and I purchased this home together. It was to be our haven, a place for her to enjoy her senior years, and a place for us to continue to operate and perhaps expand our Sanctuary for Special Needs Pets. Now it has become our nightmare. My mom spent her 79th birthday helping me spray Javex under the house. What child wants to watch their parent live like this? We have nowhere to go. Everything we had went into purchasing this property," says McCabe.

About a year after buying the home in 2003, McCabe began noticing the skirting boards of the house were sinking into the ground. Then, in 2007, she lost her well water and, in 2010, her roof began buckling. McCabe blames land subsidence caused by the mining operations for the damage to her home.

McCabe is not alone in her problems. Sixty homes in Penobsquis, a community situated directly above the potash mine workings, have lost their well water since 2004. Many of the wells failed immediately following seismic blasting at the mining operation, which extracts an average of 11 million litres of groundwater from the Penobsquis aquifer each day.

McCabe is also not alone in placing the blame for her damaged home on PotashCorp's mining operation. In 2004, a group of Penobsquis residents having problems with the mining operation formed the Concerned Citizens of Penobsquis. The group was advised by lawyers to try a rarely used mechanism and took its grievances with PotashCorp's operations to the province's Mining Commissioner instead of taking the company to court. The

New Brunswick Mining Act directs those experiencing damages related to mining to file their complaints with the Mining Commissioner.

On September 10th, 2012, 21 of the 24 Penobsquis residents who had filed complaints with the Mining Commissioner withdrew their complaints and cases in exchange for financial compensation. Beth Nixon, a spokesperson for the Concerned Citizens of Penobsquis, says, "None of us, including those who withdrew our case, feel that our quest for justice is over."

Heather McCabe, her mother, and former Penobsquis resident Beth Norrad did not withdraw their complaints. "Please do not think this is done," McCabe says, "Those of us still fighting are very much in need of your support. What is happening to us could be happening to anyone in this province and our fight continues so that no one else ever has to go through what we are."

The Mining Commissioner Hearings have dragged on for over two-and-a-half years. The residents have largely been representing themselves. Because the burden of proof rests upon them to prove their grievances are linked to the mine, residents have faced the challenge of finding experts who do not have a conflict of interest or any connection to PotashCorp. In such a small province, this has proven difficult. The Mining Commissioner has turned down the group's repeated requests for his office to fund independent third party advice.

"No group of regular New Brunswickers should be forced to face damage at the hands of a large corporation, with no way to source the required legal counsel, expert witnesses, or even a copy of the transcript of the proceedings," says Nixon.

The Concerned Citizens of Penobsquis are calling on the Alward government to release the hearings' transcripts to the public. The cost of the transcripts, which is about \$10,000, has made it impossible for the group to obtain a copy for its own use.

McCabe believes she has no other choice but to stick with the hearings even though she acknowledges its process is deeply flawed. "It's the only process in place. We know the facts are on our side. During the hearings, the mine experts admitted under cross examination that none of the studies they used to determine potential damage to buildings were on structures without full foundations. Basically, they have no idea how much movement a home on sonotubes, like mine, can withstand," says McCabe.

Most of the Penobsquis claimants settled with PotashCorp over grievances related to lost well water in June. The focus of the hearings this past summer then turned to land subsidence. PotashCorp agreed to compensate residents for their previous and future water costs, which amount to \$360 in annual fees. However, new homeowners, or those inheriting homes in Penobsquis, will have to pay for their water as the compensation in the agreement extends only to those with current title to properties. Since losing their water, Penobsquis residents were paying for water from a system installed using mostly public funds. PotashCorp only paid approximately 10% of the more than \$10 million cost of installation. About 50% of the water from the new largely publicly-financed system is used by commercial clients, mostly PotashCorp, while the other half of the water supply goes to residences.

The eight years of struggle for justice in Penobsquis have taken a significant toll on the members of the community. McCabe says, "We live in a constant state of stress which wears the body and mind down to the breaking point. You lose faith in humanity and you lose hope as you watch your dreams shrivel and die."

McCabe, Nixon and others in Penobsquis take comfort in the hope that their struggle will mean other communities will not have to endure the same fate. Exploration permits for minerals and shale gas have been issued across the province of New Brunswick. New Brunswickers who first became active against shale gas in their backyards have gathered at the hearings to show their support for McCabe and the people of Penobsquis. Shale gas protesters refer to Penobsquis in the arguments they make to counter the government's assurances that they can regulate the mining and gas industry.

"My mother and I are only asking to have our home moved to safe land away from this area. We are not asking for the moon, just a safe place to live. Is that really so unreasonable? Is there anyone in this province who wouldn't want to see their mom live out her years with dignity? My heart breaks every day to see what this is doing to her," says McCabe.

Community Calendar

For details and updated event listings, visit nbmediacoop.org To list your event, email: community@nbmediacoop.org

Book Launch of The Ugly Canadian: Stephen Harper's Foreign Policy. Yves Engler, an emerging Canadian author on Canada's foreign policy in the Middle East, will be in Saint John and Fredericton on Sunday, Nov. 18. In Saint John: 1:00pm, Venue TBA. In Fredericton: 4:00 pm, Brian Mulroney Hall, Room 101, St. Thomas University. Co-hosts: Fredericton Peace Coalition, Canadian Union of Postal Workers Fredericton/Oromocto Local and Canadians for Justice and Peace in the Middle East. Contact: info@frederictonpeace.org

March for a Ban on Fracking. March starts at 10 am, Tues., Nov. 27 from the Old Burial Grounds in Fredericton with expected arrival at the Legislature at 11am. Mark the opening day of the fall sitting of the Legislative Assembly with a loud message to the MLAs: ban shale gas and fracking.

Cinema Politica's documentaries take us to places like Afghanistan, Palestine, Jamaica, the Congo, indigenous territories and prisons where dehumanization and destruction wreaked by capitalism and colonialism warrant our examination, analysis and action. In Fredericton, films are screened on Fridays during the fall and winter at 7 pm at Conserver House, 180 St. John St. In Moncton, films are screened the first Monday of the month at the United Way Boardroom, Suite T210, 22 Church St. In Sackville, films are screened monthly on Wednesdays at Mount Allison University. Cinema Politica chapters also exist in Sussex (Fundy), Bathurst, Taymouth and Saint John. Check out film schedules of the locals or start your own chapter at: cinemapolitica.org

In Brief...

- Three Saskatchewan communities, the Northern Village of Pinehouse, English River First Nation and the town of Creighton are currently in the Nuclear Waste Management Organization (NWMO) site selection process for a deep geological repository to store the **waste from nuclear reactors** in New Brunswick, Quebec and Ontario. Communities and indigenous organizations along potential transport routes and beyond have been passing resolutions against storing nuclear waste in the province.
- The Canadian government is sharing **classified information about activists** between spy agencies like CSIS and private energy companies. Tim Groves who broke the story for the Toronto Media Co-op writes, "The Canadian government has been orchestrating briefings that provide energy companies with classified intelligence from the Canadian Security Intelligence Service, the RCMP and other agencies, raising concerns that federal officials are spying on environmentalists and First Nations in order to provide information to the businesses they criticize."
- **Wal-Mart workers launched strikes** at 28 stores in 12 states in October, the first retail worker strike in Wal-Mart's 50-year history. The workers are protesting the company's attempts to "silence and retaliate against workers for speaking out for improvements on the job."
- About **2,000 miners from China** are expected to work in British Columbia coal mines at wages below what Canadian miners make. According to The Tyee, workers from China are paying recruiters up to two years in wages, more than \$12,500, to work in the coal mines. The Tyee also learned that recruiting advertisements are promising higher wages than the actual wages. The British Columbian government is investigating the false advertising claims. As Temporary Foreign Workers, the Chinese miners will be paid less than Canadian workers, at least 15% less in accordance with recent changes to Canadian law.

Sisters in Spirit Vigils



People gathered across the province of New Brunswick and throughout North America on Oct. 4th at Sisters in Spirit Vigils to remember the thousands of indigenous women who have gone missing or were murdered since the 1980s. The federally-funded Sisters in Spirit program, organized by the Native Women's Association of Canada, had its budget cut by the Harper government in 2010. The federal government provided funding to the program to build a database of information on unsolved cases of missing and murdered indigenous women. The program had built profiles of more than 500 cases. In its place, the government announced \$10 million in funding, mostly for police operations. About 200 people gathered at the Sisters in Spirit Vigil in Montreal to show their support for justice for missing and murdered indigenous women. Photo by Jadis Dumas.

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