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Release of toxic tar sand tailings cannot be approved without consent from downstream Indigenous Nations

Keepers of the Water (Keepers), an Indigenous non-profit representing an Indigenous led movement to protect water in the north, strongly opposes the proposed release of tar sands tailings water into the Athabasca River watershed and the passing of any regulations that allows for such acts under Canada's *Fisheries Act*.

Tailings ponds are large human-made reservoirs that hold the toxic by-products from oil & gas extraction. Tailings ponds contain harmful chemicals such as mercury, arsenic, and naphthenic acids, all of which pose a risk to the Athabasca River, the wildlife it hosts and the communities that depend on it.

Releasing tailings into the Athabasca watershed is not a safe or just option for solving Alberta's growing tailings crisis. It is a handout to oil companies that allows them to avoid reclamation costs. It is a decision that accepts that northern Indigenous communities and lands will remain a sacrifice zone for the profit of settler governments, southern populations, and some of the world's richest corporations.

"We are drawing a hard line and do not support any dumping of toxic waste from the tailings ponds into the Athabasca River and watershed, if Industry can clean the tailings ponds like they claim, then they need to 100 per cent recycle that treated tailings in their processing, they already have the facilities to recycle, so there are no excuses on the matter." Stated Jesse Cardinal, Executive Director for Keepers of the Water.

The proposed release of tailings is a clear violation of both Dene law and Cree Natural law, and furthermore, without the free, prior, and informed consent of downstream Indigenous nations is a clear violation of the *United Nations Declaration on the Rights of Indigenous Peoples* (the "Declaration").

Indigenous peoples have already experienced the negative impacts of tar sands extraction on our lands and our way of life. Low water levels, loss or contamination of critical species have forced people off their own land and destroyed traditional economies. These impacts are exacerbated by the increasing impacts from climate change caused by industrial activity.

Indigenous culture, language, spirituality, and history are all intimately tied to the land, the loss of our land-based way of life infringes on our basic human rights to pass on essential aspects of who we are as peoples to future generations.

Given the potentially severe impacts that releasing tailings will have on downstream Indigenous nations it is our position that before government approves any plan, they must obtain the free, prior, and informed consent of downstream Indigenous nations.

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