



nuclear
transparency
project

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Submitted via email

May 31, 2021

To Minister Seamus O'Regan,

Re: Natural Resources Canada's Radioactive Waste Policy Review, First Round of Public Comments

We would like to begin by thanking Natural Resources Canada (NRCan) for this opportunity to provide comments on the future of radioactive waste management policy in Canada. We would also like to recognize the efforts of multiple civil society organizations to organize and mobilize public engagement with this modernization process.

The Nuclear Transparency Project (NTP) was recently established in 2020 as a Canadian-registered non-profit organization dedicated to supporting and facilitating informed, holistic, and equitable public discussion about nuclear energy. We submit the following comments for your consideration with the hope that resulting policy amendments will support a more independent, transparent, accountable, and equitable policy landscape for the management of legacy and future wastes associated with all aspects of the nuclear fuel cycle. Comments have been separated into those concerning the process of this current review, and those concerning the substance of future policy.

Procedural concerns with the current consultations

There are several procedural deficits in the format of this consultation. Collectively, these shortcomings threaten to prevent NRCan from being able to elicit, consider, and integrate public feedback that fully reflects the diversity of concerns related to nuclear wastes (legacy and those still to be produced).

While we were grateful NRCan has ultimately agreed to extend the timeframe for initial public comments, and provide additional comment opportunities to this public consultation, several concerns remain:

- There should have been a process by which members of the public could collaborate with NRCan to determine a more comprehensive list of issues to help frame the current consultation. NRCan's discussion paper questions implicitly encourage the public to

focus on technical engineering principles to the exclusion of equally important issues related to radioactive waste and environmental and human health, organized labour and worker health, international relations, equity and justice, as well as a myriad of other social, economic, cultural, political, epistemological considerations that merit more attention;

- Discussion Papers lacked transparency, and should have recognized existing risks, adverse impacts, and uncertainties associated with current radioactive waste management practices as well as references to data and other evidence to support their assurances of safety;
- Funding should have been made available for interested members of the public and public interest organizations to support their engagement with this process. Funding public involvement in consultations can help to address capacity differentials inherent to government consultations like this one that threaten to exclude those who do not have the ability to share their thoughts, expertise, or experiences without financial support;
- The distinct roles of NRCan and the Nuclear Waste Management Organization (NWMO) should have been better communicated to the public at the start of this consultation process. While NWMO is entitled to conduct its own consultations relating to its mandate, the authority to set policy lies solely with NRCan, and this should be strictly enforced and clearly communicated;
- No definitive technical or scientific policy decisions should be made a result of this consultation, as they have not been properly tested by independent third party experts in these specialized fields; and
- NRCan consultation materials should have included a summary of past public consultations concerning radioactive waste management, resulting recommendations, and updates concerning their implementation by federal agencies. For example, many of the issues being raised in this consultation were addressed in the Seaborn Panel's report, though several of the report's recommendations were subsequently ignored by the federal government. These consultations should better recognize and seek to build on past work.

Recommendations for substantive radioactive waste management policy

Firstly, NTP fully supports Indigenous sovereignty and self-determination, and the recommendations made by participating Indigenous individuals, Nations, communities, and organizations.

The organization also recommends the following for inclusion in future radioactive waste management policy:

Recommendation 1: environmental justice should be included as a foundational principle in future radioactive waste management policy. The development of policy and individual project decisions must be made with reference to robust environmental justice frameworks.

Recommendation 2: robust gender-based analysis plus (GBA+) frameworks should be required for future policy developments and individual project decisions related to radioactive wastes. While the new *Impact Assessment Act* requires this in select instances in

which the Act applies, future radioactive waste management policy should ensure broader application of environmental justice principles and GBA+.

Recommendation 3: environmental justice and GBA+ frameworks should inform the development of criteria to determine consent as it will be applied to determining “willing host” communities. This may include requirements to ensure the retrievability of wastes, which may be more consistent with notions of consent as a dynamic and ongoing process. This also has significant implications for proposed *in-situ* radioactive waste management.

Recommendation 4: future radioactive waste management should ensure greater public access to information. Comprehensive disaggregated environmental and human (including worker) health monitoring data should be collected and made publicly available in real-time and machine-readable formats. Waste owners and government agencies responsible for collecting this data should dispense with risk-commensurate communications approaches in favour of routine and comprehensive public disclosure.

Recommendation 5: an independent arms-length agency should oversee radioactive waste management, rather than waste owners, as the Seaborn Panel recommended.

Recommendation 6: NRCan should work with members of the public and public interest organizations to develop complementary consultations concerning the issue of new nuclear energy facilities and their future wastes. This could include unique waste implications of new conventional mines, mills, processing, and generating facilities, as well as small modular nuclear reactor (SMR) technologies.

Recommendation 7: future radioactive waste management policy should be subject to public review at least every five years.

Thank you for your consideration of the recommendations above. We look forward to continuing to engage with this consultation process.

Sincerely,

[Redacted signature]

[Redacted name], JD, LLM

[Redacted title]

Nuclear Transparency Project