

Review: The Tipping Point: The Age of the Oil Sands

September 9, 2011

REVIEW

On January 27, 2011, CBC Television aired [The Tipping Point: The Age of the Oil Sands](#), a two-hour documentary that formed a special edition of The Nature of Things series.

The program was an independent production, directed by filmmakers Tom Radford and Niobe Thompson for Clearwater Media in association with CBC and presented by longtime program host David Suzuki.

The program's focus was [research published](#) in late 2009 by ecologist David Schindler into pollution in the waters flowing from the Albertan oil sands project. But the documentary's breadth involved community and activist efforts to press federal and provincial authorities for a stronger system to monitor the project's environmental impact, particularly on the community of Fort Chipewyan.

One such activist was Dene Elder François Paulette, seen in the program in various international venues and eventually enlisting as an ally Canadian film director James Cameron, who had directed some of Hollywood's major films of the last decade, including Avatar and Titanic.

The program featured other interviews and segments from those in government and industry positions.

The complainant, Michelle Stirling-Anosh, wrote February 6, 2011 to provide an extensive list of concerns about what she considered the biased and unbalanced portrayal of the environmental impact and issues involving the oil sands.

Among other things Stirling-Anosh asserted that the science was questionable and narrowly focused and that there was an insufficient range of views. She said that CBC "has done a great disservice to Canadians by fostering unwarranted hatred against the oil sands" in presenting the program. She said existing monitoring programs had not

found problems and that the documentary incorrectly drew a connection between toxins and cancer in Fort Chipewyan.

Bob Culbert, the area executive producer of the science and natural history unit of CBC, wrote back February 9 to say the program fairly and accurately reflected the new research and that nothing had been disproved since. He said the program's issue was whether the system of monitoring water quality in the Athabasca River was scientifically credible.

Since the broadcast, he noted, another report had backed the concern about insufficient aquatic monitoring. Culbert also said the program made clear twice that there was no scientific evidence supporting the concerns about a direct link between the project and elevated cancer rates downstream. He added that the program made "strenuous efforts" to interview oil company representatives but was turned down.

Stirling-Anosh wrote back that same day that the program should have included other scientists and taken into account other possible causes of the environmental impact. She further wrote to encourage CBC not to broadcast the program a second time and to run a program of equal time with a different perspective.

An extensive correspondence ensued.

It is worth noting its range to understand the context of this review. Stirling-Anosh wrote the CBC President, the CBC Vice-President responsible for communications, the CBC General Counsel, the federal Heritage and Environment Ministers, and the Canadian Radio-television and Telecommunications Commission, among others.

She further wrote that the Schindler research was questionably financed and that Suzuki was not an objective host. She also suggested the CRTC agreed with her that CBC was required to present an alternate view.

She proposed that she create a documentary proposal and enlist a producer to offset the program. In the process she also wrote of her concerns in the Red Deer Advocate newspaper. Correspondence on this matter of the countering documentary continued through June, when CBC wrote back that it had decided not to accept her proposal.

Given that her correspondence had been widely aimed, corporate counsel G. Michael Hughes wrote her on behalf of CBC June 29 to say that she had not interpreted the CRTC correctly. Rather, CBC policy aims to expose viewers to differing points of view over a reasonable time on such important issues.

At one stage in the process, this Office told Stirling-Anosh that a review could not be conducted until she and CBC had concluded any discussion about a creative arrangement involving the documentary proposal. Initially she inferred that to be a

refusal to review the matter, but later came to understand that it simply involved a delay while correspondence on the proposal was alive.

She subsequently wrote CBC to note that the program's website content did not fairly reflect the range of views on the issue. She called for alterations of the site and of the documentary.

[CBC Journalistic Standards and Practices](#) intersect with the complaint in several ways.

Among the values it seeks are accuracy (to *"seek out the truth in all matters of public interest"*), fairness (to *"treat individuals and organizations with openness and respect . . . even-handedly"*), balance (to *"ensure that divergent views are reflected respectfully . . . that they are represented over a reasonable period of time"*) and impartiality (to *"not promote any particular point of view on matters of public debate"*).

On issues of science and health, the policy requires CBC to *"take care to understand properly and reflect the true implications of medical or scientific study . . ."*

The breadth of the policy itself covers *"news, current affairs and public affairs content commissioned by CBC and produced by third parties."* While the policy does not cover the conduct of those who are contractual employees, it covers the programs themselves.

And it permits point-of-view documentaries, providing *"we ensure balance over time by publishing other perspectives and opinions on the same subject in other programs, program segments or platforms. When the subject is highly controversial, we consider scheduling additional programming with alternate opinions, in an appropriate time frame."*

CONCLUSION

Regardless of the evident frustration of the complainant and the flourish of her complaint, the focus of this review is relatively simple and a number of matters are extraneous.

I had to determine what the research led by David Schindler had contributed to the understanding of environmentally-related issues involving the oil sands, whether the program had accurately portrayed that research, and whether the program had excluded comparably independent and valid work of contrasting conclusions.

As part of this, I also had to understand the nature of the work by the industry-government Regional Aquatics Monitoring Program (RAMP), how it is conducted, and how it differs from the work led by Schindler.

Further, I found it useful to understand what had happened since the program as a way to determine if the Schindler-led research was indeed some sort of “tipping point,” as the program title suggested.

First, I concluded the research was conducted independently. While its financing came from a special-interest group, it was conducted at arm’s length and peer-reviewed to meet the strongest scientific standard. The journal that published it, *Proceedings of the National Academy of Sciences (PNAS)*, is among the most widely regarded research publications worldwide. I accepted PNAS’ declaration there had been no financial conflicts of interest that “could influence the objectivity, integrity, or interpretation” of the research.

The study added to the body of research by measuring airborne and waterborne contaminants more precisely than had other monitoring by RAMP. It was, in short, scientifically sound and sufficiently newsworthy for a documentary-length treatment.

The program did not exaggerate its findings, distort its impact, or extrapolate conclusions that might have resulted in flawed journalism.

Neither the research nor the program asserted any causality between the oil sands project and illness, particularly cancer. As I viewed it again and again, I drew no other conclusion than it raised new awareness of an environmental condition, criticized the historic monitoring by RAMP, and called for action.

Indeed the abstract of [the study](#) states, in part: “We show that the oil sands development is a greater source of contamination than previously realized . . . These results indicate that major changes are needed to the way that environmental impacts of oil sands development are monitored and managed.” There was nothing in the script of the documentary to digress from this.

Of course, this does not preclude the possibility that other factors helped contribute to the illnesses in the community of Fort Chipewyan. (As an aside, this was not at odds with the findings of a [Royal Society of Canada report](#) on the project.) But the Schindler research called for more and better study, concluding that the RAMP program over a 10-year period had not been designed or implemented sufficiently and “fostered the perception that high-intensity mining and processing have no serious environmental impacts.”

I concluded the Schindler research was an independent work whose credibility helped influence [federal](#) and [provincial](#) authorities to take heed. Subsequent reviews agreed with research findings that there had been inadequate monitoring systems.

Thus it was not inappropriate to focus on the research by Schindler as an important marker in the debate on the environmental impact of the oil sands. As a corollary, it would not have been appropriate to include less reviewed and less independent research in the documentary to create a mathematical but ultimately false balance.

With that clarified, the focus of the review then became rather simple, because the program was a documentary. A documentary is not a news report. Its framework is different and, under the policy of CBC and most other news organizations worldwide, it typically employs empirical information to argue a position.

A critical question as it argues this position is whether it is open to other, equally credible positions. In this instance I found the documentary's approach and its producers' efforts even-handed. Objective methods were employed in this instance to reach the result.

The program's host, David Suzuki, has a well-known point-of-view and his wider work outside CBC is financed in part through special interests. In these instances, when there is a contractually employed host, the program itself is accountable under CBC policy. But I was convinced that the producers guided the documentary within CBC's standards and practices and that the host essentially fronted the show.

I also accept that the producers and the host made many attempts to get industry and other officials to appear on camera to discuss related issues, to no avail. Unlike a news story, the documentary's format does not require that it tell the viewer about such efforts. Its use of archival footage and earlier interviews were somewhat helpful, and I think even the producers would concede that the optimal approach would have involved the widest range of participants.

There was no violation of CBC Journalistic Standards and Practices.

It might be obvious to state, but it will be vital for CBC to chronicle any new understanding of the environmental impact (or measures that mitigate that impact) of the oil sands projects. This is an issue that will involve decades of coverage. To that end, it would be useful to broaden CBC's online platforms on this issue, including the page associated with the documentary, in order to create a definitive resource.

As a last point, I feel it necessary to address the inference that a documentary of this nature constitutes antipathy toward those who earn their living in the oil patch and support its development. One of the most serious charges that can be leveled at CBC is that it foments hatred or intolerance.

While there are bound to be hard feelings at times in the struggle over the destiny of the Albertan oil sands, a documentary that raises awareness of the need for stronger

programs to monitor environmental effects is not an act of hostility or an attempt to denigrate those who favour the project. Done well, it is an act for the common good.

Journalism can be uncomfortable, but one of its principles is to minimize harm as it seeks the truth. I acknowledge that the journalism in this case might have felt personally directed, but I found no malignance in the approach of the program or in the process of defending against the complaint.

Kirk LaPointe
CBC Ombudsman