

RELEASE

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Grassy Narrows sues Ontario & Canada over mercury poisoning nightmare

Toronto – Today Grassy Narrows First Nation is launching landmark litigation against Ontario and Canada seeking justice for the terrible harm caused by the mercury contamination of their life-giving river. The monumental case argues that the government has egregiously violated its obligations to Grassy Narrows by failing to ensure that Grassy Narrows people could safely practice their right to fish - a cornerstone of Grassy Narrows' sustenance and Indigenous way of life. To the contrary, the government allowed the river to be poisoned and for decades has neglected to remediate the river, while authorizing industrial activities that further damaged the ecosystem and exacerbated the harm. A shocking new report released in May revealed that for decades the government has allowed the Dryden pulp mill to discharge effluent that at least doubles the mercury levels in Grassy Narrows' Wabigoon River fish by fueling the process that creates methylmercury, the most dangerous form of mercury which accumulates in fish and poisons the people who eat them. This case will be a test of Ontario's and Canada's commitment to truth, reconciliation, and justice following one of Canada's worst environmental and human rights catastrophes.

"Time and again the government has chosen to prioritize corporate profits at our expense. Our mercury nightmare should have ended long ago, but it has been longer and worse because of the government's failure to live up to its obligations," said Chief Rudy Turtle of Grassy Narrows. "We have had hundreds of meetings, dozens of different studies, negotiated, demonstrated, walked, prayed, and done everything in our power to cry out for justice, but we have been met with a hard heart. I hope that with this action and the perseverance of our people we will find justice at long last."

Grassy Narrows is going to court to protect its people and Territory from further environmental contamination. They seek meaningful remediation, compensation for the extreme harm they have suffered, a stop to the mill's pollution and an end to industrial threats to their land, water, and people. Their goal remains the restoration of the health of their people and land, their wellbeing and their way of life.

"The people of Grassy Narrows have suffered extreme injustice, and intense suffering due to a terrible and long record of government neglect and mistreatment," said Adrienne Telford of Cavalluzzo LLP, who along with Lisa Glowacki of Ratcliff LLP represents Grassy Narrows in the litigation. "This case cries out for justice and this litigation aims to ensure that Ontario and Canada finally uphold their legal and constitutional obligations to Grassy Narrows. The government must be held to account and it must learn the rights and lives of Indigenous people cannot be trampled on."

Grassy Narrows was a thriving and independent community with a vibrant culture and nearly full employment, mostly as commercial fishers and guides, before it was revealed in 1970 that the Dryden paper mill had dumped 9,000 kg of mercury upstream in the English-Wabigoon River. This invisible poison plunged the community into an intense health, social, economic, cultural, and environmental crisis from which it has yet to recover. The mercury crisis was compounded by extensive industrial clearcut logging which further undermined Grassy Narrows'

way of life and released additional mercury from forest soils into Grassy Narrows' lakes and rivers. Renowned health and environmental experts have confirmed the pervasive impacts of mercury in Grassy Narrows including devastating poverty, food insecurity, loss of culture, debilitating neurological conditions, disease, suicide, and premature death.

"Even though the government told us it was safe, our Elders have always said that there is something in the water that is hurting us," said Grassy Narrows grandmother and Environmental Health Coordinator, Judy Da Silva. "It is sad to hear this news of the sulfate making the mercury more toxic. My people knew all along and science has verified it now. Stop poisoning us, let us protect our land and our people, and we will be healthy again."

Through all this, the people of Grassy Narrows have never given up their humanity, warmth, gentle humour, and their tenacious pursuit of justice. They are renowned artists, politicians, orators, singers, and inspiring leaders in the movement for environmental justice, Indigenous sovereignty and Land Back. Through decades of collective action and perseverance they have halted industrial logging on their 7,600 square km Indigenous Protected Area and, in 2017, secured government commitments to comprehensively clean up their river and to build a treatment and care home for mercury sufferers in Grassy Narrows.

Yet, the community still waits for the government to deliver on its promises, and the government continues to fail the people of Grassy Narrows, including by allowing the mill to prolong the poisoning of generations of community members. The construction of the mercury care home has yet to begin and will take years to build. The promised river cleanup has no approved plan and, even if pursued diligently, will take many years to complete.

Meanwhile, new threats to Grassy Narrows continue to grow, compounding the fear and anxiety in a community in chronic crisis. More than 5,000 mining claims, proposals for upstream gold mines, and plans for a highly radioactive nuclear waste disposal site in Grassy Narrows' headwaters threaten to further exacerbate the impacts on Grassy Narrows' Territory and the health, livelihoods, and way of life of its people.

By suing the government Grassy Narrows hopes to finally achieve justice and government accountability. "We're frustrated and sad it has come to this, but after 54 years of efforts the government has left us with no choice but to sue in order to protect our people and our Territory from more harm. We need the government to meaningfully redress the harms we have suffered so that we can finally restore our community's health and wellbeing and secure a bright future for our children," says Chief Turtle.

Early this morning Grassy Narrows initiated its lawsuit by serving its Statement of Claim on Ontario and Canada. This is the first step of litigation required by the Crown Liability and Proceedings Act.