

# Court Dismisses Fisheries Act Charges Against Mine



A mine was permitted to discharge treated effluent into Edwards Cove. But when discharged treated effluent was collected and analyzed, it failed several Acute Lethality Tests. So the mine was charged with two violations of the federal *Fisheries Act*. The court dismissed the charges, ruling that due to defects in the chain of custody of the samples, the prosecution had failed to meet its burden of proof. In the alternative, the court found that the mine had exercised due diligence based on Environment Canada's conduct and decision that the mine had taken all reasonable measures to address the earlier failures; the new hydrogen peroxide treatment facility; and the temporary shutdown for the pigging process [*R. v. Vale Newfoundland & Labrador Ltd.*, [2016] CanLII 5779 (NL PC), Jan. 20, 2016].