



Mohawk Council of Kahnawà:ke (MCK)

Terms of Reference

Asbestos Civil Investigation (ACI) Project: Community Member Observer Terms of Reference
Date: March 30, 2021

The ACI Project Team of the MCK is seeking community member(s) to observe the process that will investigate deposits of asbestos containing materials (ACM) in soils for development purposes in Kahnawà:ke.

1. Context

In recent years, our Mohawk community of Kahnawà:ke has become aware that soils with asbestos containing materials (ACM) transite pipes originating within the community have been used to prepare residential lots and other infrastructure projects. One of the purposes of the investigation is to determine how far back in time ACM fragments have been found.

Soils with ACM in our community became retrospectively known around 2016 with community members finding pieces of transite ACM pipe on their residential lots. In 2018 and 2019, fragments of transite ACM pipes continued to be discovered not only on residential lots, but in other locations in the community itself. These events became known to the MCK Council of Chiefs in 2019, and, at the same time, the community became actively aware. This community expects to be informed of the sequence of events that led to this situation, confirmed at a community meeting.

An engineering and scientific consultant was contracted in 2019 to identify risks associated with suspended asbestos-containing transite pipes on undeveloped lots in Kahnawà:ke. Several procedures were recommended for handling soils with ACM transite pipes, as well as transite pipe storage, transport and disposal. Recommendation to communicate with residential lot holders was received with some communications provided to community members.

Another environmental services consultant was contracted for specific lot cleanup. A report of the fieldwork conducted by a corporation to conduct an environmental site characterization phase II using test pits not only on residential lots but of stockpiles located in other locations in the community. MCK has already taken these steps to deal with soils with ACM. A community observer will be able to see what MCK has already done and see transparency in what actions are taken and why.

As recently as the summer of 2020, some excavation, handling and use of soils with ACM fragments continued. There was inconsistency with handling of soil containing ACM fragments. An environmental science and engineering company is currently conducting a soil characterization to develop a global remediation strategy.

The MCK Council of Chiefs responded to the situation by directing an ACI Project Team to oversee an investigation to determine and create a record of events related to soil with ACM fragments and its use in Kahnawà:ke, identify where policy, legislation, and procedure was not followed, and recommend action (s) internally to the organization. This investigation report can ensure that the MCK can prevent this from happening in the future.

A community member observer(s) is desired to observe investigation updates and be part of the presentation of the draft report, and to observe transparency in the investigation process. The MCK believes that the investigation and community observer role will support transparency and recognition to Kahnawà:ke of the undesirable practices of the past and the need to make change.

2. Objectives

- ❖ Observe the investigative process twice per month for investigator update meetings over a 4-month period (May 2021 to August 2021).
- ❖ Participate in a monthly check in with the project manager via telephone to address questions or concerns.
- ❖ The community member observer(s) will need to commit to twice per month update meetings with the Project Team and investigator and a monthly check in with the project manager.
- ❖ This observer(s) will be part of the presentation by the investigator of a draft report.
- ❖ A community observer(s) will be part of the approach to confirm transparency of this investigation.

3. Observer Requirements

The community member(s) needs to:

- ❖ Be on the Kahnawà:ke Kanien'kehá:ka Registry (KKR);
- ❖ Not have a conflict of interest (i.e., be an MCK employee or working for MCK under a contract, etc);
- ❖ Be guided by trustworthiness and be sincere as an observer.
- ❖ Have access to a computer and an internet connection with adequate speed and bandwidth for zoom calls;
- ❖ A cellular phone or land line number;
- ❖ An email address;
- ❖ Be comfortable with various media platforms (MCK Public Relations Unit, and potential interviews or asked for a statement by local newspapers or radio).

- ❖ Understand that certain information made available to you is to ensure you see the independent function of the investigation and would not be for discussion and sharing.

4. Expectations

- ❖ Sign a contract outlining what you are expected to do and of your commitment to this investigation process.
- ❖ Participate in an introductory zoom call with the Project Team, and subject matter experts.
- ❖ Be available for twice per month update meetings with the investigator and Project Team using zoom. If the pandemic allows, meetings will be held in person. These twice monthly meetings shall occur via zoom call the week of: May 10, May 25, June 7, June 22, July 5, July 19, August 2 and August 16. A specific day for check -in meetings shall be determined in collaboration with the investigator.
- ❖ Be available for monthly check in with the project manager. Subject to community observer(s) availability, this can occur on Mondays, at the end of each month on May 31, June 28, July 29 and August 30, 2021.
- ❖ Receive and read monthly project manager and investigator status reports.
- ❖ Participate in a presentation by the investigator of the draft investigation report.

5. Schedule

The following is for the community member(s) who have interest in this observer role. The letter of intent including the required information will be sent to the Project Liaison via email to cody.diabo@mck.ca or by mail at: MCK ACI Project Liaison, Ratsénhaienhs Cody Diabo, PO Box 720, Kahnawà:ke, QC J0L1B0, by **April 9, 2021 at 3:00 PM**. Letters of intent received after this date and time will not be considered.

1. Send a letter of intent that describes your interest in this observer role, and your commitment to this investigation process. Include your contact information (email, cell or land line telephone number, box number) and your band number.
2. It is estimated that you will begin with an introductory zoom with the ACI Project Team, and subject matter experts, during the week of April 12, 2021 and that investigation updates will begin the week of May 10, 2021.
3. The community member observer(s) shall be provided an honorarium for time given to the project, provided at the end of each month.

6. Primary Contact

Heather Jacobs-Whyte, ACI Project Manager

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