

**AN ANALYSIS OF THE FACTORS THAT ENABLED THE  
CLOSURE OF THE NORTHERN PULP MILL**

by

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## ABSTRACT

This study aims to understand the factors that enabled the closure of the Northern Pulp mill on Boat Harbour in 2020. Methods include analyzing secondary data and how the narrative about the issue as reflected in the media has changed over time. The narrative is helpful to understand the factors that led the government to close the Northern Pulp Mill instead of granting another extension. This study argues that the Nova Scotia (NS) government decided to close Boat Harbour because the amount of the pollution and the awareness around it grew too high to ignore, and the mill was unable to meet the environmental requirements, lacking the scientific basis in their proposals and assessments to do so. The social resistance from PLFN was crucial for the narrative against the mill, pressuring the government to act on the Boat Harbour issue. When the pollution started to affect communities other than Pictou Landing First Nation (PLFN) and industries like fishing and tourism, the benefits and the harms of sustaining the mill changed. Also, the changing views of the economics of the Mill led the policies towards a greater concern over environmental sustainability and biodiversity. The case of Boat Harbour showed the importance of individual and collective agency, and putting pressure on governments to prioritize environmental protection and justice, protesting environmental racism. Finally, this research looks at Environmental Justice as a master frame for the human rights groups and environmentalists, but much stronger and effective with the help of the non-Indigenous communities and workers from fishing and tourism industries, arguing against the mill.

## LIST OF ABBREVIATIONS USED

ACF	Advocacy Coalition Framework
AGNS	Art Gallery of Nova Scotia
BC	British Columbia
CBPR	Community Based Participatory Research
CEAA	Canadian Environmental Assessment Agency
CEEA	Canadian Energy Executive Association
CEPA	Canadian Environmental Protection Act
CNLR	Canadian Native Law Reporter
DFO	Department of Fisheries and Oceans
EA	Environmental Assessment
EAC	Ecology Action Center
ECCC	Environment and Climate Change Canada
EJ	Environmental Justice
ENGOS	Environmental Non-Governmental Organizations
ETF	Effluent Treatment Facility
FOIPOP	Freedom of Information and Protection of Privacy Act
FONS	Friends of the Northumberland Strait
JEHMC	Joint Environmental Health Monitoring Committee
MLA	Minister of Legislative Assembly
MOU	Memorandum of Understanding

NDP	New Democratic Party
NS	Nova Scotia
NSCA	Nova Scotia Court of Appeal
NSPC	Provincial Court of Nova Scotia
NSSC	Nova Scotia Supreme Court
OAA	Office of Aboriginal Affairs
PC	Progressive Conservative
PEI	Prince Edward Islands
PLFN	Pictou Landing First Nation
PLNWG	Pictou Landing Native Women's' Group
PLNWG	Pictou Landing Native Women's' Group
PPER	Pulp and Paper Effluent Regulations
SCC	Supreme Court of Canada
SMT	Social Movement Theory
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

## **CHAPTER 1: INTRODUCTION AND LITERATURE REVIEW**

### **1.1 INTRODUCTION**

Until 1967, Boat Harbour was an unpolluted tidal estuary on the Northumberland Strait in Pictou County, Nova Scotia (NS). The area around Boat Harbour has been known to the Mi'kmaq as *A'se'k*, meaning “the other side”, “over there”, or “the other room” (Bennett, 2013, p.29). *A'se'k* covered around 142 hectares, serving the Pictou Landing First Nation (PLFN) community with fish, food, recreational and cultural needs until 1967, when it became a waste treatment lagoon for the Northern Pulp mill, harming *A'se'k* and its recreational, physical, spiritual, and cultural purposes.

Over years of broken promises to clean the Boat Harbour, the government kept funding the mill and giving extensions for deadlines. But, in 2015, something changed: after more than half a century, this old issue took a new turn with the Boat Harbour Act, as the government announced that the mill would be forced to close if it could not meet the environmental requirements set in the Act by January 2020. Then, in 2019, it decided to close the mill. This study aims to answer the following questions about environmental justice: what factors enabled the Northern Pulp Mill's closure after 55+ years?

This research starts by reviewing the literature on the concept of environmental racism, then presents a history of environmental racism in Canada, and of Northern Pulp and Boat Harbour, showing the narrative from the PLFN perspective and comparing it with the narrative presented by the pulp mill and its workers.

#### ***1.1.1 POSITIONALITY STATEMENT***

I want to start with declaring the obvious; I am a non-aboriginal researcher, born and raised in Turkey. I came to Canada in 2016. Although I was new to Canadian culture

and Indigenous history, I was quite interested in Indigenous issues and the resistance around them. To me, Indigenous justice, freedom, equality and environment are some of the most urgent and important topics to talk about in Canada because of my own experiences around inequality, racism, sexism and oppression in Turkey and all the examples of environmental racism in Canada.

Between 2016 and 2020, I was studying at Saint Mary's University, and volunteered at many places like the Art Gallery of Nova Scotia (AGNS) where I learned about the work of Kent Monkman, a contemporary Canadian artist portraying the brutal colonial history of Canada against the Indigenous peoples, and the Ecology Action Centre (EAC), where I learned about environmental politics, including climate goals and A'se'k. I want to express my gratitude to AGNS and EAC for opening my eyes and further educating me.

### ***1.1.2 SCOPE OF THE THESIS***

The narratives around the Boat Harbour issue and Northern Pulp's environmental mess are helpful to critically understand the factors enabled the government to choose to close the mill.

### ***1.1.3 HYPOTHESIS***

My research question is: "What factors paved the way for the government to decide to close the Northern Pulp mill 2019?" My hypothesis is that there were many factors at play, specifically during the years leading up to 2015 when the Boat Harbour Act set January 31<sup>st</sup> 2020 as a deadline for Northern Pulp mill to come up with an environmental Effluent Treatment Facility (ETF), or be forced to shut down, and until 2019, when the decision to close the mill was made.

During this time, a number of key factors came together to compel a change of approach. These included: changing views of the economic costs and consequences of the Mill, the increasing importance of environmental sustainability, narrative change concerning the relationship between environment and jobs, the EJ framework and the non-Indigenous support for the “no pipe” narrative, and the many levels of resistance, individual and collective agency, including opposition within the Legislature by some MLAs, from the PLFN and from fishermen and non-Indigenous stakeholders.

## **1.2 LITERATURE REVIEW**

### ***1.2.1 THE ESTABLISHED TRUTH OF ENVIRONMENTAL RACISM***

The literature on environmental racism is essential to understanding my study because the case of Boat Harbour is one of the most important examples of environmental racism and injustice in Nova Scotia, targeting an Indigenous community, the PLFN. This shows that the nature of the issue of Boat Harbour is both human rights-based and not only environmental. Environmental Justice (EJ) brings together the environmental racism, from the human rights narrative and from the environmentalist narratives. The acceptance (by some MLAs) that environmental racism happened in Boat Harbour against PLFN is also a positive step towards improving Canada’s relationship with Indigenous peoples, holding the government accountable. It also is significant to show the experiences of many communities, suffering from a post-colonial systematic discrimination.

Environmental racism can be defined as “the deliberate or intentional siting of hazardous waste sites, landfills, incinerators, and polluting industries in communities inhabited by minorities and/or the poor” (Collins-Chobanian and Wong, 2006, in Dhillon and Young, 2010). Dr. Robert Bullard, also known as the “father of Environmental Justice

(EJ)”, argued that race was more important than socioeconomic status in predicting the location of commercial hazardous waste facilities (Bullard et al. 2007, Bullard, 2016). He defined environmental racism as the “disproportionate exposure of Indigenous, Black, and other racialized communities to polluting industries and environmental hazards, causing cancer, reproductive diseases, respiratory illnesses and other health problems” (Bullard, 2002; also Waldron, 2015, 2018). Curran argues that this disproportional distribution of environmentally bad facilities is “morally problematic”, and then points out an often-neglected factor that exacerbates these inequalities: climate change (Curran, 2018, p.312).

Cook argues that the concept of environmental racism is rights-based, and that the racialized communities affected by it are impoverished, and excluded from dominant cultures, thus being denied full citizenship (Cook, 2006, in Dhillon and Young, 2010). Draper and Mitchell (2001) observed that this marginalized status leaves communities politically powerless and without representation in the policy-making process (in Dhillon and Young, 2010, p.24).

Furthermore, Bullard highlights that having laws on the books and enforcing them are two different things. Looking at the US, he refers to the colonial mentality, saying it is very similar to Canada’s on environmental justice issues (Bullard, 2002, p.44). He says that some communities are routinely poisoned while the government looks the other way, while some are allowed to be poisoned while others benefit from the wealth (Bullard, 2002, p.34). He then explains environmental racism as a form of institutionalised discrimination that reinforces internal colonialism (Bullard, 2002, p.36).

### ***1.2.2 HOW ENVIRONMENTAL RACISM PLAYS OUT IN CANADA AND ON INDIGENOUS LAND***

Canada's history regarding Indigenous rights and reconciliation has been troubling. For example, both the 1876 Indian Act, which placed restrictive controls on Indigenous ways of life, and the 2015 Anti-Terrorism Act, which criminalized some forms of Indigenous environmental activism reflected and reinforced the persistent problem of environmental racism, which is the necessary backdrop to the Boat Harbour case.

The existence of environmental racism in Canada is a fact established by many scholars, including Schlosberg (2004, 2007 in Ilyniak (2014). Haluza-Delay (2007), Mitchell and D'Onofrio (2016), and Waldron (2018). The latter analyzed the experience and narrative from the PLFN community, highlighting environmental racism in NS and how the PLFN community had been complaining about the toxic effects of the mill, saying: "We are sick of being sick, we want to heal from all of this" (Daniel and Page, 2019, minute 48). "All of this" (Daniel and Page, 2019, minute 48) refers to the environmental pollution, in the land, water and air, the disregard for the PLFN's rights and the decades-long history of political promises about and neglect of the remediation of the Boat Harbour.

Mitchell and D'Onofrio (2016, p.322,326) emphasize how the environmental pollution in the water, land and air causes cancer and respiratory illnesses in First Nations communities while also limiting their ability to use their land for cultural and food supply purposes. In fact, as reported by Palmater (2019), 400 of 618 First Nations were under at least one water advisory between 2004 and 2014. Nue and Therrien (2003, in Mascarenhas, 2007, p.574-5) described the environmental pollution and disproportionate effects as First Nations' fight for participation in the decision-making process and protection of their

health, against the “government and corporate partnerships that continue to move into their territories under the camouflage of economic development”. They also claim that these inequalities are not natural but rather socially produced environmental injustices; they are rooted in Canada’s colonial legacy and in the neo-liberal “assimilationist and displacement-type policies”, separating First Nations from their land and resources (Nue and Therrien, 2003, p.9, in Mascarenhas, 2007, p.572).

Haluza-Delay (2007, p.599) explains that although environmental racism in Canada is on a smaller scale than in the US, the local situations are still a part of larger processes. He further argues that Aboriginal peoples are faced with “Considerable environmental injustice in terms of abrogation of treaties, land rights, resource management and living conditions” (Haluza-Delay, 2007, p.560). He adds that these cases must be placed in the social context of the history of Canadian colonialism and past government policies harmful to aboriginal peoples. Similarly, Choudry (2010, p.99) emphasizes the present forms of colonialism, saying: “There is little that is ‘postcolonial’ about Canada today; colonialism continues in old and new forms”. Like Choudry (2010), Castleden et al (2012, p.161) argue that Canada is still full of socio-political and physical landmarks of colonization; this is because with colonialism the European notions of property, of our relationship to nature, of systems and values were applied to Indigenous peoples.

Many scholars, including Ilyniak (2014), Schlosberg (2007) and Mascarenhas (2007), have pointed out how the discriminatory policies and distributive inequity can increase the historical inequalities in environmental protection, health, education and security. Mascarenhas (2007, p.566) specifically argues that the discriminatory policies

and historical disparities undermine First Nations' capacity-building. Similarly, Schlosberg claims that "distributive inequity and misrecognition hamper real participation in political and cultural institutions" (Schlosberg, 2007, p.28 in Ilyniak, 2014, p.57). I argue that it is similar to a cycle: the unequal practices limit First Nations' participation in the decision-making process and, in return, exacerbate these inequalities. I can agree with Mascarenhas (2007, p.572) that: "For First Nations, then, there can be no justice without legitimate participation".

One significant example of environmental racism that Palmater (2019) discusses is from the Garden Hill First Nation in Manitoba, illustrating the urgency of the water crisis in many Indigenous communities. She reminds us that the federal government is legally responsible for infrastructure on-reserve and that if the government fails to uphold its obligations, it has real-life consequences for First Nations. She calls it "a health crisis" and proposes declaring a state of emergency (Palmater, 2019). She then criticizes the discriminatory underfunding of critical infrastructure, arguing that First Nations' rights to self-govern must be recognized "in a substantive way" (Palmater, 2019).

Some other well-known examples of environmental racism include: Ontario's Chemical Valley, toxic landfills in Shelburne and Lincolntonville (Mascarenhas, 2007; Waldron, 2018; Mitchell and D'Onofrio, 2016), the mercury contamination in Grassy Narrows First Nation in Ontario (Ilyniak, 2014; Mitchell and D'Onofrio, 2016; MacDonald, 2020), the pollution in Aamjiwnaang Nation, and of course 60 years of effluent in Nova Scotia's Boat Harbour.

Although the Grassy Narrows First Nation community filed many lawsuits against the government, not much progress has been made (Mitchell and D'Onofrio, 2016; Ilyniak,

2014; MacDonald, 2020), to the point that Dr. Elaine MacDonald (2020) reports that in 2020, 90 % of residents in Grassy Narrows have mercury poisoning, and that there is a possibility that the pollution may never be cleaned up. Similarly, the impact of the Tar Sands in Alberta on the Beaver Lake Cree Nation is a breach of the constitutional duty to consult with First Nations, contaminating the Athabasca River Basin, and making it unsafe for drinking or fishing by First Nations communities (Dhillon and Young, 2010).

Unfortunately, there are many examples where Aboriginal communities were not consulted or warned about risks associated with developmental plans such as the construction of mines, mills, landfills and toxic waste disposal sites on their lands, like Northern Saskatchewan's uranium mines, or the Christina Lake Project headed by MEG Energy Corporation in Alberta. These and other examples show a breach of constitutional duty to consult with the First Nations residing in the area (Dhillon and Young, 2010, p.29). Conversely, the Boat Harbour case and the decision to close the mill is a hopeful sign for a change in the pattern of discrimination and neglect towards First Nations communities.

Affected communities have resisted environmental racism through protests and movements like the peaceful protest in Yellowknife in 2013, blocking the main highway into the city, in response to Bill C-45 which changed the Indian Act without consulting Indigenous groups (Rodgers, 2018, p.119), or the Idle No More movement in 2013 (Shaw 2013). Some have succeeded, but often government agencies have found methods to continue establishing harmful sites. For example, the people of Chemawawin were informed of the plans to build a dam by Manitoba Hydro only after 4 years of development of the Grand Rapids project in 1957. Scholars have found clear evidence showing neglect

by governments, who knew the amount of damage the hydro dam would cause to the Chemawawin community (York, 1990).

Highlighting the importance of having clean water, the book *13 Ways to Kill Your Community* by Doug Griffiths (2010) describes the power small communities have to change their future, but also vital mistakes a government can make. The first one is water. Without good quality water, a community is done (Dickinson Blais, n.d.). This happened in Boat Harbour; when the mill started polluting the water in the Harbour.

All of these cases show how continued resistance and persistence are vital for social movements to make their voices heard by governments. Whether they are social movements for human rights, Indigenous reconciliation, advocacy, environmental justice or others, persistence is key to bringing more support and reaching out to different communities and people in society.

### ***1.2.3 THEORIES***

This research is focused on two main frameworks: the Environmental Justice (EJ) Framework, and the Narrative Policy Framework. I will be analysing the reason the NS government announced the closure of the Northern Pulp mill in light of these frameworks.

To explain the EJ framework, I first have to explain some theories, providing necessary background: Social Movement Theory (SMT, explaining mobilization and framing), movement fusion (through master frames), and the advocacy coalition framework.

Mainstream SMT looks at the conditions for a movement to emerge, grow and decline, analyzing the mobilizing structures, opportunities, and collective action framing. Rodgers (2018, p.38) defines social movement participants as “rational and strategic actors

who respond to the availability of resources and opportunities”. He explains that all social movements need resources. These refer to support such as funding or participants that are gained through mobilizing tactics like education, persuasion, legal mobilization, demonstrations, confrontation, civil disobedience, and non-violent actions (Rodgers, 2018, p.76, 141).

To gain more support and participants, social movements use “collective action frames”, drawing on language, ideas, media and images, motivating people to act, sometimes even through moral shocks, causing social outrage and emotional response (Rodgers, 2018, p.82, 88).

Some examples of frames developed by the American suffrage movement, for instance, are justice, societal reform, and home protection (Rodgers, 2018, p.84). Just as one movement can have many frames, one frame can be used by many movements; these are called master frames. Master frames are generic frames that can be used by multiple movements, like the concepts of human rights, morality, justice, liberation, nationalism, and opposition to neoliberalism (Rodgers, 2018, p.96). Haluza-Delay (2007, p.561) debates whether EJ or environmental racism can serve as a master frame to increase mobilization, gaining more support and participants. Also, to support the idea of using EJ as a master frame, Robinson et al. proposes the possibility of a coalition between environmentalists and First Nations’ rights activists (Robinson et al., 2007, p.591). Discussing the theories about social mobilization and framing, they found that the more strongly an individual identifies with the environmental movement, the more they support linking First Nations’ land claims to conservation campaigns (Robinson et al, 2007, p.580). However, a weakness of their research is that their data is based on only the experiences

of non-aboriginal people; thus, they do not know if Aboriginal people would be reluctant or willing to cooperate.

Mitchell and D'Onofrio (2016, p.308) explain the similarity between intersectionality theory and the EJ framework, both arguing for the equitable distribution of environmental harms without discrimination based on “socio-economic status, race, ethnic origin, or (...) residence on a First Nations reserve”. This suggests that a coalition of Black Lives Matter activists, environmental activists, human rights movements, Indigenous leaders and communities could collaborate and use EJ as a master frame. This idea is also supported by Teelucksingh et al. who argue that an EJ framework brings together concerns for health, economic equality, species preservation, diversity, democracy, and human rights (Gosine and Teelucksingh, 2008, in Teelucksingh et al., 2016, p.383). They explain how the critical perspectives in EJ “aim to uncover the structural, political, and economic processes, such as patterns of urban planning and systemic disinvestments that are hidden in market decisions” (Holifield et al., 2010, in Teelucksingh et al., 2016, p.383). I agree that these are important topics because we need to address the issue within the Canadian context, recognizing the country’s colonial history.

According to Cole and Foster (2001, p.164), the Environmental Justice (EJ) Movement is an example of movement fusion; they argue that it has its origins in Civil Rights and the anti-toxics movements. They even identify movement fusion as the reason for the success of the EJ movement: collaboration of two or more different social movements for mutual support, in pursuit of a common agenda (Cole and Foster, 2001, p.164). Movement fusion is similar to “coalition activism”. Shaw (2013, p.83) remarks

how creating strategic coalitions with other activists and movements is the strategic key to success. Cole and Foster (2001, p.16,18) also explain that democratic decision-making, or community self-determination, is the most important element in EJ, focusing on issues like community empowerment and policy reforms to address the most vulnerable communities. In other words, EJ claims that the communities who are suffering from the consequences of a decision should have an equal and influential role in the decision-making process (Cole and Foster, 2001, p.106).

Achieving global Environmental Justice (EJ) is argued to be a threefold process, according to Schlosberg (2004, p.517, 519); it must involve the equal distribution of the environmental risks, the recognition of the diverse experiences of affected communities, and participation in environmental decision-making processes. He further explains that more communities are demanding participation, and a voice in decision-making (Schlosberg, 2004, p.523).

In most cases of social resistance and policy change, there are necessary and sufficient conditions, for a change to occur (or does not). Necessary conditions are like prerequisites, they are “a state of affairs that must prevail if another is to occur”, while sufficient conditions are “propositions whose truth assures the truth of another proposition” (Merriam-Webster, n.d.).

In addition, Paul Cairney (2013) explains that the foundational assumption of the Advocacy Coalition Framework (ACF) is that “People engage in politics to translate their beliefs into action” focusing on concepts like beliefs, subsystems, policy learning, and opportunities.

Another influential framework is the Narrative Policy Framework, looking at how narratives developed by actors in policy processes affect opinions and preferences, the extent to which narratives vary across competing coalitions, and the uses of narratives in shaping policies (Cairney, 2013, 2019). This framework outlines conflicting narratives, victims, and framing. A narrative contains four elements: setting, characters, plot, and moral (Cairney, 2019). This theory is relevant to the Boat Harbour case by explaining the importance of framing, especially in the example of media portrayals of the jobs versus environment debate. In the case of environmental justice, the allocation of resources shows the interest of governments: whether to invest in a pulp mill or in the remediation of the environment.

Similarly, McDowell (2013, p.403) shows the different narratives around the case of a historically African-American town in Arizona where officials argued that it was the ideal place for another landfill, although it would be highly risky, while locals argued that environmentally undesirable projects like landfills were violating the principles of EJ. She calls it a state-facilitated corporate crime, which happens when government regulatory institutions fail to restrain deviant business activities (Kramer, et al., 2002, p. 272, in McDowell, 2013, p.402). This is an important case study to consider because McDowell reveals that many studies showed the opposite of what the government was arguing: while the government believed the existing landfills were full, trying to justify their decision to create a new one, data from the studies showed the existing landfills had the capacity to be used for “over 300 more years” (McDowell, 2013, p.402). In the end, the lawsuits (between those who wanted the landfill and those who did not) were never settled, and the land was

sold to residential developers; so, in a way, the resistance against the environmental injustice succeeded (McDowell, 2013, p.405).

#### ***1.2.4 EXISTING RESEARCH ON INDIGENOUS ENVIRONMENTAL JUSTICE***

There are many methods that have been used to study cases of Indigenous Environmental (In)Justice. These include Community Based Participatory Research (CBPR), re-storying, or the Two-Eyed Seeing approach. As an academic CBPR partnership, the work done by the Pictou Landing Native Women's Group (PLNWG) and Castleden et al (2016, p.v) explored the environmental, physical, emotional and spiritual toll the effluent has had on the reserve. This study was vital in narrating from the Indigenous perspective the importance of A'se'k. They narrate how historically A'se'k was a gathering place that highlighted the Mi'kmaw ethics of sharing food and knowledge, and how skills were exchanged there between generations and amongst family groups (PLNWG and Castleden et al, 2016, p.1; Castleden et al, 2012). They used diverse methods like visual or oral histories from different media, community surveys and scientific analyses. Using the Two-Eyed Seeing approach, they were able to see the strengths of Indigenous knowledge from one eye and strengths of Western knowledge from the other, using "both eyes together, for the benefit of all" (Bartlett, Marshall, Marshall, and Iwama, 2015, p. 280, in PLNWG and Castleden et al 2016, p.8).

To provide a pathway for others seeking to decolonize the research landscape, Castleden et al (2016, p.29) presented a broad Mi'kmaw narrative of A'se'k, using CBPR principles to guide an ethical and inclusive study, outlining four story themes and layers where people reported that their air, water and land is polluted by this paper mill (and governmental neglect of this environmental degradation), and that they are all connected.

In addition to the current narratives from, with and within the PLFN, Yeung and Castleden (2020, p.119) argue that we need to “rework the social-capital conceptualizations to more strongly centralize cultural identities and worldviews in order to authentically and comprehensively affirm Indigenous and decolonizing health research practices”.

Referring to other scholars like Wien (2009), Craven et al. (2016), Smith (1999), and Tuck (2009), they introduce the problems of non-Indigenous research, mainly ignoring the strengths and abilities of the Indigenous communities, while forgetting the racist, colonial history of their communities (Yeung and Castleden, 2020, p.120). To fight this, they refer to how scholars have been pursuing strengths-based research, “to reclaim Indigenous ownership over health and wellbeing” (Craven et al., 2016; Smith, 1999; Tuck, 200; in Yeung and Castleden, 2020, p.120). Later, while revealing governmental failures, Lewis, Castleden et al (2020, p.68) call for scholars to investigate further the environmental impact of the market decisions and industry on the health and culture of the local native communities -- and challenge the government-controlled narratives to achieve environmental health justice.

Another method of studying Indigenous environmental justice issues is called “re-storying”, in which a researcher re-reads the transcripts, analyzes the story to understand the lived experiences, and retells the story (Clandinin and Connelly, 2000, in Ollerenshaw and Creswell, 2002, p.330). Ollerenshaw and Creswell (2002, p.329) report how narrative data analysis has gained more legitimacy in academic research, partly through the use of re-storying.

Ella Bennett (2013) does an important job re-storying A'se'k with the PLFN community and Elders. Bennett (2013, p.46) argues that it is important that issues related to the environment and health are viewed considering Indigenous ways of knowing, rather than simply relying on “Euro-western constructions”. She mentions some land-based approaches to health, used by scholars to see their applicability in relation to the Indigenous context, including but not limited to eco-health, environmental health promotion, and human ecology (Parkes, 2010, in Bennett, 2013, p.43).

Supporting these ideas, Adelson (2005, p.59) claims that EJ in Canada must start by considering Aboriginal peoples as active agents in response to their colonial situation, rather than merely passive victims. Like Bennett (2013), Adelson (2005, p.59) mentions the growing call from scholars for decolonizing methodologies that are “just, sustainable and inclusive”, to generate “equitable, empowering, culturally appropriate, inclusive and accessible high-quality research”. This ties to my study as it explains the dynamic around and the importance of EJ in government, history and academia.

### ***1.2.5 CONTRIBUTION TO THE LITERATURE***

Most of the recent scholarship on Boat Harbour is about its history and the environmental contamination of this site. This work establishes a great timeline of Boat Harbour, the pulp mill and the PLFN resistance since the beginning, showing many judicial failures, neglect, toxic pollutants, and obvious health implications, while also reviewing the suggested remedial options to clean Boat Harbour (e.g., Lewis et al, 2020; Castleden et al, 2017; Baxter 2017, and Hoffman et al, 2015). The limitation with the previous approaches is that they merely provide a history of events, rather than putting them in the broader picture, and analyzing why they occurred in the first place. What is missing is that

they do not outline *why* the PLFN and other opponents were ultimately successful in their resistance against the government allowing the toxic effluents from the Northern Pulp Mill, resulting in the closure of the Northern Pulp mill in 2019, building on the promises made in the Boat Harbour Act of 2015. The current works explains the narratives and the public perception around the paper mill and Boat Harbour, but I aim to shed a light on a different point, by analyzing the government decision around the Northern Pulp Mill and its operation, in order to understand what changes led to the decision to close the mill --in other words, the change of policy for the government of NS.

### **1.3 RESEARCH DESIGN AND METHODOLOGY**

For this thesis, many publicly available documents were analyzed, including the documentaries *The Mill* and *There is Something in the Water*, as well as the book *The Mill: Fifty Years of Pulp and Protest* by Joan Baxter; and study reports done with the PLFN Elders and activists about the health of the community (e.g., Castleden, Lewis et al. 2016, p.69). Document analysis of debates in the legislative assembly and news media (accessed through the NexisUni database) were significant to see how the issue of Boat Harbour was being portrayed to the rest of the province and country; it showed the distinctly different narratives between those emphasizing Indigenous peoples' health versus the importance of the forestry sector and how jobs/people and their finances will be impacted.

First of all, through the official legislature webpage of NS, I read the transcripts of the legislative debates involving the issue of Boat Harbour and the pulp mill (Nova Scotia House of Assembly). I filtered my research using the words "Boat Harbour" and "Northern Pulp" and found 41 results. Reading the 41 debates that included my focus words, I gained a better understanding of the government's and the opposition's side, different views about

the timeline, the possibility and the effectiveness of the Boat Harbour Act and the reliability of the government, witnessing the different narratives in these debates. They were vital in the analysis of the narrative change from the ideas of “environment or jobs” to “jobs or jobs”.

Secondly, the NexisUni database allowed me to identify relevant media reports. Content collection included news, law reviews, journals, Supreme Court of NS cases, legislation, administrative regulations, administrative materials, briefings, pleadings, motions, and directories. I used most of these, mainly focusing on news, and on public statements made by officials like Premier Stephen McNeil and the representatives of the Northern Pulp.

In total, I did five different searches on this database: the first search included the key words “Boat Harbour” and “Northern Pulp”, excluded “Tasmania” (where there is also a “Boat Harbour”), narrowed it down to only English documents and found 438 results in news, 7 cases in Canada, 1 legal news item, 63 directories and 30 documents on financial company reports. The timeline was set to 2008-2021.

Then, the second search included the word “Boat Harbour Act”, finding 77 items, and 5 legal cases in Canada. The 5 cases I found there led me to look at the Supreme Court of NS cases around the Boat Harbour issue, from the Canadian Legal Information Institute website.

The third search included “Boat Harbour” and “Northern Pulp”, narrowed down by people such as Justin Trudeau, and found 5 news items. The fourth search used the words “federal” and “Northern Pulp” Mill, further filtered to the date range between 2000-2018. The last search used “Boat Harbour Act”, *and* “decision” *and* “Northern Pulp” *and*

“change”. From the fifth search, I found 11 news items, including the directories for certain people related to the Boat Harbour issue such as Brian Baarda (CEO of Paper Excellence Canada Holdings Corp.), Bruce Chapman, (the general manager of the mill), Raymond Plourde (wilderness coordinator in EAC), and Lenore Zann (the NDP MLA for Truro-Bible Hill-Millbrook-Salmon River). I also read about the updated pipe route plan submitted by Northern Pulp to dump its effluent through the Northumberland Strait at Caribou Point.

To analyze the course of events systematically, I created tables and lists on key topics such as the different owners of the mill, the names of the significant people in the legislative debates and in the media, different legal cases between the PLFN, the pulp mill and the NS government, as well as different deadlines given to the mill for certain projects, also noting the times both the NS government and the Northern Pulp Mill missed those deadlines. I also outlined the different ministers in office, to have a better account of their policies, priorities and goals around the environment versus jobs narratives. I made lists of the social complaints and protests, as well as the times there was a leak at the mill, the times NS government decided to give funding to the mill, and the times they did business without the knowledge of the PLFN. I also analyzed public statements and press releases from different parties around the issue of Boat Harbour to learn more about the two distinct narratives, of those who supported the mill, and those who argued for its closure.

While the topic is related to Indigenous people, I chose not to directly involve the community of PLFN as my study is based on publicly available resources and focuses on the governmental changes that made the Boat Harbour Act possible. I am not claiming to represent the Indigenous community perspective or speak for them. The PLFN has given

many public statements about the paper mill and their concerns around health and environment. This research has analyzed those accounts. Interviews directly with the PLFN may also have caused unwanted painful/traumatizing experiences on this sensitive issue, related to sacred land. I wanted to avoid causing harm to the community by using publicly available primary and secondary resources for data gathering, rather than doing personal interviews. Furthermore, research protocols with Indigenous communities usually require financial assistance, and as an international Master's student, my financial situation could not cover this.

Cora Weber-Pillwax suggests that good research comes from the heart (cited in Bennet, 2013, p.54). I am approaching this research with a good heart as a non-Indigenous student, considering and learning how non-Indigenous peoples can be allies with Indigenous communities and engage in research that is beneficial, keeping the colonizing history of the research regarding Indigenous peoples in mind.

## **CHAPTER 2: HISTORY OF BOAT HARBOUR**

This chapter outlines the history of the issues around the Northern Pulp mill and the key moments within it, by looking at certain themes. These include, the times of the leakages, court cases, missed deadlines, new extensions, revealing how the provincial government did business with the mill without consulting the PLFN, the flow of funds and the government's conflict of interest. I will also refer to the public lies, denials, negligence and inaction on behalf of the federal and provincial governments, analyzing their inability and reluctance to handle the issue, often claiming it was not their responsibility. This is the necessary backdrop to the story of the factors enabled the government to choose to close the mill.

Two significant moral shocks in the Boat Harbour case were the 2014 and 2018 leaks; these can be considered critical junctures, turning points for the support for the “no pipe” narrative, influencing the public opinion and the views from the government. When the Northern Pulp mill leaked 47 million litres of effluent into the Boat Harbour, PLFN community as well as some MLAs were outraged, after this spill, the mill was taken to court for violating the Fisheries Act (Castleden, PLNWG et al, 2016, p.69; 2016, NSPC 29, p.4,5; “The Mill”, n.d.). I can argue that this was a significant event that led to the passing of Boat Harbour Act in 2015. The opposition to the mill, “no pipe” narrative used this spill to strengthen their case and to attract attention to the gravity and urgency of the problem; this was only one of the moral shocks. The second moral shock happened in 2018, when another effluent leak happened in the Northern Pulp mill, this time, left unrecognized for a time (Craig, 2019, minute 23). The 2018 spill was significant in the “no pipe” narrative pushing the McNeil government to honour the Boat Harbour Act.

## **2.1 1967 – 2015**

### ***2.1.1 OPENING THE MILL***

The Boat Harbour issue started in 1964, when PC Premier Robert Stanfield announced the creation of a bleached kraft pulp mill on Abercrombie Point, calling it “a very pleasant Christmas present for NS”, as it was announced at Christmas time (“The Mill”, n.d.). It was even reported that the Premier knew the mill would discharge 25 million gallons of effluent daily, before the mill was built; but the province of NS promised to supply clean water to the mill and provided a place to dump its effluent (Trombetta and Moritiwon, 2020). The establishment of this mill never had a community consultation (Bennett, 2013, p.30).

*The Mill* documentary further shows that in 1966, during the tour of a waste treatment system like the one proposed for Boat Harbour, the PLFN Band Councillor was misled. Seeing a non-functioning (rather than a functioning) Effluent Treatment Facility (ETF), they agreed to transfer the rights to the land to the government of NS, without authorization under the Indian Act (“The Mill”, n.d.).

One thing was sure, that the government of NS would “cost, own, operate and maintain” the ETF, releasing the mill’s liabilities; when this agreement expired, the province and Northern Pulp signed two new agreements, giving the operation of the ETF to the mill, but still providing a very broad indemnity to the mill (Baxter, 2018).

Leaks and pollution started as soon as it opened; soon after the opening of the mill, many people reported how Boat Harbour became septic, with sulphur-smelling clouds (Bundale, 2018a; Hamilton, 2017; Taber, 2014b). The next year, in 1968, massive fish deaths were reported (“The Mill”, n.d.).

### ***2.1.2 PUBLIC LIES, ILLEGAL ACTIONS***

Since its beginning, Northern Pulp claimed that its effluent was being controlled, treated, and monitored, but the evidence revealed that this was a ‘public lie’. A concerning discovery occurred in 1977, when Canadian Press revealed the amount of lost mercury in 1975 (five tons), accusing Canso Chemicals (the owner of an effluent plant near Northern Pulp mill), of losing a few tons annually since 1972 (“The Mill”, n.d.). Then, similar to the 1968 case, in 1990, massive fish deaths were reported, described as “tens of thousands” in the documentary *The Mill*; but the NS government was not held accountable for this destruction in the marine environment, since the federal justice department decided to overrule Environment Canada (“The Mill”, n.d.).

A significant problem was that the proposed ETF was very close to a former landfill, with mercury and contaminated bedrock. This was left out of the Environmental Assessment (EA) documents. Baxter explained that the Canso Chemicals plant used mercury for more than two decades, and closed in 1992 to meet the new federal Pulp and Paper Effluent Regulations (PPER) for dioxins and furans (Baxter, 2019b, 2021a).

The existence of mercury in the effluent and the mercury contamination on site were left out of the EA reports. It was reported later that between 1973 and 1975, mercury had leaked and later, in 1999, it was found to have spread into the bedrock, but it was too deep to remove having a possibility of further spreading; the decommissioning report even reported that there was a potential for the mercury to “dissolve into groundwater and migrate towards Pictou Harbour” (Baxter, 2019b).

Dr. John Krawczyk is a psychiatrist who worked on how a developing brain is affected by environmental toxins. He noted that in 1977, the *Montreal Gazette* reported

there were “several tons of lost unaccountable mercury” at the Canso Chemicals plant, specifically five tons at its highest point in 1975 (Baxter, 2019b). He raised the alarm about the presence of mercury, pointing out the urgency of addressing the contamination, and asking the reason for being so late addressing it (Baxter, 2019b).

In conclusion, in their public lies, Northern Pulp officials said they based their operations on sound science while the reports and assessments obviously lacked the necessary scientific base. They claimed the effluent was being controlled, treated and clean, while it was not.

### ***2.1.3 MISSED DEADLINES, EXTENSIONS***

In 1991 and 1992, the provincial government promised to close the Boat Harbour ETF in 1995, when the ownership expired; and in 1993, the federal government gave the mill 2 years to respect the environmental regulations on effluent (“The Mill”, n.d.). Yet in 1995, another 10-year deadline was given to the pulp mill; the province signed an indemnity agreement, lease agreement and Memorandum of Understanding (MOU) with the mill until 2005. In 2002, before the lease of Boat Harbour expired in 2005, PC Premier John Hamm extended it until 2020 (“The Mill”, n.d.).

When 2005 came, Boat Harbour was still functional, without a proper effluent treatment method; this led Premier Hamm to ask PLFN for an extension of Boat Harbour use until 2008, which was agreed on the basis of a promise made in 2001, that a new pipeline would be built towards the Northumberland Strait; this meant the closure and the clean-up of the Boat Harbour (“The Mill”, n.d.). When the 2008 deadline arrived, the mill missed it again, asking for another extension past 2008, but PLFN refused it. When the mill’s license expired on June 2008, it was renewed, but the government of NS reassured

citizens and the PLFN community that it would not continue after the end of 2008, without consulting the PLFN (Trombetta and Moritiwon, 2020). The significance of looking at the missed deadlines and extensions is that they show a pattern of negligent behaviour towards promises and legal agreements.

#### ***2.1.4 PROTESTS AND RESISTANCE***

PLFN have been complaining about the smell of the air, the low quality of their water, destruction of their traditional ancient burial grounds, their health and the damage to fishing-tourism industries since 1968 (Trombetta and Moritiwon, 2020)

In 1986, PLFN sued the government of NS for polluting the environment, affecting their health and failing to address the issue for decades (Trombetta, and Moritiwon, 2020). Later, in 1988, a group called Citizens Against Pollution organized walking protests to react to the pollution, attracting more than 200 people (“The Mill”, n.d.). The same year, a 36-day blockade took place near Tatamagouche, NS, protesting the herbicide spraying on pulp species, to make them grow faster prior to being sent to the Pictou mill (“The Mill”, n.d.).

In addition, there were court cases, letter-writing campaigns, petitions, public meetings, consultations, and even a concert and a photo exhibit. Citizen groups have volunteered their own time to research, write reports, issue press releases, hold meetings, write letters to politicians and articles for the media, submit Freedom of Information (FOIPOP) requests, lobby MLAs, and take the company and the government to court.

For example, in 1990, a mock funeral was organized by the members of PLFN to pressure the province to fix Boat Harbour (“The Mill”, n.d.). Similarly, between 1993 and 1995, the Northumberland Fishermen’s Association sent petitions to the federal Minister

of Fisheries Brian Tobin with the names of 1,900 people, arguing that the effluent threatened the fishery, harming the environment and marine ecosystem (“The Mill”, n.d.).

Later in 2009, a new citizens’ group was formed: the Pictou County Watershed Coalition. They requested a study be conducted by the NS government on the effects of the effluent on air, water, and the health of the people of Pictou County (“The Mill”, n.d.). In September 2010, PLFN sued the NS government, Northern Pulp and its owners, requesting a new ETF and the clean-up of Boat Harbour (Trombetta and Moritiwon, 2020).

During and after the 2014 leak, PLFN formed a blockade to protest the spill. Even during the Provincial Court of NS case *R. v. Northern Pulp NS Corporation* (2016), PLFN Chief Andrea Paul emphasized the impact of the effluent leak that happened on June 10, 2014, saying that it was an “environmental insult to the traditional territory of the PLFN”, and that it was not a “victimless offence” (*R. v. Northern Pulp NS Corporation*, 2016 NSPC, NS Provincial Court 29, p.13).

McMaster et al. (2006, p.319) report that after studies found the impacts of mill effluent on reproductive function of fish in 1980s, new federal regulations were passed under the Canadian Environmental Protection Act (CEPA), and a new Pulp and Paper Effluent Regulation under the Fisheries Act was established to control the amount of effluent more strictly, asking for Environmental Effects Monitoring (EEM) from all mill sites.

This signalled a positive change, with the Joint Environmental Health Monitoring Committee (JEHMC) created in 1993. As Lewis et al (2020) report, this was possible only after the PLFN sued the federal government for breaching its duty to protect the health of the community (Lewis, Castleden et al, 2020, p.62). This shows that the government was

too slow in acting on growing environmental and medical concerns. Some other court cases claim interference with Aboriginal and Treaty rights to land, water and air, fraudulent and negligent misrepresentation, breach of fiduciary duty and duty of good faith, mainly focused on the duty to consult (*Union of NS Indians v. Canada*, 1996, 3847).

In 2001, leaking effluent was discovered, with three more leaks in 2002. Another leak was discovered on November, 2008 (“The Mill”, n.d.). Later, in 2010, the members of the House of Assembly requested the government reconsider their decision and make the cleanup of Boat Harbour a priority (NS House of Assembly Hansard, April 15, 2010). In 2013, Conservative MLA for Pictou West, Karla Macfarlane reiterated that steps must be taken to clean up the mill in Boat Harbour (NS House of Assembly Hansard, December 3, 2013). This pattern continued through the years and the PLFN community suffered from many other leaks, such as the ones in 2008, 2014, or 2018. It was even revealed that over the years, around a trillion litres of effluent were discharged (Howe, 2011).

Although the PLFN cautioned the NS government about further discharges without their approval after 2009, saying it would be a violation of their rights, the pattern of behaviour around consultation continued (Trombetta and Moritiwon, 2020). It happened again, in 2013 January, as revealed by the documentary *The Mill*. Premier Darrell Dexter offered Northern Pulp 125,000 green tonnes of fibre a year without consulting the PLFN or publishing the terms of the agreement to the public. In November 2013, NS Environment gave Northern Pulp two directives, revealing that the sulphur and particulate matter emissions were 78% higher than the allowed limit by the Industrial Approval (“The Mill”, n.d.).

The same year, in 2013, Ella Bennett (2013, p.34) revealed the shocking fact that the effluent quality from the mill was not regulated for 25 years, between 1967 and 1992. This was because of the weakness of the regulations; Bennett (2013) found that since 1971, regulations were only binding on facilities that were built after 1971. This changed when the new Federal Pulp and Paper Regulations were introduced in 1992, binding the facilities built prior to 1971 as well. The lack of transparency and the lack of public access to the results regarding the mill's effluent also led to questions about the way the monitoring was being done.

Later, on June 10, 2014, a significant leak was discovered that dumped 47,000,000 litres of uncontrolled, untreated effluent, causing a visible effluent plume, flooding a Mi'kmaq burial ground; this led to community outrage (Castleden, PLNWG et al, 2016, p.69; 2016, NSPC 29, p.4,5; "The Mill", n.d.). Northern Pulp was told to shutdown the mill. Although Brian Baarda (CEO of Paper Excellence Canada who owns the Northern Pulp) released a statement in June 2014, stating that they "took full responsibility for this very unfortunate incident and undertook immediate actions to fix it" (Church, 2020), journalist Aaron Beswick (2019) revealed that the statement was untrue; he showed that the leak went unnoticed for a while, and that the workers on the ground denied the spill (Craig, 2019, minute 23). After the 2014 leak, many studies showed concerns about the effluent and environment. For example, the Mi'kmaq Conservation Group referred to a study, showing that the mercury in untreated effluent at three sample sites was above safe standards, while the group Clean the Mill involved a consultant who found mercury in three sample sites (Baxter, 2019b). Stillbirths, infant births, cardiac deaths, and cancers were elevated in Pictou County (Howe, 2014b).

In 2014, during the Speech of Throne, the Lieutenant Governor called Boat Harbour a “long-standing environmental scar”, reaffirming that it would be addressed through legislated solutions by mid-2015 (NS House of Assembly Hansard, September 25, 2014). The fact that this promise was mentioned in the Speech from the Throne is significant as it is a statement of the government’s plans for the coming year. So, we can see that the opposition to the environmental injustice and pollution steadily gained non-Indigenous support, from inside and outside the legislature.

The 2014 spill can be claimed to be the main catalyst for this growing support for the environmental action for the Boat Harbour issue. The mill leaked 47 million litres of effluent into the harbour (Castleden, PLNWG et al, 2016, p.69; 2016, NSPC 29, p.4,5; “The Mill”, n.d.). Also, the images of the pollution created a moral shock for the neighbouring communities and the MLAs. The amount of pollution was immense and the awareness around it was spreading across the NS House of Assembly. After this leak, PLFN organized a blockade to protest the lack of action, attracting a significant amount of attention.

## **2.2 SINCE 2015**

### ***2.2.1 THE BOAT HARBOUR ACT***

The Boat Harbour Act (also called Bill 89) stemmed from an agreement reached in June 2014 after the PLFN ended a blockade that started when a leak was found in a pipe carrying wastewater from the nearby Northern Pulp mill to the treatment facility; it was introduced by Honourable Labi Kousoulis, the Liberal MLA for Halifax Citadel-Sable Island (NS House of Assembly Hansard, April 21, 2015). Northern Pulp was fined \$225,000 under the Federal Fisheries Act for the 2014 leak. A provincial court judge

concluded the leak included 47 million litres of "toxic" effluent (Canadian Government News, 2016). The Boat Harbour Act did not require the closure of the mill immediately, but rather, gave them 5 years to come up with a new ETF plan that respected environmental regulations (NS Legislature, 2015).

Observers like journalists and MLAs were questioning why the government acted on the issue of Northern Pulp mill so late. Hoping that the nature would clean it up, the mill pumped millions of litres of chemical effluent in a healthy tidal estuary, despite the obvious risks and deception of the PLFN about its safety for the environment. If the government of NS allowed the mill to continue operating, it would break its promises to the people of Pictou Landing about ensuring the cleanliness of the environment and to intervene if the mill became septic, also threatening the important lobster fishery many people in the region depend on.

The Boat Harbour Act was a vital and positive step for the PLFN, but at this point, as Thomson (2019) noted, the lagoons contained nearly 50-years worth of toxic waste. The same year (2015), the NS Department of the Environment released a new Industrial Approval process with stricter provisions, especially around air emissions, water usage and effluent discharge/quality ("The Mill", n.d.).

In a Hansard record, Karla MacFarlane (PC MLA for Pictou West) said that power is a dangerous weapon that can be used to "push things upon marginalized communities". She added that although environmental racism was not defined in the Boat Harbour Act (2015), it is a term we often hear and read about, like environmental justice (NS House of Assembly Hansard, November 25, 2015). So, finally, the NS government started taking a

stronger stand against the pulp mill, with the passage of the Boat Harbour Act in 2015 (NS Legislature, 2015).

Although the Boat Harbour Act was passed in 2015, and a transition team was put in place, it was unclear how often they met, what their goals were, or what their measurements of success were. Until 2019, there was not a detailed plan or a way to calculate, measure and determine success, while the Premier and federal representatives were dodging questions and denying accountability.

Also, it was argued that the Boat Harbour Act and the remediation project had no realistic timeline, lacking the deliverables required (clearly defined, achievable goals). In March 2019, NDP Leader Gary Burrill questioned why the Premier did not do anything to ensure a proposal was brought by Northern Pulp for a new treatment plant between 2015 and 2019, before it was too late to meet the deadline, leaving people under a cloud of uncertainty. Indeed, the NS government was reluctant to intervene, leaving the process about the EAs to the mill, not forcing them to complete them in time, but also stating that they (the McNeil government) would make sure that the promised deadline of Boat Harbour Act would be honoured. Premier McNeil claimed that the mill could co-exist with the environment and PLFN, and that it was a private entity. He added that it was up to the company to make their decisions to undertake the treatments but that they were the first government to actually put a timeline on cleaning the Boat Harbour (NS House of Assembly Hansard, March 5, 2019).

It was important to have a goal and measures to determine what success looks like for the transition team. Thus, Tim Houston (PC MLA for Pictou East) asked: Considering a projected \$400 million hit to our economy, what does success look like? (NS House of

Assembly Hansard March 26, 2019). The Premier said “people in the industry would be the ones determining success”, which is continuing to grow the economy of this province, continuing to ensure that people are working, with low unemployment rates and with young people seeing a future for themselves in the area (NS House of Assembly Hansard, March 26, 2019).

MacFarlane expressed the view that there was no possible way that the mill could conduct the Environmental Assessments (EA) and have a new Effluent Treatment Facility (ETF) built by 2020, “unless they have a magic wand” (NS House of Assembly Hansard, October 28, 2016). This signals that the pulp mill was late for the process; it was predicted by many journalists and MLAs that it would fail to honour the deadline, so Premier McNeil would have to honour the Boat Harbour Act’s deadline and announce the closure of the mill. A Class 1 Environmental Assessment (EA) is less detailed, less comprehensive than a Class 2 EA. It takes a shorter amount of time to complete.

Macfarlane asked McNeil by what date Northern Pulp must commence the installation of a pipe into the Northumberland Strait to meet the 2020 deadline of the closure of the Mill. She said even with only a Class 1 EA they are still behind because Northern Pulp had not yet filed an application.

Over and over, Macfarlane expressed concerns over meeting the deadline for the start of the project. The cleanup required a Class 2 EA, requiring 275 days. Macfarlane said that it was troubling that the mill still did not apply for it, as this was probably the “biggest environmental mess in NS” at the time (NS House of Assembly Hansard, October 5, 2018). She emphasized that they had reached a point in the calendar where prudent planning would insist that there should be a contingency plan. When asked about the

contingency plan, McNeil transferred the responsibility to the mill again, saying “Northern Pulp will make a decision about the viability of that mill. She [Macfarlane] should go to the board of directors of Northern Pulp and ask one of them when they are going to put it in” (NS House of Assembly Hansard, October 5, 2018).

Brendan Maguire (Liberal MLA for Halifax Atlantic) said that it was up to Northern Pulp to earn the right to operate in this province. Although the mill argued they trusted the science, the application lacked science. He added that it was the responsibility of the government to receive and scrutinize the application, giving the public comfort and confidence in the process. A Class 1 EA does not give the public confidence. Thus, he said that nobody trusted the government, criticizing the government’s ability to handle the EAs (NS House of Assembly Hansard, October 16, 2019). But in the end, the NS government kept the Boat Harbour Act deadline, and announced the closure of the mill.

### ***2.2.2 LEAKS AND THE TOTAL AMOUNT OF POLLUTION***

Miles Howe showed how the history of Boat Harbour was the history of Canada “hopping into bed with one of Asia’s worst environmental criminals” (Howe, 2011). He added that “typically depending on the course of the wind, one side or the other of the Harbour will undoubtedly be blanketed in a nauseating funk that is vaguely reminiscent of rotten cabbage”; some called it the “smell of money”, and others, “that G#@\$damn mill”, or even “the mill’s private latrine” (Howe, 2014a). In fact, people have reported that the contamination in Boat Harbour was so bad that locals call it the “Stephen King fog”, due to the way that it stinks and burns their eyes (Howe, 2014a).

Notably, Premier McNeil said the Boat Harbour had many chemicals. It was estimated that there would be enough contaminants, when dried, to fill 100 Olympic-sized

swimming pools; the chemicals include cadmium, mercury and small amounts of dioxins and furans (Canadian Government news, 2015). This assessment was also noted by Iain Rankin (MLA for Timberlea-Prospect) and Karla MacFarlane in later debates (NS House of Assembly Hansard, October 3, 2018).

The effluent leaks from Northern Pulp pipes continued after the passage of the Boat Harbour Act. In the 2016 Provincial Court of NS case, *R. v. Northern Pulp NS Corporation*, it was revealed that the effluent pipeline was in an “advanced stage of deterioration” at the rupture site, also finding visible cracks, lack of maintenance and pipeline care, with low quality of leak detection (*R V Northern Pulp NS Corporation*, NSPC 299, 2016, p.5). The NSPC announced that an inspection showed a 5-foot section of the pipeline that had become “completely delaminated” with its layers separated; this would reduce the pipeline's pressure-bearing strength (2016, NSPC 29, p.5). There was also a 14-inch hole at the bottom of the pipeline where the effluent broke out (*R V Northern Pulp NS Corporation*, NSPC 299, 2016, p.5).

Also, there had not been an internal inspection of the land-based portion of the pipeline since Northern Pulp assumed responsibility for its operation and maintenance in 2008; since then, they had several leaks as well, but the problems were not addressed (*R V Northern Pulp NS Corporation*, NSPC 299, 2016, p.6).

The Provincial Court of NS also concluded that although Northern Pulp took remedial action as soon as possible to control and contain the discharged effluent, between June 10 and 11, 2014, a significant amount was already spilled. *R V Northern Pulp NS Corporation*, NSPC 299, 2016, p.5). Northern Pulp conducted internal inspections and

repairs “to prevent a recurrence of effluent escape” (R V Northern Pulp NS Corporation, NSPC 299, 2016, p.10).

But it happened again on October 21, 2018. After this leak, Baxter (2019) reported that although the Boat Harbour Remediation Project had cleaned a small area (50x50 metres), there were still around 18,000 cubic metres of the dewatered sludge, ready for containment (Baxter, 2019d). Similarly, Brett Bundale, a Canadian Press journalist, (2018a) reported that the effluent material would be dried and moved in 18,000 truckloads off-site to a nearby landfill. This leak was another turning point for the Northern Pulp mill issue, creating another moral shock for the community of PLFN but also the MLAs, neighbouring communities, and fishing and tourism industries. The 2018 leak happened in spite of all the directions given to the mill in the Boat Harbour Act in 2015, and a year before its deadline to become more environmentally sound, provide a working Effluent Treatment Facility, and undergo an Environmental Assessment. This leak raised many concerns and criticisms.

Lenore Zann (then-NDP MLA for Truro-Bible Hill-Millbrook-Salmon River) pointed to how the mill failed 3 emissions tests in 2017 referring back to the million litres of toxic effluent they spilled in 2014 (NS House of Assembly Hansard, March 1, 2018). Also, it was shown by Journalist Aaron Beswick in *The Mill* documentary, that the workers on the site of the Northern Pulp spill denied that there was ever a leak and blocked access to the site (Craig, 2019).

Baxter (2018). revealed that since 1967, Northern Pulp had dumped around 1.25 trillion litres of toxic effluent into Boat Harbour, which was enough to fill a pipeline one metre in diameter stretching about 1.6 million kilometres; this was equal to the distance to

the moon and back twice. She also reported that even a year after the 2018 spill, NS Environment had not completed an investigation on it (Baxter, 2019d).

Furthermore, Lewis, Castleden et al (2020, p.61) looked at how, since the beginning, the NS government had allowed the dumping of 85 million litres of pulp and paper mill effluent per day into the Boat Harbour. They concluded that the lack of access to information affected the PLFN negatively, as they did not know how they were doing, for example, medically; they tie this to the “weakness of governments” to implement decisions (Lewis, Castleden et al. 2020, p.68). This signals that if the scientific medical data had been available to the Indigenous nation, or had the company consulted with the local community before every change of authority, the results might have been different. They invited others to challenge the “government-controlled narratives like the one endured by PLFN” (Lewis, Castleden et al. 2020, p.68).

### ***2.2.3 COURT CASES, COMPLAINTS, PROTESTS, AND RESISTANCE***

In 2016, Northern Pulp NS Corporation accepted a finding of “unlawfully depositing or permitting the deposit of a deleterious substance, namely pulp and paper effluent, in water frequented by fish” (R. v. Northern Pulp NS Corporation, 2016 NSPC 29, p.2). As a result, they were fined \$225,000; for this decision, Chief Andrea Paul of the PLFN community expressed her hope that it could be a positive step towards transitional justice and reconciliation for the generations of oppression (R. v. Northern Pulp NS Corporation, 2016, 3, Canadian Native Law Reporter 299, p.16). Honorary Judge Del W. Atwood concluded that Northern Pulp was only half-culpable since the spill was not intentional, while also calling it “an accident waiting to happen” (R. v. Northern Pulp NS Corporation, 2016, 3, CNLR. 299, p.17; Baxter, 2021b).

The main point here is that the resistance was significant, coming from many different parts of the society, from inside and outside of the legislative assembly, including many social movements, and diverse interests including the PLFN community, non-Indigenous fishermen and MLAs. We can see the collaboration of the Indigenous communities with the non-Indigenous communities, fishermen and people who work in the tourism sector. The power of local activism had caught the attention of the MLAs and their demands for environmental justice, the cleaning of Boat Harbour and the urgency of this injustice were voiced by many other political actors within the policy making process, lobbying Premier McNeil directly, who was the ultimate decision-maker on the fate of the Northern Pulp mill when the Boat Harbour Act deadline arrived (NS House of Assembly Hansards October 16, 2014; April 21, 2015; October 5, 2018; March 5 2019; April 2, 2019; October 4, 2019).

People around the province reacted to the issue of Northern Pulp in Boat Harbour. For instance, NS-born actor Elliott Page called on the NS government to “step up” and address Northern Pulp’s plan of dumping 62 million litres of treated waste daily into the Northumberland Strait (Ryan, 2018).

Many MLAs called the Boat Harbour issue the perfect (or the worst) example of environmental racism (NS House of Assembly Hansards: Zann, November 25, 2015, p. 6193; Burrill, October 17, 2019, p.4310). Denise Peterson-Rafuse, former NDP member of the Legislative Assembly (MLA) for Chester-St. Margaret's provided examples of some African Nova Scotian and Mi'kmaq communities who are near toxic industries such as landfills, incinerators, or treatment plants, like Lincolnville, the Prestons, Cherry Brook, Acadia First Nation, Membertou, and Eskasoni (NS House of Assembly Hansard,

November 25, 2015). She said “environmental racism is a reality in our province”, but the “government did not understand the significance of getting the voices of those affected by environmental racism heard” (NS House of Assembly Hansard, November 25, 2015).

In addition, Gary Burrill (NDP MLA for Halifax Chebucto), mentioned the walking protest by PLFN in solidarity and hope for the closure of Boat Harbour on the deadline, as well as the documentary (and the book) *There is Something in the Water* (NS House of Assembly Hansard, October 4, 2019 assembly 63). This recognition by the legislative assembly hints that EJ framing was becoming more important. This gave further attention to the narrative from the local PLFN community, suggesting that the NS government only started addressing this issue when whiter, wealthier communities were affected (NS House of Assembly Hansard, October 4, 2019; Waldron 2018; Daniel and Page, 2019).

Making a vital remark in the NS Supreme Court case in 2018, called NSSC 306, Chief Andrea Paul referred to the “airborne contaminants”, that were posing health risks to PLFN residents (PLFN v. NS (Aboriginal Affairs), 2018 NSSC 306, p.6). She provided evidence from Schiffman and Williams (2005), scholars who showed exposure to foul smelling sulphur compounds can cause various health issues (Schiffman, Williams, 2005, in *Pictou Landing First Nation v. Nova Scotia* (Aboriginal Affairs), 2018 NSSC 306, p.6).

By July 2018, it became obvious that two distinct narratives were becoming more polarized; the No Pipe land and sea rally showed people with signs saying, “No Pipe” and others with signs reading “Yes Pipe” or “No Pipe = No Mill” (Leeder, 2018; Gordon Beaton in Withers, 2018). The “No Pipe” campaign gained significant support from the fishermen around NS and other non-Indigenous stakeholders during the Land and Sea Rally on July 6, 2018 (Leeder, 2018; Gordon Beaton in Withers, 2018). The same year,

Friends of the Northumberland Strait (FONS) was formed, pushing for a Class II EA and a federal EA, rather than a mere Class I EA (“The Mill”, n.d.). Then, in 2019, to raise attention to the Boat Harbour Act deadline (January 31<sup>st</sup>, 2020), PLFN gathered on January 31 to start the 365-day countdown (“The Mill”, n.d.; Trombetta and Moritiwon, 2020).

There were also many governmental ministries, MLAs, representatives, and organizations supporting the closure and remediation of Boat Harbour. Social movements organized media groups like “Friends of the Northumberland Strait”, or “Clean up the Pictou County Pulp Mill” on Facebook.

#### ***2.2.4 CLASS 1 VS. CLASS 2 EA DEBATE***

From 2015 to 2019, there were many debates around whether the Northern Pulp remediation plan required a Class 1 or Class 2 EA, and whether the provincial government could review the process of EA, as it had a conflict of interest from years of funding the ETF. With Northern Pulp owing NS around \$85.5 million, people questioned the reliability of its decisions.

A class 1 EA is less detailed than a class 2 EA or a federal one (NS House of Assembly Hansard, October 3, 2018; October 5, 2018; March 13, 2019; October 16, 2019).

In 2018, Northern Pulp submitted a proposal, to build a new pipe going into the Northumberland Strait. Soon after this proposal, people from the fishing industry and MLAs from the NS Legislative Assembly raised concerns about the consequences of this pipe on the environment.

At the inter-provincial level, in 2018, PEI Premier MacLauchlan argued the project of a new pipe into Northumberland Strait, should be evaluated by the Canadian Environmental Assessment Agency (CEAA) rather than through NS government’s EA

process, as it threatened the habitat of species and the livelihood of fishermen. He asked for the government to take this impact into account. Thus, he opposed Northern Pulp's proposal to dump 75,000 cubic metres of effluent daily into the Northumberland Strait (Doucette, 2018a, 2018b).

The EA application further claimed that the pipe would not harm the fish habitat, saying the long-term harm to habitat was not predicted (Baxter, 2019b). It further assured that the dewatering process (to make sure the effluent discharge would be harmless) would be reliable, although the sludge would be burned in the power boiler; this was the same boiler that caused emission problems before, as revealed by Baxter (2019b).

Later, Baxter reported that the environmental lawyer Jamie Simpson made a Freedom of Information and Protection of Privacy Act (FOIPOP) request which showed that the consultants for the mill at the time (Dillon) questioned the amount and percentage of the heavy metals like mercury, and of dioxins and furans in the effluent in January 2018, especially for the effluent that was being deposited into the harbour daily (Baxter, 2019b).

Macfarlane argued that “the cleanup from the effluent required a Class 2 EA, given the presence of so many chemicals such as dioxins, mercury, furans, and more”; but, the Class 1 EA had many wordings around what a new project entailed and what a modification to an existing project was; this helped the mill to get away with only Class 1 EA, rather than a Class 2 one (NS House of Assembly Hansard, October 3, 2018).

Margaret Miller (the Minister of Environment and the Liberal MLA for Hants East) agreed with Macfarlane that there is a discrepancy between Class 2 and Class 1 EAs, but she argued that it was very clear with the Boat Harbour effluent plant, as it was a water treatment plant. Thus, even though it was treating the effluent, it still would fall under the

Class 1 (NS House of Assembly Hansard, October 3, 2018). The choice of having only a Class 1 EA was persistently questioned because of the volume of scientific, engineering, and technical information the project entails, which was not enough under a Class 1 assessment.

In 2018, Lenore Zann asked the Minister of Environment whether he would commit to a Class 2 EA so more damage could be avoided before it was too late. Then-Minister Rankin gave the same response, that the Northern Pulp plan qualified for a Class 1 EA. Zann emphasized how NS fishers and First Nations people were all uniting to say clearly that what this Liberal Government was doing was just not enough. She criticized the Department of Environment for bragging about the voluntary community consultation that Northern Pulp was doing, but given the mill's history, she argued that the only way to address the issue of the Northern Pulp mill was to rule for a Class 2 EA or “by simply saying no pipe”, which meant closing it (NS House of Assembly Hansard, March 1, 2018).

Similarly, Burrill blamed the government for “allowing the company to squander“ this opportunity and not bring forward a realistic proposal, for not showing leadership, nor insisting on a timely proposal that would give public confidence (NS House of Assembly Hansard, October 4, 2019).

In March 2019, Environment Minister Margaret Miller spotted 19 key deficiencies in Northern Pulp’s submitted EA documents; she asked for a focus report to fix those, even providing a list of 35 aspects to be enhanced in the Terms of Reference document (Baxter, 2019b; 2019d; Leeder, 2019). For this, Pictou Mayor Jim Ryan said that the focus report was still lacking attention to the concerns and the unacceptable environmental risks to air

and water, especially if the Mill gets the permit it was seeking to burn the sludge (MacDonald, 2018).

In addition, in a letter sent by Ecojustice on behalf of FONS to the provincial environment minister, it was argued that the EA should be handled by the CEAA since the minister has a conflict, and the province had a financial interest in wrapping things up quickly to ensure the mill remained open and its 300 jobs were not lost (Ryan, 2019). Also, the FONS submitted 6,000 letters to the CEAA asking that the federal government undertake its own EA.

Darlene Compton (deputy premier of PEI) had supported the federal assessment for the ETF, pointing to the conflict of interest the NS government was in because of the funding towards the new ETF for Northern Pulp, saying that they should not be deciding on the proposal (Baxter, 2019c). This is important to emphasize because of the conflict-of-interest aspect. The government of NS provided funding for the new ETF in the Northern Pulp mill; this created tension around their reliability and neutrality concerning oversight of the EA process.

### ***2.2.5 “EFFLUENT QUALITY WILL BE BETTER”; “PROJECTS ARE BASED ON SCIENCE”***

Promising that “today’s effluent is of much better quality than the past”, Kathy Cloutier (director of communications for Paper Excellence, owner of Northern Pulp mill) reassured that they would not be operating illegally beyond the January 2020 deadline (Baxter, 2019b). Saying that the sawmills and the pulp mills are dependent on each other, she claimed that “no other treatment method is used to treat kraft mill effluent”, that it was the only existing technology, and other methods have failed (Ryan, 2018). She further

reassured that the new system would not be dumping any untreated effluent, arguing it was a significant improvement (Ryan, 2018).

Keith Doucette (a reporter from The Canadian Press) explained how Northern Pulp later promised that the regulated emissions would be within the federal limits (Doucette, 2019a). On top of this, Don Breen (the vice-president of business development with Northern Pulp) reassured that the treatment facility had been monitored since the 1990s to ensure it met the Canadian regulations, but Patten (2012) showed that through the years, that proved to be wrong.

A confusing public remark Kathy Cloutier made was that they had the same goals as the PLFN when it came to the Boat Harbour issue, claiming that they only needed “a little bit more time to get there” (Baxter, 2019a). This was far from the truth. As Baxter (2019) reported, Chief Paul made clear that they “did not share the same goals with Cloutier or the pulp mill, and to say they did was simply wrong” (Baxter, 2019a).

Hoffman et al. (2015, p.11) found discrepancies between community concerns and industry under-reporting of environmental effects. In fact, they revealed that most of Northern Pulp’s environmental monitoring reports show some compliance in air and water tests, but when the emissions failed to comply with the effluent standard targets, “there was a lack of regulatory enforcement” (Hoffman et al., 2015, p.2). The authors show the community raised concerns about the pollution in the air, water, and land, affecting recreational activities, their health and the environment (Hoffman et al, 2015, p.2). This was crucial to the resistance of Boat Harbour, revealing and unraveling the neglect and mismanagement, while showing the reality from the PLFN perspective and narrative supports the case for EJ.

### ***2.2.6 BREACHING THE DUTY TO CONSULT***

The Duty to consult with Indigenous communities developed through historical examples and court cases such as one in which the province of British Columbia (BC) gave a Tree Farming Licence, permitting the harvesting of trees on the land of the Haida Nation. When the BC government issued replacement licences, the Haida Nation challenged it as they were issued without consulting the community, resulting in diverse impacts, and breaching the duty to consult (2019 NSCA, NS Court of Appeal 75, p.33).

This case is significant, because it emphasizes how consulting and taking Indigenous rights into account should happen prior to the final decision that might affect them (2019 NSCA 75, p.37). It was concluded that if there is a possibility of a negative impact, Indigenous peoples have the right to be consulted before decisions are made. The NS Court of Appeal (NSCA) (2019) recognizes this duty saying, “The duty arises when the Crown has knowledge of a credible but unproven claim, it suffices to trigger a duty to consult” (2019 NSCA 75, p.38-39).

Northern Pulp mill and the NS government often publicly lied, denied responsibility and faulty practice, broke the rules, took illegal actions such as breaching the duty to consult with the PLFN many times, leaving the mercury in the effluent out of their environmental reports, dodging questions, and claiming transparency and science behind their work (Baxter, 2019b, “The Mill”, n.d.; Trombetta and Moritiwon, 2020). In 2018, as mentioned in the NSSC case 306, the province accepted being guilty for hiding the discussions around the funding of Northern Pulp from the public (PLFN v. NS (Aboriginal Affairs), 2018 NSSC 306, p.3). These continued after the Boat Harbour Act, with the NS government providing funding to the mill.

### ***2.2.7 GOVERNMENT'S CONFLICT OF INTEREST***

The government had a conflict of interest because they funded the new ETF. Dealing with the perceived conflict of interests that arose from the professional ties and contracts between the government of NS and the mill, federal involvement was called for (Leeder, 2018). In other words, the provincial funding made the government more likely to be partial, to support the continued operation of the mill, to provide ministerial approvals and move deadlines, and to be unable to make unbiased decisions. Interestingly, this did not affect the McNeil government in their decision about the closure of the mill.

Similarly, Baxter explained how the NS Court of Appeal declared that because the NS government was both the investor and the regulator, it was in a conflict-of-interest (Baxter, 2019e). In addition, NSSC case 306 (2018) showed the secret agreements between the provincial government and the mill about funding the new ETF (PLFN v. NS (Aboriginal Affairs), 2018 NSSC 306, p.3; Baxter, 2019e). Jim Vibert called these backroom deals, saying they heightened the tensions and created an obvious conflict of interest (Vibert, 2019a).

### ***2.2.8 WITHOUT THE NEW ETF FUND, THE MILL WOULD CLOSE***

Northern Pulp signed agreements with the province of NS in 2016 and in 2017; NS promised to pay for the engineering costs of the EA and the new ETF (NS (Aboriginal Affairs) v. PLFN, 2019 NSCA 75, p.17). Between 2016 and 2018, PLFN learned about these secret agreements, arguing that they should have been consulted in the NSSC case 306 in 2018. In this case, they questioned the procedural fairness of the Office of Aboriginal Affairs (OAA), while revealing the failures of the government to consult with the PLFN about the EA and ETF funding, breaching the duty to consult. While accepting

it had confidential discussions with Northern Pulp about funding the new ETF, the province denied that the funding decision would raise a duty to consult, because it would not result in any additional impact on the rights and interests of PLFN (PLFN v. NS (Aboriginal Affairs), 2018 NSSC 306, p.3,4; also, in NS (Minister of Aboriginal Affairs) v. PLFN, 2019, Canadian Native Law Reporter, 215, p.1).

But the PLFN argued that the funding decision triggered a duty to consult with them, since the approval of the EA or the funding of the ETF would result in environmental hazards, impacting the Treaty and Aboriginal Rights of the PLFN. In other words, as Chief Paul stated, without government funding, the ETF would not be built, and if the new ETF was not built, the mill would close (Chief Andrea Paul, in PLFN v. NS (Aboriginal Affairs), 2018 NSSC 306, p.5,6; Minister of Aboriginal Affairs V PLFN 2019, NSJ no:402 and no:411; NS (Aboriginal Affairs) v. Northern Pulp NS Corporation, 2019 NSCA 12).

The NS government's conflict of interest was a significant discovery because it outlined where the NS government stood on the subject; they faced a loss of profits and funding and years of lease agreements if the new ETF was not prepared on time, or if it failed the EA tests. This shows the stance of the NS government, and how it changed from this, to announcing the closure of the pulp mill, and deciding to rule for the environment and its protection, despite their loss of economic benefits and pressure from the forestry industry.

During these debates around the funding of the new ETF, Aaron Beswick (2019) warned that without provincial funding, Northern Pulp could refuse to pay the full cost of the ETF, and sue the government for breaching their lease. And Beswick was right; Northern Pulp sued the government for \$450 million in 2021 (Beswick, 2021).

### ***2.2.9 EFFORTS TO CONSTRUCT A PRO-MILL NARRATIVE***

A very interesting example from the pro-mill narrative is the opinion piece by Jim Williams, a senior research professor at St. Francis Xavier University, who claimed that Northern Pulp effluent was not toxic, even to the point that if the effluent quality remained the same, commercial fisheries and the coastal ecosystem would not be harmed (Bousquet and Baxter, 2019; Baxter, 2019f). Criticizing this piece, Bousquet and Baxter revealed that it was not accurate. Reporting that scientists have found the Boat Harbour water to be toxic and “acutely lethal” for fish and amphibians, they argued that there was no indication for the effluent amount and quality to remain the same (Bousquet and Baxter, 2019). A vital point was when Chief Andrea Paul pointed out that the Boat Harbour Treatment Facility was closed to public access; so, Williams must have had permission from Northern Pulp to enter the facility (Bousquet and Baxter, 2019). This shows how the mill was trying to influence the narrative around the quality of the effluent and how harmful it was in the media, creating mis-information. This is significant to show how Northern Pulp was trying to shape the narrative in favour of the “Pro-Mill” position.

The mill’s compliance with their Industrial Approval to operate was also being questioned. As reported by Doucette, Margaret Miller announced that the faulty pipe that leaked in 2018 had been repaired. Accepting that she did not know how large the spill or the affected area was, she nevertheless claimed that “it was only a fraction of what the last spill was” (Doucette, 2018d).

In a press conference, Cloutier cited impressive numbers about jobs linked to the mill, mentioning how they feel about the province’s fishing families (Baxter, 2019a). Despite this, in the press conference Cloutier acknowledged standing on the unceded

territory of the Mi'kmaw and acknowledging the impacts Boat Harbour had on the PLFN, even saying that this legacy must not continue (Paper Excellence, 2019).

Bruce Chapman (Northern Pulp general manager), promised that the effluent quality would be much better in the future, “maybe even some of the best in Northern America” (Baxter, 2019b). This argument contradicted Terri Fraser’s (the technical manager at Northern Pulp) views expressed in 2017, admitting that effluent quality might worsen because of all the “polishing” around Boat Harbour (Baxter, 2019b). Recognizing its importance, she also said that the effluent would have a bigger impact on the marine environment if they could not use Boat Harbour (Bousquet and Baxter, 2019). Indeed, it would have an immense impact on the marine environment since, as Baxter reported, Caribou Harbour, the proposed end location for Northern Pulp’s pipe, was a critically important fishing and spawning ground for lobster, rock crab, herring, ground fish, and many other species (Baxter, 2019b).

Like Cloutier, Bruce Chapman (Northern Pulp general manager), Ken Swain (Project Leader of the Boat Harbour Remediation), and Brian Baarda (CEO of Paper Excellence Canada who owns the Northern Pulp) were also significant names leading the narrative from the mill’s side. Their main argument was that the EA process was not clear enough, that the effluent has always been regulated and monitored, and they believed that the mill could co-exist with PLFN.

#### ***2.2.10 FEDERAL AND PROVINCIAL GOVERNMENTS’ INACTION, AND NEGLIGENCE: “NOT MY RESPONSIBILITY”***

Both the federal government leaving it to the provincial government and the NS government leaving the responsibility to file an EA to the mill delayed addressing the issue

many times (the province could not legally file an EA application on behalf of the Northern Pulp mill, but it could have done more to make sure the mill was not behind in the EA process to satisfy the deadline). Blaming the former NDP government, Brendan Maguire, (Liberal MLA for Halifax Atlantic), argued that they were on the side of the mill, especially between 2000 and 2013, ignoring the concerns of PLFN and, “turning a blind eye to the issue” for decades (NS House of Assembly Hansard, October 16, 2019).

As Keith Doucette reported, Prime Minister Trudeau said “while his government is concerned about Northern Pulp’s proposed plan to dump effluent into the Strait, it has no plans for a federal EA because NS had that responsibility” (Doucette, 2019a). In addition, Margaret Miller confirmed that she had received no indication that Ottawa would step into the process (Doucette, 2019a). In other words, as Michael Tutton put it: pressure was mounting for the federal government to review mill’s contentious plans (Tutton, 2018).

Adam MacInnis reported how Prime Minister Trudeau said they recognized the importance of protecting Canada’s waters, claiming that one of his priorities is respectful collaboration with NS, but still refused to get involved (MacInnis, 2018). When reporter Aaron Beswick asked Prime Minister Trudeau about the reason for their lack of involvement, Trudeau replied that he was “respecting areas of provincial jurisdiction” (MacInnis, 2018). Chief Andrea Paul said she “felt a little defeated” by Trudeau’s response and decision to leave the matter to provincial jurisdiction (MacInnis, 2018). MacInnis showed that like many others, Chief Paul argued for federal involvement, since there were many federal agencies involved in the process already, including but not limited to, the Department of Fisheries and Oceans (DFO), Environment and Climate Change Canada (ECCC), Health Canada, Transport Canada and the CEAA.

Premier McNeil said it was not the job of NS government to push for the EA but rather it is the mill's job to look for an EA (NS House of Assembly Hansard, October 5, 2018). Gary Burrill asked the Premier why they did not do anything to make sure the mill acts; Premier said they were a private entity (NS House of Assembly Hansard, March 5, 2019). But the McNeil government would act later and shut down the mill.

### ***2.2.11 NEW PIPE PROPOSAL AT CARIBOU POINT: SCIENTIFICALLY WRONG***

In 2018, Northern Pulp proposed a new pipe route for the effluent to go into the Northumberland Strait at Caribou Harbour; this proposal was not approved, and it was not well-received by the PLFN community members, as it did not have a scientific justification, significantly threatening fishing grounds (Government of Canada, n.d.; Withers, 2019).

The project proposal to change the pipe dumping location to Caribou Point did not make sense as water has no boundaries, and it was between two significant fishing areas; this meant that what you dump in one side of the water will spread into the other sides, and being in between two high traffic fish farming areas, it was not a good idea, nor a well-studied decision. This argument was supported by the statistics Baxter (2019b) reported: “Greg Egilsson, Chair of the Gulf NS Herring Federation, estimated that within a radius of just a few kilometres, there are 86 lobster fishermen, of whom 10 to 15 are First Nation, and more than 22,500 traps are set in the area”. Egilsson added that it was the worst possible place they could put the pipe (Baxter, 2019b). When asked, Northern Pulp said they did not know there was any fishing, which is highly unlikely as it was an easy thing to learn; rather, it is reasonable to assume that, they chose to ignore it.

Importantly, Colton Cameron (a local fisherman) explained that if a pipe broke under the ice of Caribou Harbour, it would be impossible to know it without a leak detection system (Baxter, 2019d). Emphasizing that the NS government said they would base their decision on science, Cameron claimed that while a lot of people are talking about jobs, they are forgetting the jobs in fishery and seafoods that need clean water: he argued that there was “no way they can go ahead with this project” (Baxter, 2019d).

### ***2.2.12 NO SCIENCE BEHIND THE EA DOCUMENTS AND 19 KEY DEFICIENCIES 2019***

Baxter reported that because Northern Pulp had received \$6 million from the NS government to prepare the EA submission, they had the funding and the time, yet they came up with a report that included these vital deficiencies (Baxter, 2019d). In short, the EA report lacked the details about the wastewater to mitigate against the potential pollutants, contaminants and the nature of the heavy metals. It also missed the baseline surveys for the proposed pipeline in Caribou Harbour, lacking monitoring methodologies for sensitive areas at risk of pipeline leaks; also, there was no assessment of the potential impacts on the habitat of fish, marine life, birds, and plants. Journalists reported that it was a project that lacked both scientific and Mi’kmaq ecological knowledge (Leeder, 2019; Baxter, 2019d; Bousquet, Henderson, and Baxter, 2019).

Also, about the EA documents, Public Services and Procurement Canada, said the report was “cumbersome to navigate and incomplete in certain areas”; no mention was made of leak detection, and the claim that Northern Pulp put together an “excellent plan” based on “sound science” was contradicted by the evidence (Bousquet, Henderson, and Baxter, 2019). Moreover, Melanie Giffin (working with the PEI Fishermen’s Association)

said “the key Atlantic herring habitats in the Northumberland Strait could be threatened by the proposed Northern Pulp pipeline in Pictou Harbour”, arguing that the project should be reviewed by the federal Canadian Energy Executive Association (CEEA) (Neatby, 2018).

### ***2.2.13 “THEY HAD 5 YEARS” DEBATE: IS 5 YEARS ENOUGH OR NOT?***

The debate around the 5-year period the Northern Pulp mill had is significant to mention as it explains how Northern Pulp had ample time to come up with a plan but were late providing a proposal for the EA, and creating a new ETF as required by the Boat Harbour Act. Also, the government was too passive into ensuring that the mill was working on a viable plan. While the mill argued the 5 years was not enough, government officials and the PLFN community argued it was more than enough if they did their job on time. This also sheds a light on the different narratives in favour of the mill and against it.

Baxter (2019d) argued that the mill could blame itself for the delay in the process between 2015- 2019. She argued that although the NS government made their job easier by approving a Class 1 EA, rather than a more demanding Class 2 EA, since 2015 the mill was fighting with the NS government over its Industrial Approval, focusing on the wrong things. By 2016, they fought the improvements required in the Industrial Approval (such as water consumption, effluent quality, air emissions) and sought to have them removed, but they still lacked a new ETF (Baxter, 2019d).

Premier McNeil said that there was no reason to even consider amending the deadline in the Boat Harbour Act, calling on the mill to focus on whether they could meet the environmental standards of the province, and reminding them they were given five years to do the work (Gorman, 2019; Doucette 2019b).

Like other members, John Lohr (PC MLA for King's North) was skeptical about the government finishing the five-year plan for the new treatment facility (NS House of Assembly Hansard, April 30, 2015). In 2018, like many people, Brett Bundale said it was likely that they would miss the deadline of January, 2020 (Bundale, 2018b). Similarly, in 2019, Burrill asserted that it was unlikely that Northern Pulp could meet the January 31, 2020 deadline and maintain operations. Burrill blamed the government for being too late to intervene and make sure the mill was acting to fulfill the required changes, destroying public confidence from the fishing industry, the PLFN community, and the voters (NS House of Assembly Hansard, October 16, 2019).

MLAs were divided (mostly along party lines) in arguing whether 5 years was enough. For example, Terry Fraser thought 4.5 years is ample time. (NS House of Assembly Hansard, May 8, 2015). David Wilson (NDP MLA for Sackville-Cobequid) also said 5 years was a long time. He said the remediation might take up to 10 years, and the details still are not known on exactly what approach or what type of remediation will take place there, so they were cautiously optimistic. (NS House of Assembly Hansard, April 21, 2015).

On the other hand, Pat Dunn, PC MLA for Pictou Centre, expressed his worry that 5 years was too short. He said it was important to create an environmentally safe process that would also protect vital jobs that are so important in this industry in our province; so, the project must be manageable and achievable (NS House of Assembly Hansard, April 21, 2015). Also, Northern Pulp claimed the five years given them by the Boat Harbour Act to build a new effluent treatment plant was not enough. Also, the CEO of Paper Excellence

Canada who owns the Northern Pulp Brian Baarda claimed that it had been an unrealistic timeline and an undefined process (Church, 2020).

In early 2020, Tim Houston (then PC MLA for Pictou East) said that there were no plans by the mill to treat effluent past the deadline; he then asked the Premier who would analyze the alternative treatment options, what the timeline was to make the bill happen in time, and what the supporting plans were for the industry workers and entrepreneurs for the temporary or permanent closure of the mill (NS House of Hansard, February 20, 2020). Houston said that after passing the Boat Harbour Act, the “government buried its head in the sand for around four years” (NS House of Assembly Hansard, March 13, 2019). Burrill claimed that the situation came to this point because of the incompetent negligence of the government and the malevolence of Northern Pulp (after years of having been business partners with suppliers, mills, and contractors) who wasted five years, undermining public confidence by not providing a plan for an effluent treatment alternative to Boat Harbour until four months before the deadline of the Boat Harbour Act.

In short, the pollution in the Boat Harbour could have been remediated much earlier had the government of NS taken action to make sure that Northern Pulp was fulfilling its obligations under the Boat Harbour Act.

#### ***2.2.14 THE COST OF THE BOAT HARBOUR CLEAN-UP WAS LEFT TO THE NS GOVERNMENT***

The cost of the clean-up is important because it shows that although the NS government would end up paying for all the remediation, they chose to act against the pollution and keep their promise to close the Boat Harbour mill. In spite of the commonly accepted argument about the government’s conflict-of-interest, anxiety around the

reliability of their decision and neutrality, the NS government decided to honor the Boat Harbour Act and to close the Northern Pulp mill.

For the remediation of Boat Harbour, Ken Swain stated that the cost of clean-up would be from \$152 to \$325 million, estimating around \$217 million (Baxter, 2018). This was a big unknown; it should have been more precise; although calculating a precise number was impossible and risky. Later, reassuring that the effluent containment cell was secured and the project design was under “rigorous examination” by Environment and Climate Change Canada, he promised that once the project was complete, the maintenance and monitoring would continue (CBC News, 2021).

In an update from 2021, NS government announced that NS Lands would be responsible for cleaning all the sludge material from the ETF aeration stabilization basins, while Northern Pulp was only given the task of removing the top layer of sludge, before the clean-up began (NS Lands, 2021). A 2008 study by EAC found that in the last three decades, the federal and provincial governments had spent about \$650 million subsidizing forest industries that favoured clearcutting (Baxter, 2021b).

### **2.3 CLOSING THE MILL IN 2019**

Since its establishment, the mill had five different corporate owners (four American and one Asian) and had seen many governments (ten Canadian prime ministers and twelve provincial premiers).

Environment Minister Margaret Miller did not approve the proposed new effluent treatment facility, finding 19 key deficiencies and asking for a new focus report (Bousquet and Baxter, 2019). This was another important turning point for the Boat Harbour issue and the “no pipe” narrative. Without an approved ETF, the Northern Pulp

mill would have to close by January 31, 2020, under the provisions of the Boat Harbour Act of 2015. The Boat Harbour Remediation Project by NS Lands released an update in August 2019, saying the cleanup of Boat Harbour was expected to take 4-7 years (NS Lands, 2019).

The Premier acknowledged that they were closing the mill 10 years earlier than its lease, recognized the liability and responsibility that came with that decision, and admitted that there was always a fear that Northern Pulp would sue NS if the mill had to close, based on an old contract promising the lease would run until 2030 (NS House of Assembly Hansard, October 1, 2019).

Restating their commitment to cleaning up Boat Harbour and keeping the promised deadline of January 2020, to stop the effluent flow into the Boat Harbour, Premier McNeil recognized that the mill had been polluting the PLFN grounds only because they were an Aboriginal community, claiming that they had been ignored by previous governments, and promising change (NS House of Assembly Hansard, October 5, 2018). He added that Northern Pulp would have to meet its environmental obligations, but since they are a private entity, they would determine when to apply for an EA; again however, he reiterated the government's commitment to close the mill if Northern Pulp failed to meet the requirements outlined in the Boat Harbour Act in 2015 (NS House of Assembly Hansard, October 5, 2018). So, he was acknowledging the environmental racism perpetrated against the PLFN.

In addition, that same year (2018), the Government of Canada took an important step, making changes in the First Nations Land Management Act to increase First Nations'

decision-making power, especially with regards to the management of reserve lands (Government of Canada UNDRIP Backgrounder, n.d).

These Acts show a change in the way Canada saw economic investments, moving towards a more sustainable, ecological and diverse green economy, while also taking environmental justice more seriously. For example, referring to the Sustainable Prosperity Act, McNeil said the spirit of the Boat Harbour Act required “weighing economic interests and environmental impacts in a way that respects both and neglects neither” (NS House of Assembly Hansard, September 26, 2019). He added that “for this government, environmental integrity and economic growth must be connected hand-in-hand, not fist-to-fist” (NS House of Assembly Hansard, September 26, 2019).

Finally, in 2019, when the Northern Pulp mill failed to provide a sound proposal for an alternative effluent facility, McNeil announced the closure of the mill. Since the proposed plans lacked the required scientific basis and did not fulfill the requirements of the Boat Harbour Act, Premier McNeil did what he promised and announced the closure of the mill. During the public conference held on December 20, 2019, Premier McNeil announced that Northern Pulp would no longer be allowed to dump effluent near the PLFN and refused to grant the mill an extension to the January 31, 2020 deadline, despite pressure from the forestry industry (“The Mill”, n.d; Bousquet, Henderson, and Baxter, 2019; Nova Scotia Government, 2019).

Expressing that it was a very difficult decision, Premier McNeil said that Northern Pulp was welcomed to stay in the province, but they had to obey the environmental regulations and work with the Department of Environment towards a modern facility. He announced a transition fund worth \$50-million to support workers across the province,

small contractors and all those who would be affected. He claimed that the forestry industry had to diversify and the government of NS would help with that. He recognized that the forestry sector still has a place in the economy, but recognized that it will look different. Reasserting that this transition was their top priority, he said province would also be working with the federal government.

A vital remark Premier McNeil made on that day (December 20, 2019), was that the “NS government is committed to economic growth and environmental integrity, we will continue to do both, not an either or” (Nova Scotia Government, 2019). He explained that he had to make the decision to refuse an extension to the deadline to make sure it was the best for the “economy of NS and the environment today and in the future”, and protect their integrity (Nova Scotia Government, 2019). He added that he did not believe they were “gutting” the forestry industry but instead, transitioning it to a new future. He said he wanted to create an economy that was also protecting the environment. He said that this was not only about the environment, but also because we “cannot continue with this economy”, and must transition to a cleaner forestry sector because it will only co-exist with the fishing industry if it met the required environmental standards (Nova Scotia Government, 2019).

Calling Boat Harbour an “environmental issue”, Premier McNeil emphasized the need to look for diversified markets. Referring the Lahey report, McNeil argued that in order to take the forestry sector to a new era, they must also consider the recommendations of Lahey. Acknowledging the reality of institutional racism in NS, he referred to the treatment of colored children and the Boat Harbour (and the PLFN), saying settler ancestors thought it would OK but it was not; he then reiterated his commitments regarding

the environment and the relationships with communities across NS (Nova Scotia Government, 2019).

Premier McNeil recognized how incomplete the EA Northern Pulp submitted was, lacking enough scientific information to allow construction to begin (Doucette, 2019). He claimed that the company put them in a very difficult position and although it is one of the hardest decisions he has had to make, he stands by the commitment to clean up Boat Harbour, changing the pattern of past governments who made empty promises (Bousquet, Henderson, and Baxter, 2019).

The consultant engineers, fishermen, Chief Andrea Paul, and some Members of the House were aware that the science was off, questioning the government's decisions about the issue of Northern Pulp through the years. The measures taken by the mill were too little too late, and some even said that "the NS government waited until the eleventh hour" to close the mill and clean Boat Harbour as they had promised (NS House of Assembly Hansard, February 26, 2020 Tory Rushton, then-NDP MLA for Truro-Bible Hill-Millbrook-Salmon River).

In 2020, Interim Green Party Leader Jo-Ann Roberts thanked Premier McNeil for doing the right thing, refusing an extension to the deadline set in Boat Harbour Act, and thus, declaring the closure of the Northern Pulp mill. She said it took leadership and courage, and it sent a strong message that ending environmental racism can be the beginning of a more sustainable future (Emery, 2020). Elizabeth May (Federal Member of Parliament from the Green Party) expressed that she was "so very relieved that this subsidy-sucking, polluting mill, with its legacy of toxic contamination, is finally closing. Residents of Pictou can, literally, breathe easy" (Emery, 2020).

One big question was where the effluent would go? This question was left unanswered until 2019, while the government was expecting a new ETF to be ready. Looking at the budget and the lack of planning, they did not seem very concerned about the impact of the closure of the mill or their liability for the cleanup, or their liability for 10 years of lost profits, nor for the years (2020 to 2030) that Boat Harbour was promised to Northern Pulp in the previous lease; there were no projections of the impacts in the budget (NS House of Assembly Hansard, March 26, 2019).

The government's Forestry Transition Team admitted publicly that they were still coming to grips with the impact of the closure of Northern Pulp, not knowing how many people would lose their jobs. For this, Karla MacFarlane asked the government to take the future of forestry seriously and plan for all potential outcomes (NS House of Assembly Hansard, February 26, 2020).

This chapter analyzed the history of the Boat Harbour issue and found that there were complicated tense debates, the mill had a history of missing deadlines the government gave them, while the same government was making empty promises to the PLFN community, promising to clean the Harbour, and then giving another extension to the deadline of the Northern Pulp mill, continuing their existence, and the decades-long cycle of injustice, toxicity, neglect and denial. I found that the PLFN had to resist with many court cases, to ensure their health was protected, seeking EJ. Their voice was eventually heard by some MLAs and other social organizations, along with non-Indigenous fishers and tourism sector workers, all lobbying the Premiers to act to keep the empty promises, and to protect the environment, and bring justice to PLFN. I also found that the mill had gotten away with breaching environmental requirements many times.

Another finding was about the NS government, and their complex involvement in this issue; they were funding the Effluent Treatment Facility (ETF) proposed by the mill, which caused a conflict of interest since they were the ones to be in charge of the Environmental Assessment (EA) process. Communities, social organizations and MLAs spoke against it, so the NS government would conduct a better EA, emphasising the gravity of the pollution, asking for federal government to be involved in the EA process.

Leading to the closure of the Northern Pulp mill, I found that the company's lack of a sound scientific basis in the documents they submitted was a big problem, and even after that they did too little too late to ensure they followed the instructions given to them to fulfill the requirements of the Boat Harbour Act. I found that although the mill had 5 years (2015-2020) to fulfill the Boat Harbour Act requirements, they failed to do so, after which Premier McNeil announced the closure of the mill, although it meant that the government of NS would be the one to pay for the clean-up of the Harbour.

In the next chapter, I explain the factors that led to this policy change in the longstanding practice of the NS government.

### CHAPTER 3: FINDINGS AND ANALYSIS

This chapter analyzes the legislative debates from the NS House of Assembly and media articles from the database NexisUni. From the NexisUni database, some important issues I identified were: that Northern Pulp lacked the required science to base their assessment reports on, having 19 key problems; the importance of framing of the issue in the media (the way they tell the story, the words they specifically use); the changing views of the economy towards a more environmentally sustainable future, and the transition that came with the Lahey report in 2018. This database also revealed the immense amount of environmental pollution caused by the mill, as well as many levels of resistance, from PLFN, from some MLAs, from non-Indigenous tourism and fishing stakeholders; and many social movements and organizations like the Ecology Action Center (EAC), Friends of the Northumberland Strait (FONS), or Clean the Mill Group. Using environmental racism as a framing theme, they were able to bring voice to the environmental justice fight, showing the significance of individual and collective agency.

There were also distinctly different narratives like “environment versus jobs” and “jobs versus jobs”. These show the two distinct sides of the debate about the Northern Pulp mill. While the forestry sector was thriving at the expense of the fishing and tourism industries and the health of many communities (PLFN but also the neighbouring, wealthier, non-Indigenous communities), the views started to change with the growing awareness around the importance of protecting the environment, sustainability, diverse economy and reconciling the idea of having a strong economy with the possibility of protecting the nature. From the previous “economy versus nature” narrative, we see the change towards the idea of the economy developing (forestry but also the fishing and

tourism industries) while also doing what is good for the environment, in a co-existing and complementary relationship.

In order to answer “What conditions enabled the closure of the Northern Pulp mill?”, I will outline a few themes. Firstly, the vast pollution led to a change in the economic views towards sustainability, changing the dominant narratives from “jobs or environment” to “jobs versus jobs”. The “jobs versus jobs” narrative can be explained as a change in the economic priorities of the NS government. Premier McNeil also mentioned this point, saying it was “not a matter of either or” (jobs or environment) but a “matter of both” (jobs and environment) (Nova Scotia Government, 2019).

Secondly, environmental racism (and EJ) became a framing theme for many different groups like the Indigenous rights movement and environmental racism and environmentalists, also attracting support from non-Indigenous fishermen, community supporters and ENGOs for their narrative against the mill. And thirdly, the significance of agency, including important individuals like Premier McNeil, along with many levels of resistance, from inside the Legislative Assembly, from the fishing and tourism industries and from citizens from neighbouring communities altered the political equation facing the government.

To sum up, many actors were coming together from many social movements like human rights groups, environmental and EJ movements, fishers and tourism sector workers, non-Indigenous and Indigenous neighbouring communities, local celebrity figures calling for the urgency of the problem and many MLAs, trying to lobby the decision about the pollution-clean-up of the Boat Harbour for years, pressuring Premier McNeil directly in the House of Assembly debates. So, we can see a powerful collaboration

challenging the ‘pro-Plant’ narrative, advanced by those who argue for the continued operation of the Northern Pulp mill.

All of these factors were important and vital. On their own (like the EJ framework), they were not sufficient conditions that are strong enough to create change, but all of them were necessary conditions for the Northern Pulp mill’s closure.

### **3.1 THE GROWING AMOUNT OF POLLUTION AND THE CHANGING ECONOMIC PRIORITIES**

While the pollution at Boat Harbour was growing continuously, the knowledge and the understanding about its continuing impacts grew. The pollution started affecting the non-Indigenous, wealthier communities, making it harder for the governments to ignore the issue; especially after the effluent leak that happened in 2018 (Doucette, 2018d). Although NS governments had been choosing economic interests over the health of PLFN and the protection of the environment for decades, they decided to honour the Boat Harbour Act in 2019. But, as reported in the documentary “There is Something in the Water”, the government started addressing this issue only when the whiter, wealthier communities were affected from a very pungent smell of sulphur (Daniel and Page, 2019, minute 48).

This showed an objective change in the conditions of the pollution, affecting communities other than PLFN, but PLFN had fought hard to get attention to this issue for decades, to grow awareness and change attitudes. We can say that the attitudes around viewing environment in relation with the economy have significantly changed, especially in the growing view of jobs co-existing with a protected environment and finally acknowledging the injustice done to the PLFN. This change happened both because of an

increase in the amount of pollution from the mill, affecting the neighbouring communities, as mentioned by Chief Andrea Paul and some MLAs (such as Houston and MacFarlane), and the increased awareness of, and opposition to, the ongoing pollution that had been tolerated in the past (largely because of environmental racism) (NS House of Assembly Hansard, October 28, 2016; Walker, 2017; Daniel and Page, 2019, minute 48).

Increasingly, there were even representatives from the Legislative Assembly who emphasized the danger of the situation. For example, while Karla MacFarlane (Conservative MLA for Pictou West) was showing that the particulate matter 2.5 is a carcinogen, Tim Houston (Conservative MLA for Pictou East) warned that the pollution in Boat Harbour was a concern for all of the PLFN but also for Hillside, Little Harbour, Kings Head, Melmerby and beyond to the greater Pictou County community (NS House of Assembly Hansard, October 28, 2016). The pollution spread around when the wind carried the chemicals around the province, as Chief Andrea Paul explained (Walker, 2017).

This high amount of pollution raised concerns about the environment and how we see it in relation to economic investments. This contributed to the change in dominant views concerning the economy, increasing the importance of environmental sustainability, highlighting that the protection of the environment and protecting the jobs did not have to be mutually exclusive. Here, the scientific, environmental and changing economic interests came together, while the mere economic argument around the vitality of jobs for the provincial economy was being challenged and lost support, even from within the provincial elite and pro-mill side because of the pollution it caused.

The old views of the economy prioritized needing jobs at the cost of natural resources, consuming resources and polluting the environment, as long as there are no

direct effects on the wealthy communities. According to the old views of economy, either environment or economy had to be prioritized.

Professor William Lahey published an independent review of forest practices in NS. Based on the advice of 21 experts, Dr. Lahey recommended the government adopt a three-pronged, ecological approach that would see no clearcutting in protected areas and parks, increased clearcutting on lands where generally one species of tree is grown and intensely cultivated (for a specific use such as pulp and paper), and reduced clearcutting in the rest of the province where the forest is made up of multi-age and multi-species trees, including the Acadian Forest. The Lahey report says the Department of Natural Resources must deeply and pervasively embrace a culture of transparency and accountability. It must also dramatically increase its reliance on science in order to move NS in the direction of ecological forestry with healthy forests and thriving forest-based industries (Henderson, 2018). As Hartai (2021) explained, the aim of the Lahey report is to change how we think about our forests while maintaining a sustainable forest industry, positioning NS as a world leader in protecting biodiversity and maintaining healthy forests. Lahey even said that even if his report brings the end to the mill, his top priority was to protect ecosystems and biodiversity (Henderson, 2018).

This report represented a change in thinking about the economics of the forestry industry. The main point about the Lahey Report was that it provided substantial recommendations and it was revolutionary in its recommendations for improvement regarding how NS balances long-term environmental, social, and economic interests in managing forests, including consideration of alternatives to clearcutting (Lahey, 2018, p.9).

The Lahey report is an important part of the story of the Boat Harbour case; it signalled the need for a change in the economic views of the government, the formal commitments that were already done, the influence from the MLAs and the raising of the importance and awareness around protecting the environment while having a prosperous diverse economy. The views were starting to accept that the environment and jobs were not mutually exclusive. Premier McNeil was taking into account the shift in economic narratives and environmental justice concerns.

The transitioning economy, mixed with the new ideas around protecting the ecosystem and biodiversity influenced the NS government's decision to close the mill in Boat Harbour, as expressed by Premier McNeil in 2019. Finally, the consideration of other sectors (fishing and tourism), emphasizing sustainability and protection of environment became more prominent in politics.

Tory Rushton (PC MLA for Cumberland South) agreed that the Lahey report was a “step in the right direction for a forestry sector” (NS House of Assembly Hansard, February 26, 2020). He added that he is “committed to sustainable prosperity”, and communities play a key part in developing climate-friendly solutions like clean energy projects (Vitello, 2021).

The forestry sector has been transitioning, especially after the Boat Harbour Act in 2015, the publication of the Lahey Report's 10-year plan in 2018, and thanks to the general change in the forestry practices, becoming more sustainable, environmentally and economically. The new views of the economy included the idea that the environment and jobs need to be brought together, without having to sacrifice one at the expense of the other. The Lahey report reflected a broader trend towards more sustainable forms of

development, changing towards ecological forestry and finding a more sustainable economy. The new views put more importance on green jobs, biodiversity, and a diverse economy, arguing we could have both the environmental protection and a strong economy.

Jo Ann Roberts and Elizabeth May (Green Party leaders in NS and federally, respectively) in their public statement said that “the argument that you must choose between your health and a job was ridiculous”, and added that we now know more about the unacceptable health risks posed by the Northern Pulp mill (Morelli, 2014). They explained that there are other mills in Canada that have complied with environmental standards and are now economically viable operations, but Northern Pulp continued to operate at the expense of all other industries and businesses in the region (Morelli, 2014). Likewise, Labi Kousoulis (Liberal MLA for Halifax Citadel-Sable Island) expressed how earlier governments chose to “weigh economic interests of the forestry sector over the health of PLFN, jobs in the fishing and tourism industries, and the protection of the environment” (NS House of Assembly Hansard, April 21, 2015). These testimonies showed how some provincial MLAs recognized this change in the economic priorities and how we see the economy in relation to the environment.

In an interview, PC candidate Elizabeth Smith-McCrossin (now independent MLA for Cumberland North) argued for the need to achieve environmental objectives without unreasonably compromising the ability of Northern Pulp to operate, as many people depend on it (NS Forest Notes, 2018). She proposed finding a path to keep Northern Pulp functioning in an environmentally sustainable way. Similar to Smith-McCrossin, Cecil Clarke (then-MLA for Cape Breton North) emphasized the need to balance the needs of industry and “our responsibility to the environment” (NS Forest Notes, 2018).

Labi Kousoulis said that Boat Harbour was “not only a black eye for the community of Pictou but for all of NS”, claiming that Boat Harbour could have been remediated by now if the earlier governments did not change their minds, choosing to weigh the economic interests of the forestry sector over the health of PLFN, jobs in the fishing and tourism industries, and the protection of the environment (NS House of Assembly Hansard, April 21, 2015).

Jamie Baillie, PC MLA for Cumberland South, said there are many other examples inside and outside Canada of finding ways to have decent jobs and to have a clean environment at the same time. He said that “it is important to find a way to preserve jobs and business opportunities in the area while also having a clean environment” (NS House of Assembly Hansard, April 21, 2015). He challenged the rhetoric around creating this false choice that you have to have one or the other when, clearly, the residents of Pictou County have every right to both decent employment and a clean environment (NS House of Assembly Hansard, April 21, 2015).

The narratives around the issue changed because the pollution got too big to ignore and the social resistance from many parts of the society, including MLAs, PLFN, NGOs, fishermen and many more raised awareness around how air, land and water have no racial boundaries.

The issue of Boat Harbour became not only one of “environment versus jobs” but also of “jobs versus jobs”. For decades, the NS government favoured economic interests over people’s health, listening to a private company, denying responsibility and avoiding involvement as long as, and as much as, possible. The forestry sector was thriving at the expense of fishing and tourism industries and community health. So, the change in the way

we see economics, in a way, had to change towards sustainability for a safe future, considering how having a diverse, greener economy is more beneficial than relying solely on the forestry sector, which is polluting the Harbour and affecting many communities, on top of the fishing and tourism industries.

### **3.2 TWO NARRATIVES: NO PIPE AND YES PIPE**

The Boat Harbour issue raised the tensions and the debate was divided in two different sides: those who are arguing for the vitality of the forestry sector saying “yes” to the proposed pipe project by the Northern Pulp mill and those who were advocating to end the pollution in the Harbour because it affects their health as well as the fishing and tourism industries; they were saying “no” to a new possible pipe.

There were two distinct narratives: Environment versus Jobs and Jobs versus Jobs. People in the neighbouring communities and those who are involved in the decision making were divided in two groups: No Pipe and Yes Pipe. No Pipe supporters were comprised mainly of the PLFN, fishermen, other non-Indigenous tourism sector workers and citizens from neighbouring communities advocating for Indigenous human rights, environmental protection, their own health; they were saying no to Northern Pulp’s plans to put a new pipe on Boat Harbour. On the other hand, the Yes Pipe group focused on the forestry sector and how jobs were needed in this province, emphasizing the impact it has on the provincial economy, and affirming that the pipe would dispose only cleaned effluent water. They argued that no pipe meant the closure of the mill.

Through Baxter (2017), we hear from Pictou Landing elders and activists, acknowledging that the mill has brought badly needed jobs to Pictou. But elders and activists questioned the price that was paid for those jobs. In her book *The Mill, Fifty Years*

*of Pulp and Protest*, Baxter depicted the legacy of Boat Harbour as a “history of broken promises, of 50 years of lies”, revealing the faults of the governmental actors (Baxter, 2017a). This sparked outrage from civilians towards the mill and from the mill towards the writer and the fishermen who support the environmental justice and clean-up protests. The two distinct sides of the issue became apparent when the mill started boycotting a bookstore for allowing Baxter to sign copies of her book there. She explains how they cancelled the book signing because of the possibility of an “ugly incident” (Baxter, 2017b). People called Baxter’s book “a non-factual rhetoric” and it was controversial enough to be banished from the local bookstores (Thomson, 2018).

On one side, PLFN had allies like the non-aboriginal fishery associations and a big coalition of citizens fighting against the effluent going into the Northumberland Strait. On the other side, the forestry industry that relies upon Northern Pulp as a central pillar of its sustainability argued they need jobs. They stressed that it is an industry that employs over 10,000 primarily rural Nova Scotians in areas with few other decent-paying jobs.

While the fishermen who are affected by the effluent in the fishing grounds said, “*No Pipe*”, the mill said, “*No Pipe equals No Mill*”. With the jobs at stake, it got intense between these arguments and groups. Activists that Baxter talked with mostly went out of their way to emphasize that they wanted the mill to act responsibly, but that they did not want the mill to close, nor did they want forestry workers to lose their jobs; this shows that they were trying to compromise with the others who were fighting for their jobs (Bousquet, Henderson, and Baxter, 2019).

### ***3.2.1 “YES PIPE” NARRATIVES, NORTHERN PULP, AND NO PIPE EQUALS NO MILL***

The way Kathy Cloutier (director of communications for Paper Excellence, owner of Northern Pulp mill) talked about the mill was an important reflection of the “yes pipe” position. She said that the mill had “raised families and put children through university” as a generational employer (Baxter, 2017). In a letter from 2017, Cloutier even emphasized the effluent that had been released for 5 decades was treated and was going to be even better with the new proposed design (Leeder, 2018; Baxter, 2019). This is a good portrayal to understand the “yes pipe” narrative from those who supported the continued operation of the mill, and also the public lies Northern Pulp have told about the quality of the effluent. In a press conference, Cloutier stated that the fishing and forestry industries had coexisted for the past 5 decades and would continue to do so for the next 50 years, while the pollution was clearly harming the fishing industry (Baxter, 2019a).

The arguments around the “Yes pipe” narratives were based on the economic importance of the mill. For example, Alfie MacLeod (PC MLA for Sydney River-Mira-Louisbourg) said that the forestry industry generates over \$575 million for the province's GDP, providing over 10,000 jobs in NS. Macleod raised concerns about how important it was to ensure that the Northern Pulp facility remained open, saying a plan was needed to ensure the jobs of Northern Pulp were not lost (NS House of Assembly Hansard, April 23, 2015).

Similarly, John Lohr (MLA for Kings North), Brian Baarda (CEO of Paper Excellence Canada who owns the Northern Pulp), and Karla Masland (PC MLA for Queens-Shelburne) argued that the mill was a key employer, keeping over 11,000 jobs

around the province, and that Premier McNeil was putting those jobs at risk (NS House of Assembly Hansard, October 25 2018 and February 26, 2020). Lohr said that PEI Premier Wade MacLauchlan “threw mud at their EA process” by pressuring the government to conduct a Class 2 EA, rather than an easier, less comprehensive Class 1, while McNeil was silent (NS House of Assembly Hansard, October 25 2018).

UNIFOR, the union for mill workers, blamed Premier McNeil for “throwing away 2,700 jobs” and “gutting a rural industry”, “turning a blind eye” (Vibert, 2020) affecting tens of thousands, with financial uncertainty. They also claimed that the NS government failed to give the mill and its workers a clear path (UNIFOR, 2019). Linda McNeil, UNIFOR’s Atlantic Regional Director, said that the forestry sector felt abandoned, and was expecting a devastation of the industry (UNIFOR, 2019).

Reflecting the narrative in favour of Northern Pulp, Kim Masland (PC MLA for Queens-Shelburne) gave an emotional speech, calling the forestry workers “innocent, hard-working people, trying to put bread on the table”, while ignoring the fishing and tourism industries, as well as the suffering Indigenous community (NS House of Assembly Hansard, February 26, 2020). She continued to tell how the decision to close the mill four days before Christmas put many families in emotional and financial anxiety (NS House of Assembly, Hansard, February 26, 2020). Christmas is an interesting theme since the mill was called “a Christmas present” in the beginning by NS Premier Robert Stanfield, who was the Premier at the time of the construction of the pulp mill, and who argued that the mill was going to be a present for the provincial economy, boosting job opportunities (“The Mill”, n.d.). The forestry industry relied upon Northern Pulp as a central pillar of its sustainability and the “yes pipe” narrative argued that people need jobs. Continuing her

emotional speech, Masland said that based on a study from 2016, there would be an annual loss of \$500 million in GDP and direct job losses in harvesting, trucking, and roads, on top of the workers directly employed by the mill. (NS House of Assembly Hansard, February 26, 2020).

Tory Rushton asked whether the upcoming budget reflected the \$2 billion deficit the NS economy would see because of the closure, but Premier McNeil reported about the transition team, without providing much detail (NS House of Assembly Hansard, October 17, 2019). Allan Macmaster, PC MLA for Inverness, shared the concerns about the budget, asking if the government understands the immense financial impact the mill closure would have on the province, and also requesting projections in the budget, emphasizing:

“The Northern Pulp is a big part of the provincial economy; while all manufacturing in the province is about 7.6 per cent of GDP, Northern Pulp is around 2.5 per cent of GDP; when balancing a budget, even 1 per cent is important. There will be a big change in the budget, and it needs to be addressed and planned.” (NS House of Assembly Hansard, March 26, 2019).

Lisa Roberts agreed that the closure of the mill would have immense consequences if it is not stewarded and managed thoughtfully and carefully. (NS House of Assembly, Hansard, February 26, 2020). She was not in favour of the pulp mill and the pipe; this shows that even the critics of the pulp mill acknowledged the significant economic consequences of its closure.

Although there were not many MLAs who are directly and openly supporting the pro-pipe narrative, many expressed their concerns about the impacts of a possible closure would have on the lives of the workers and the impact on the NS economy.

### 3.2.2 “NO PIPE” NARRATIVES

“No pipe” narratives evolved around the themes of environmental justice, environmental racism, protection of the biodiversity, holding the government accountable, as well as protecting the fishing and tourism industries. Here, the narrative of jobs vs. the environment becomes more obvious, then turning into a discussion of jobs versus jobs.

This was not the first-time economic benefits and environmental protection were competing narratives (Shaw, 2013, p.63). Many journalists referred to the polarizing nature of the issue. For example, Jane Taber (2014b) said the mill’s bad smell divided the town. She reported that the smell of sulphur -- once something residents bragged was the smell of money (Bundale, 2018) -- irritated eyes and throats (Taber, 2014b; Baxter, 2019d).

Moreover, Jim Vibert (2019b). claimed that times (and the political calculus) have changed and the price of “putting economics ahead of the environment” in this case seems more than the government could afford to pay. He said as difficult as it would be for the forestry sector, the 50-plus-year-old kraft pulp mill was at the end of the line, and it was time to turn the full attention of the government to salvaging the rest of the forestry sector for a more sustainable and environmentally responsible industry.

Through the documentary *The Mill*, the problem was put down as industry versus environment. It portrayed the issue from both sides, incorporating interviews with the local community and the representatives from the Northern Pulp. For example, Chief Andrea Paul stated that when A’se’k was polluted, it was like a parent taken away from them. Also, Ronnie Heighton, president of the Northumberland Fishermen’s Association, talked about the #nopipe protests and showed the exact place of the planned pipe on the map, which had high traffic for the fishing industry, including herring, lobster, and crab. While

the pro-pipe side was arguing that it is not “a demon mill”, the anti-pipe side stood up for what they believed in, which was the right to have a clean environment and continue their ceremonial, cultural and fishing activities (Craig, 2019, minute 23).

Lenore Zann (then-NDP MLA for Truro-Bible Hill-Millbrook-Salmon River) asked why, for so many years, was “the smell of money more important than people's health”, emphasizing that “without your health, you have nothing” (NS House of Assembly Hansard, April 21, 2015, p.4006).

She added,

“The old, tired tune of jobs versus the economy, .... I think we can have both. We just must have strong rules and regulations in place to keep these businesses on the straight and narrow so that they are following the proper rules that will ensure that our population, our environment, and natural wildlife are protected” (NS House of Assembly Hansard, April 21, 2015, p.4006).

Shedding light on the narratives, the PC MLA for Pictou West, Karla Macfarlane said, “I realize the challenge of jobs over the environment, environment over jobs, and jobs over jobs in this situation. We have two different industries at odds, and they both matter” (NS House of Assembly Hansard, October 5, 2018). This is a vital point to emphasize: the fact that the MLAs were concerned about conflicting industries and the destruction of the environment hints at a change in how they approached nature and economic investments (in sectors such as fishing, tourism or forestry), starting to shift towards an understanding that economic development and environmental protection are not mutually exclusive and could cooperate.

MacFarlane talked about the impacts of the mill operations for more than half a century on the residents of PLFN, their health and the environment. MacFarlane said she would never protect jobs over health and that companies should take responsibility to ensure they are protecting the health of those around them (NS House of Assembly Hansard, October 28, 2016). MacFarlane expressed concerns about how the issue of Boat Harbour created tension; she said it split some families and friends -- a point made by journalist Jessica Leeder as well (Leeder, 2018; Doucette, 2018c).

Blaming the government of NS for failing to understand the consequences of their decisions, Tim Houston (PC MLA for Pictou East) said it made mistakes over the years, missing a timeline and a concrete plan, burying “its head in the sand for around four years” (NS House of Assembly Hansard, March 13, 2019). Highlighting how we need both the forestry and fishing sectors to contribute to the economy, he claimed it is poor governing when a government pits one sector of the economy against another, creating a “jobs versus jobs” debate (NS House of Assembly Hansard, March 13, 2019). The forestry industry and sector will lose money, but the fishing industry is dying at the expense of forestry.

Honourable Geoff Maclellan (Liberal MLA for Glace Bay) said there was no option other than to clean up Boat Harbour, expressing pride in the Boat Harbour Act. Interestingly, he remarked that this is the first time in his career that an issue is divided 50/50; half said “no pipe” and half said “yes pipe”; so, it was not an easy political answer to arrive at (NS House of Assembly Hansard, March 13, 2019).

Even Paul Sobey, of the influential grocery chain family, called for the mill to be fixed; this is significant because the Sobey family rarely comments on controversial issues, but in this case, Sobey was a member of the group Clean Pictou Air (Taber, 2014a). From

all around, complaints and criticisms were raised against the mill, ministers, and the Premier. This is significant because as a member of the power elite in the province, it was unexpected for Paul Sobey to be against the pollution, adding to the resistance from the non-Indigenous, wealthier side of the “no pipe” narrative, having an impact on the attitudes towards the issue.

A crucial point made by Brian Hebert (lawyer of the PLFN) was that the community understands the waste must be disposed of somewhere, but when it involves public money, it becomes concerning. He said that he wants people to understand that from Pictou Landing's point of view, they do not want the mill to close; they just want clean air and clean water. He adds: “Hopefully, the days are gone when we have to trade off jobs for the environment or the environment for jobs. We can do both together if we do it right” (Ryan, 2018).

The issue of Boat Harbour had been labelled as one of forestry versus everyone else. Leeder described the situation as one in which the dispute ballooned into a polarizing conflict that seemed to have ensnared everyone in town (Leeder, 2018). As discontent and opposition hit a new high, fishermen and environmental advocates warned the government about the risks of a new pipe discharging effluent to marine life and jobs from three provinces that rely on it, from fishing to tourism. The area's lobster market alone was worth more than \$400 million, according to 2017 statistics from the federal Department of Fisheries and Oceans and cleaning up the Boat Harbour was already projected to cost taxpayers at least \$133 million (Leeder, 2018).

The Council of Canadians pointed out how Boat Harbour is an example where a government has committed to doing what is in the public interest rather than doing what

the owners of the pulp mill wanted. It was not science vs. the economy, but the way science and changing economic interests came together so that the idea that we cannot have the environment and jobs together was successfully contested (Giles, 2020).

A significant statement made by Chief Andrea Paul concerned how past governments had allowed the mill to get away with things. She stated that she understood that the forestry sector and the government wanted to protect the jobs in the industry, adding that they (PLFN) did not want the job losses either, but that the mill does not only affect the forestry industry, but also the fishing and tourism industries. She emphasized that we cannot protect one industry, while disregarding another (NS House of Assembly Hansard, October 23, 2014).

### **3.3 TOURISM AND FISHING INDUSTRIES**

It is important to acknowledge the role of the fishing and tourism industries, seeing that the issue of Boat Harbour became not only one of environment versus jobs, but also jobs versus jobs. For example, Lenore Zann asked the Minister of Environment how he would guarantee that a pipe pumping a billion litres of pulp mill effluent into the harbour would not harm the residents, fishing, and the tourism industry (NS House of Assembly Hansard, October 3, 2017).

Robert Devet (2019) reported how the toxic history of Boat Harbour started even while the lagoon was still in the planning stage, when Pictou Landing residents were told that the lagoon would be great for tourism. But quickly, the stench started to drive tourists away (CBC News, 2014). This was a hit to the tourism sector.

Several leaders called for the federal government to act on this dangerous plan and to conduct a federal EA because the new ETF and pipe route would damage the fishery

(and tourism) in the Maritime provinces and Quebec's Magdalen Islands (Withers, 2018). On February 26, 2020, Lisa Roberts (NDP MLA for Halifax Needham) addressed the importance of both the tourism and fishing industries and the need to diversify the economy (NS House of Assembly Hansard, February 26, 2020).

Eddie Orrell (Conservative MLA for Northside-Westmount) said he was hearing concerns about the odd smell and about businesses shutting down because of the smell of the effluent. He also expressed hope that the pollution would be cleaned up before the coming tourist season (NS House of Assembly Hansard, October 7, 2014).

Karla MacFarlane criticized how the smell of money could be more important than people's health, while also recognizing that no one wanted to lose their jobs. But in the end, she said that it was not enough to “only think about the mill workers, ignoring the fishery industry” (NS House of Assembly Hansard, April 21, 2015, p.4006; Bundale, 2018). As we see here, non-Indigenous people and businesses, and sectors of the economy were being increasingly affected by the pollution of the mill.

Angela Patterson (2020) reported that the Boat Harbour case signaled a change, where people can challenge situations in which governments are under the control of corporations; she argued that “we can break the trend”.

### **3.4 ENVIRONMENTAL JUSTICE (EJ) AS A FRAMING THEME, ENVIRONMENTAL RACISM, AND NON-INDIGENOUS SUPPORT**

How the media framed the issue was important, especially with their choice of wording. For example, MacDonald (2020) claimed that environmental racism “is a direct result of the legacy of Canada’s historic and ongoing colonization”. In other words, he said

that environmental racism “dictates who gets dumped on, out of sight and out of mind” (MacDonald, 2020).

In the case of Northern Pulp and Boat Harbour, persistent environmental pollution was ignored by successive NS governments as the PLFN was an Indigenous nation. The NS government did business with mill representatives about extending the lease, providing funding or changing requirements without the knowledge of PLFN. This created a breach of its Duty to Consult.

Through time, EJ became more prominent and widely used as a frame between the human rights supporters and the environmentalists. For example, in the Legislature, Karla MacFarlane showed that since 2013, she had been concerned about the constituents of the Pictou area where the particulate matter would flow over (NS House of Assembly Hansard, October 28, 2016). There was concern about the destruction of the burial grounds and contamination of the river. The Indigenous community had a large commercial fishery operation as well as a food and ceremonial fishery (2019 NSCA 75).

Denise Peterson-Rafuse, former NDP member of the Legislative Assembly (MLA) for Chester-St. Margaret's, said that the government could not wipe out the very bad, nasty past, accusing the Minister of Environment of only focusing on the regulations and never talking about the lives of the affected people, nor the effects on their health (NS House of Assembly Hansard, November 25, 2015).

EJ was the frame used by the PLFN, environmentalists and human rights/First Nations' rights activists, but it was not enough to shift the government's position. It was necessary to emphasize the effects beyond the local Indigenous community. As also mentioned by the MLAs, the Boat Harbour pollution affected fishing and tourism

industries, as well as Hillside, Little Harbour, Kings Head, Melmerby and beyond to the greater Pictou County community (NS House of Assembly Hansard, April 21, 2015). This shows that in the case of Boat Harbour, it was necessary to do more than to oppose environmental racism and promote EJ; it was necessary to build alliances with non-racialized people who were suffering from the pollution.

Although an EJ framework was a master frame for the environmentalists and First Nations's and human rights activists, it was not a sufficient condition to enable change. We can see clearly that there was growing support for the PLFN's side against the mill from non-Indigenous people, they strengthened the case of EJ about the "no pipe" narrative. The resistance from non-indigenous communities was significant.

### **3.5 SIGNIFICANCE OF AGENCY: IMPORTANT NAMES**

Journalists like Paul Withers (who revealed the spongy bottom that was exposed in Boat Harbour in 2017), Jim Vibert, Miles Howe, Joan Baxter, Jessica Leeder, Aaron Beswick, Keith Doucette, Linda Pannozzo, Jennifer Henderson, and Tim Bousquet have all done years' worth of excellent, in-depth, investigative heavy lifting on this issue (Kimber, 2019). Journalists and media statements create a public understanding of the issue. By looking at the media, we can see different narratives (jobs versus environment and the change to jobs vs. jobs), updates on the projects and the unanswered questions, sometimes with denials, sometimes with praise. Media can bring people together but can also further polarize the community as happened with the bookstore boycott against Baxter's book *The Mill* and with the threats towards Chief Andrea Paul after the closure of Northern Pulp. She says anger was directed at her for the lost jobs and that the threats changed her life (Reynolds, 2021).

Furthermore, non-governmental organizations like the Fishermen's Associations from NS and PEI, and environmental NGOs (ENGOS) like Ecology Action Centre (EAC), Friends of the Northumberland Strait (FONS), Clean the Mill Group and many more were significant in attracting attention to the case of Boat Harbour (Ecology Action Centre, 2019).

There were also many members in the House of Assembly pushing the NS government to act on the Boat Harbour issue, like Lenore Zann, Brendan Maguire (Liberal MLA for Halifax Atlantic), Karla MacFarlane (Conservative MLA for Pictou West), Gary Burrill, Tory Rushton, Tim Houston, as well as the PEI Premier Wade MacLauchlan. All were pushing Premier McNeil with good questions about the timeline, how to assess the process, the overall planning, the ways to measure success, details of implementation, and contingency plans which were supposed to be outlined much earlier in the project by the government.

Names like Lenore Zann, Labi Kousoulis, Eddie Orrell, and Tim Houston shed light on the Boat Harbour issue, as well as the jobs versus jobs narrative, showing the fishing, tourism and forestry industries at odds. Environment Minister Margaret Miller was also significant for the course of events that lead to the closure of the Boat Harbour pulp mill. And the most important actor was Premier Stephen McNeil. He had a pivotal role in the Boat Harbour decision, breaking the pattern of behaviour of past governments. He was taking into account the shift in economic narratives and environmental justice concerns.

Elizabeth May (leader of the federal Green Party) also acknowledged the hard work and patience of the PLFN, its allies, organizations like FONS, the Fishermen's associations from NS, PEI and NS, the government of PEI, and the investigative work of Joan Baxter,

for fighting for the Boat Harbour Act, while being steadfast for five years while the owner of the mill “did nothing” (Rosie, 2020).

NS-born actor Elliott Page was significant in bringing the issue of Boat Harbour into the attention of people in other provinces and countries (Ryan, 2018). Highlighting the narrative of PLFN, PLFN chief Andrea Paul, PLFN lawyer Brian Hebert, PLFN Elders, PLNWG Native Women’s Group, and many others were vital. The social resistance from the PLFN community was significant in pressuring the government, making their voices heard through court cases and protests. Resistance from Indigenous and non-Indigenous communities brought people together and supported the health of the local community, but also protected the environment, fishing and tourism industries.

On the Northern Pulp side, the accounts of Kathy Cloutier, Ken Swain, UNIFOR and Brian Baarda were important in articulating the “yes pipe” narrative.

To sum up, many actors from inside the House of Assembly, outside the legislature, in the PLFN community, in other neighbouring non-Indigenous communities, fishermen and tourism sector workers came to support the cause of EJ, but the most important actor with the biggest power and role in this decision was Premier McNeil, rejecting another extension for the deadline given to Northern Pulp mill (Doucette, 2019b; Rosie, 2020).

## **CHAPTER 4: CONCLUSION**

In short, the findings of this study show that there has been a change in how the economic priorities of the Nova Scotia government are understood. This was significant for future investments, as they become more sustainable and environmentally friendly, with more emphasis on green jobs and diverse markets. Secondly, this study supports the idea of using EJ as a master frame to gather many different social movement groups under one umbrella for a common cause, but supporting it with both Indigenous and non-Indigenous communities, tourism workers and fishermen supporting the “no-pipe” narrative, creating a bigger coalition that was vital in shaping how the Boat Harbour issue was framed, since the EJ frame on its own was not comprehensive enough. Another similar finding is the importance of individual and collective agency; this is to say, the MLAs, citizens, journalists, organizations who lobbied both Premier McNeil and previous Premiers in history and who were significant for policy making, but also the collective resistance from the PLFN, other neighbouring communities, and social movements.

### **4.1 STUDY LIMITATIONS**

A central limitation was that I am not Indigenous; so, I have to keep in mind the colonial past of research, and conduct my study accordingly, in a good and respectful way. To achieve this, I claim to focus on the decision to close the mill, through an analysis of publicly available documents, rather than claiming to represent the views of the PLFN community. I cannot speak for them; I aim to analyze what conditions enabled the closure of the Northern Pulp mill, by the NS government.

To answer this question, I had some challenges – for example, I could not talk directly with Premier McNeil, nor the MLAs due to time constraints. Also, because of my

international background, I had to become more familiar with the MLAs and how Canadian decision-making processes worked in particular related to the Boat Harbour decision. An analysis of the economic impact of the closure of the mill, as well as the estimated cost of keeping the mill open would also be helpful.

#### **4.2 THEORETICAL ANALYSIS OF THE BOAT HARBOUR ISSUE**

Looking at the Boat Harbour issue, this study used two main frameworks: the Environmental Justice (EJ) Framework, and the Narrative Policy Framework.

Firstly, as outlined earlier, social movements can use more than one frame to attract supporters, these include human rights, morality, justice, liberation, nationalism, and opposition to neoliberalism (Rodgers, 2018, p.96), like the coalition of environmentalists with First Nations' rights activists (Robinson et al., 2007, p.591). Another possibility is the collaboration of intersectionality theory and the EJ framework as they both focus on the factors that lead to discrimination (Mitchell and D'Onofrio, 2016, p.308).

EJ as a master frame was an idea that gained support among many scholars like Cole and Foster (2001, p.164), Gosine and Teelucksingh (2008, in Teelucksingh et al., 2016, p.383), and Shaw (2013, p.83). Arguing that the EJ framework brings together concerns for health, economic equality, species preservation, diversity, democracy, and human rights, Gosine and Teelucksingh (2008, in Teelucksingh et al., 2016, p.383) showed that EJ was a master frame for different groups coming together for one cause, which in this case was to oppose the mill, ask for justice and the clean-up of the Boat Harbour. These groups were environmentalists, human rights advocates and First Nations' Rights activists. This frame was evident in the Boat Harbour case, but it was not enough without the support of the non-Indigenous communities. As people from different communities and MLAs in

the NS House of Assembly were talking about the injustice that was done to PLFN, but also on the environment, on other communities and industries, the EJ frame and the economic arguments came together in the Boat Harbour case to argue against the Northern Pulp mill. The social movements around First Nations' rights, environmentalists, fisheries and tourism industry, and human rights achieved movement fusion through collaboration for the "no pipe" narrative.

A closely related concept is the Advocacy Coalition Framework (ACF), emphasizing how people come together and collaborate to achieve a common goal (Cairney (2013). This framework is significant for this study since it focuses on the complex policy making system, analysing what influences it. The main idea of ACF is that "people engage in politics to turn their beliefs into policy" (Weible and Sabatier, 2006).

Also, movement fusion is defined as "collaboration of two or more different social movements for mutual support, in pursuit of a common agenda" (Cole and Foster, 2001, p.164). This is what happened in the case of Boat Harbour: EJ became a master frame for environmentalists, human rights groups and First Nations supporters and communities. Their protest against the pollution caused by the Northern Pulp mill was later supported by members of the fishing and tourism industries, as well as the wealthier, non-Indigenous neighbouring communities who were affected by this pollution. When the EJ coalition got support from the non-Indigenous communities, fishing and tourism industries, the "no pipe" narratives became much stronger.

Secondly, the Narrative Policy Framework looks at these frames and narratives used to attract support and to even shape policies (Cairney, 2013, 2019). This framework questions how policies can change and in the example of Boat Harbour this was significant.

The narrative and the wording around the issues was important for the change in policy. The proposal by Northern Pulp for a new pipe into Caribou Harbour created a divide between two different groups: those who said yes to having a pipe and those who said no. These were crucial competing narratives around the debate of “jobs versus environment” and “jobs versus jobs”. This is to say, the “no pipe” narrative came with arguments that supported the fishing and tourism industries, changing the views from “we need jobs in the province, so we have to sacrifice something (environment)” to “the forestry sector is poisoning Indigenous and non-Indigenous communities, while immensely harming the fishing and tourism sectors”. Thus, towards 2018, the narrative of environment versus jobs was being challenged by the idea of “jobs versus jobs”; this was because of the pollution caused by the mill, affecting the fishing and tourism industries in addition to the PLFN community and its fishing industry. The change in narratives affected the policy decisions, especially when the government was already moving towards greener, more environmentally protective, sustainable economy investments.

The Narrative Policy Framework is relevant to the Boat Harbour case by explaining the importance of framing, especially in the example of media portrayals of the jobs versus environment debate, turning towards an understanding that it does not have to be exclusive between the jobs and protecting the environment.

In the end, the EJ framework was an umbrella for the environmentalists, First Nations’s rights and human rights activists. However, it was not a sufficient condition to create change. So, the non-racialized support for the “no pipe” narrative from the non-indigenous communities, fishing and tourism industries, was significant. Although the fishing and tourism industries did not put environmental racism and First Nations’ rights

on their agenda, they argued against the pollution caused by the Northern Pulp mill, so, they were on the same side, opposing the proposed pipe. Both the EJ framework and the collaboration with non-racialized communities were important for the change in the Boat Harbour decision and the closure of the Northern Pulp mill.

#### **4.3 IMPLICATIONS AND FUTURE STUDIES**

The implications of this study include but are not limited to: explaining the change in the economic narratives and interests, and the new era of looking at our relationship with nature; explaining how the resistance of PLFN illustrates narrative and framing (Lewis, Castleden, et al, 2020, p.68), and outlining what the future of EJ efforts could look like, collaborating with many other communities and groups.

The fact that the mill was forced to close only after it became clear that the negative effects on non-Indigenous communities were substantial has some implications as well. This demonstrates the environmental racism the government had denied for decades, violating the First Nations' rights, polluting the environment and picking one part of economy at the expense of another. This signified the change in the social movement's nature, bringing the non-Indigenous communities into the resistance, and reinforcing the urgency and significance of the Boat Harbour clean-up. It also showed how important the role of the Premier is, as well as how much Canada still has to improve in respecting First Nations' rights. Most importantly, it shows the limits of the EJ frame on its own, showing how much stronger it can get with the support of the economic narrative of "jobs versus jobs", influencing the government.

For EJ theorizing and organizing, this change in economic narratives implies a need for a wider range of support from different social movements and communities, but also

the federal and provincial Canadian governments. And hopefully, with this way of thinking about the sustainable economy and the need to protect the environment, in the future, EJ issues will be addressed sooner, if not prevented altogether.

Without doubt, future studies could work with the elders in PLFN and the community directly about the reasons behind this change of policy from the NS government. Also, given the time frame of the study, interviews with MLAs from different parties would be important, as well as interviewing some NGO officials, to get the different narratives out for them to be heard. The problem of having clean water in Indigenous reserves is a continuing problem for Canada. This is an important topic that needs to be addressed urgently, and future studies could look at my study and try to identify trends from examples around Canada, like the Boat Harbour issue, to alleviate environmental racism and to develop the means to hold private companies and government in check.

It was interesting to see the influence of provincial jurisdiction over the years. A deep inquiry into the Canadian government and the role of provincial jurisdiction for this issue would be worth some attention. This includes the way the federal government can leave sensitive issues to the provincial jurisdiction, and the times the NS government denied responsibility for a certain matter, saying the Northern Pulp mill was a private entity. These episodes raised debates around how much involvement the federal government has (and should have) with provincial policy, and private businesses. It raised the question of whether the Canadian government system becomes a way to keep ignoring environmental racism cases and denying responsibility.

Prime Minister Justin Trudeau promised a Just Transition Act in the 2019 election and promised to help oil and gas workers transition into a green economy. This can be a

significant step towards a greener, more inclusive and just policy. The economic change towards sustainability and biodiversity in Canada could look like treating communities and the environment as active agents of change, and having more green jobs (Teelucksingh et al., 2016; Haluza-Delay, 2007).

In this change towards a greener economy, there is an epistemic change underway about what we know about nature, the dynamic of nature, and our relationship to it. There is a growing acknowledgement of the importance of a sustainable economy, but also of Indigenous ways of knowing. This refers to the idea of seeing the mother nature as an active agent, rather than a passive thing (Wilson, 2005, p.334).

Many people including PLFN Chief Andrea Paul, Antonio Guterres (Secretary-General of the UN), and Nova Scotia MLAs have emphasized we should not use nature as a latrine, making a point about how connected air and water are, without any racial boundaries (Guterres, 2021; Howe, 2014). Although Antonio Guterres did not say this directly in relation to Boat Harbour, the environmental context he highlights can be applied to the example of the Northern Pulp issue. This is to say, any pollution in the water will be soaked into the soil under and around, and the stench will be carried around the neighbouring communities by the wind (NS House of Assembly Hansard, April 21, 2015, assembly 62, p.4006; PLFN v. NS (Aboriginal Affairs), 2018 NSSC 306, p.8). Also, as then-MLA Tim Houston showed, Boat Harbour was a concern for all the residents from PLFN to Hillside, Little Harbour, Kings Head, Melmerby and beyond to the greater Pictou County community (NS House of Assembly Hansard, April 21, 2015). So, the impact is far beyond Pictou County; it hits every community. We are all affected without racial

boundaries. This understanding was central in bringing the non-Indigenous supporters to the no-pipe narrative.

My findings about Boat Harbour suggest that the economy of NS is transitioning towards a more diverse and sustainable future. Also, the government started viewing the environment and jobs as complementary, rather than being mutually exclusive.

To prevent an issue like Boat Harbour from happening again in the future, there is a need to protect Indigenous communities through bills like the Bill No. 111 called "Environmental Racism Prevention Act" (2015), UNDRIP (United Nations Declaration of Indigenous Peoples' Rights, which Canada endorsed in 2016, and ratified in 2021), and Bill C-230 (National Strategy to Redress Environmental Racism Act, 2021). There are many roles for individuals and government agencies, but the most important (in my opinion) is about human rights, equality and respect. The economy deserves a just transition like the one Prime Minister Justin Trudeau promised. Canada's responses should heal systemic injustices rather than deepen them.

The rights of Indigenous peoples should be protected through fulfilling constitutional duties like the duty to consult, through environmental protection and monitoring policies, and by implementing UNDRIP in a way that is comfortable to the Indigenous peoples. The right to information and access to scientific data is crucial for the self-governance of Indigenous communities, as many studies have shown. Inclusive methods are crucial like Community Based Participatory Research (CBPR). The environment is connected; water and air have no racial boundaries. It is vital for bills like Bill C-230 to become law, to hold industries and governments accountable for environmental degradation, breaching duties, years of lies and empty promises, and

neglect. Integrated, citizen-centric and effective practices of government are required for long-term positive development of the economy.

#### **4.4 CONCLUSION**

There were a series of factors that led to the closure of the Northern Pulp mill. Premier McNeil, unlike the leaders of previous governments, refused to grant an extension for the deadline set in Boat Harbour Act (2015). Due to the failure to meet scientific requirements, Northern Pulp was unable to meet the requirements of the Act. So, the McNeil government kept their promise, while it could have been another broken promise. We can rightly ask: why did it turn out differently?

In the case of Boat Harbour and PLFN, community members were unable to practice subsistence activities, and their control of the land and self-determination were diminished. This continued even after 2016, continuing to affect the traditional and cultural activities of the PLFN community. This showed a breach in Canada's commitment to the values of UNDRIP (Bennett, 2013, p.122; UNDRIP A/RES/61/295; Government of Canada UNDRIP Backgrounder n.d.). Although Canada did not ratify UNDRIP until 2021, it officially endorsed UNDRIP in 2016 (Duncanson et al., 2021).

The social resistance from the PLFN was significant in revealing the 50-years of lies and hidden agreements between the NS government and the pulp mill. The PLFN community fought hard to reveal the environmental impact of the polluting paper mill on their once-sacred land; collaborating with scientists and journalists, academicians and First Nations elders, they revealed the facts about the effects of the pollution on the biodiversity of the harbour, the spongy soil, the burning smell and the toxic water. Two significant turning points were the 2014 and 2018 leaks, when large amount of effluent leaked into

the Boat Harbour, affecting many communities and industries like the fishing and tourism, they created moral shocks, it was disturbing to see the images and the outcome of the pollution. These two leaks created a social outrage, attracting more attention to the issue around the Northern Pulp mill and the ongoing pollution.

The government was heavily influenced by the science behind the projects, focus reports, and the effluent treatment facility proposal submitted by Northern Pulp. When the mill could not satisfy the conditions of the Boat Harbour Act, it was Premier McNeil who kept the promise made in 2015 to close the mill's operation, rather than allow their effluent discharge. This was a significant and positive step towards EJ and First Nations' rights. To come to this point, the issue of Boat Harbour had to go through many hurdles like many times the NS government promised to close the Northern Pulp mill and broke its promise, giving extensions to their deadline, while the federal government was reluctant to intervene. This victory (the closure of the mill) was a result of the narratives changing from "jobs at the cost of environment" to jobs and environment co-existing, in a sustainable economy. This is to say, the EJ frame collaborated with the economic narrative for a common cause, to argue against the mill.

Based on my research, I think the older economic arguments were not sustainable; the idea that we have to give up on environment to have a prospering economy was absurd, and had to change eventually, especially considering the natural resources are connected and finite. On the other hand, the newer views of the economy embraced the co-existence of economy and environment, arguing that they did not have to be exclusive, it showed the importance of having diverse markets. Thus, they changed towards a more co-existing balance.

While the economic views were changing, the narrative of environment versus jobs was also changing to jobs versus jobs in the Boat Harbour issue, because of the pollution in the harbour, affecting the fishing and tourism industries (and not only forestry), as well as non-Indigenous communities. The government's priorities were becoming more sustainable and the Boat Harbour issue became an issue wider than only EJ or PLFN.

The Hansard debates allowed me to show the narrative change from the ideas of "environment or jobs" to "jobs or jobs". This shift in opinion happened across all the main parties (PC, Liberal, NDP). Not all members of one party agreed with where their party stood on the issue of Boat Harbour. This is to say, although it could be expected for the PC government to be in favor of the Northern Pulp mill's continued operation (based on the pattern of decisions of past governments), Karla MacFarlane and Tim Houston (PC MLAs for Pictou West and East respectively) emphasized the importance of other economic sectors like the fishing and tourism industries and how they were being affected, talked about the EA processes, and pushed the government for answers; they leaned towards the idea of "jobs versus jobs" (NS House of Assembly Hansard, October 28, 2016 and October 5, 2018). Similarly, Eddie Orrell (Conservative MLA for Northside-Westmount) was concerned about the effect of the pollution on the tourist season (NS House of Assembly Hansard, October 7, 2014). Although there were different views within the parties, there was an overall shift in the views towards the environmental protection and economic sustainability.

There were many MLAs in favour of the newer economic views, advocating for the clean-up of the harbour. In the legislature, they were talking with and lobbying the Premier McNeil directly. This affected the government's decision in a way that their

decision would have to assure a prosperous economy while making sure the environment was unharmed. This was reiterated in Premier McNeil's speech in 2019; he said that having economic growth and environmental integrity was a matter of having both, and not a decision of "either or" (Nova Scotia Government, 2019). This reinforces my argument that the new economic views started to see environment and economy together.

To answer my research question, I argue that certain factors I outlined were crucial. The growing amount of pollution started to affect the wealthier, non-Indigenous communities. This affected the narratives around the relationship between environmental and economic priorities, and the need for a more sustainable economy, and the importance of the fishing and tourism industries were acknowledged. They provided a crucial support to the no-pipe narrative, adding to the EJ master frame between the environmentalists, First Nations' rights, and human rights activists.

Also, the agency of many individuals and resistance groups coming together for the "no pipe" narrative was vital. These groups included the Indigenous PLFN community, but also non-Indigenous fishermen and tourism workers, collaborating to advocate the closure of the mill. This study also sheds light on how important the agency of provincial Premiers' decision-making is, and how Premier McNeil put a stop to the long history of Boat Harbour pollution.

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