



ANISHINABEK NATION

January 13, 2021

Prime Minister Justin Trudeau
Prime Minister's Office
80 Wellington Street
Ottawa, ON K1A 0A2

Dear Prime Minister Trudeau:

The Anishinabek Nation Chiefs in Assembly have been united in their stand to oppose disposal of radioactive wastes produced by the nuclear industry within the Anishinabek Nation Territory. This includes low, intermediate, and high levels of radioactive waste. Our position was formalized in 2010, when a resolution stating the Anishinabek Nation's opposition was endorsed (attached).

On May 2, 2017, the Anishinabek Nation and the Iroquois Caucus issued a Joint Declaration on the Transport and Abandonment of Radioactive Waste, enunciating five principles that are agreed upon as essential in dealing with the radioactive waste materials that have already been produced (attached)

The government of Canada has promised repeatedly since 1975 to clean up the extensive radioactive and other toxic contamination from the town of Port Hope and the neighbouring town of Port Granby. These dangerous wastes, left over from the refining of radioactive ores during the World War II Atomic Bomb project and the subsequent Cold War nuclear weapons buildup, constitute "heritage wastes" of the Canadian government. In earlier times, these wastes were carelessly dumped at various sites around town, including deep ravines and the town's harbour, and were also used in the construction of roads and hundreds of buildings around town.

In 2001 Atomic Energy of Canada Limited (AECL) signed a legal agreement with the two municipalities (the Port Hope Area Initiative, PHAI) to retrieve all contaminated materials (estimated at more than one and a half million cubic metres) and store them in two engineered facilities, one for each town, according to agreed-upon cleanup criteria. We have recently learned that the private companies hired to carry out this work on behalf of AECL, operating under the banner of Canadian Nuclear Laboratories (CNL), are now seeking to weaken these cleanup criteria for cosmetic reasons unrelated to health protection or long-term environmental considerations.

Canadian Nuclear Laboratories has asked the Canadian Nuclear Safety Commission for permission to increase the permissible levels of residual uranium (following cleanup)

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from 23 to 35 ppm, and to increase the permissible levels of residual arsenic from 18 to 100 ppm. [See the PHAI web site, "Proposed Changes to PHAI Cleanup Criteria", https://www.phai.ca/en/home/phai/phai_info/proposed-changes-to-phai-cleanup-criteria.aspx] In other words, CNL wants to leave up to 52 percent more uranium contamination in place than previously promised, and up to 450 percent more arsenic than previously agreed

This is deeply troubling. It is another case of a promise broken to the detriment of the land, the water, and future generations. According to the PHAI web page cited above, the existing criteria were developed "through a co-operative effort involving the PHAI, scientific specialists, federal and provincial government agencies, peer reviewers, the municipalities and members of the public," and the cleanup [excavation] "will meet or go beyond the criteria to ensure the long-term safety of the public and the environment." By significantly weakening the cleanup criteria this commitment becomes null and void.

On the same web page, we read "Before any changes to the criteria are made, there must be acceptance from key stakeholders, including the Municipality of Port Hope. The CNSC hearing is expected to take place in the spring of 2021 with a formal decision made by early summer in 2021."

What Indigenous peoples have been consulted regarding the cleanup criteria to be used in this prodigious undertaking, either in the past or at present? We know that some information sessions have taken place, but exchanging information is different in nature from true consultation. Indigenous people are not just stakeholders; we are rights holders. We ask you, Mr. Prime Minister, to ensure that a proper consultation mechanism is established in this regard.

The proposed changes are not motivated by any anticipated improvement to human health or to long-term environmental protection. The only reason specifically advanced for relaxing the cleanup criteria is to save some trees that would otherwise have to be sacrificed. But if some trees have to be cut down due to excessive contamination of the underlying soil, caused by the reckless past practices of government agencies, then those trees can be replaced by the government after the cleanup is completed according to the cleanup criteria for contaminants that were established long ago.

The contaminants in question are two heavy metals, one radioactive (uranium) and the other non-radioactive (arsenic). These substances are known to constitute a perpetual danger to human health and to the environment. If merely left in place, without the added protection of an engineered facility, these materials will eventually find their way into the lake and into the food chain, through erosion and migration through the soil.

Radioactive materials are harmful to living things. Some radionuclides are very short-lived, but uranium remains dangerous for extremely long periods of time, and over time, produces other radioactive byproducts that are even more harmful than uranium itself. Experience in Canada and elsewhere has demonstrated that when radioactive waste

materials are left behind in a community it is extremely difficult to have them removed later. Consequently, leaving them in place is not a responsible option.

The United State Environmental Assessment states that all forms of arsenic constitute a serious risk to human health. The United States' Agency for Toxic Substances and Disease has ranked arsenic as number 1 in its 2001 Priority List of Hazardous Substances at sites. Arsenic is classified as a Group-A carcinogen, as are all radioactive materials including uranium.

We ask you, Mr. Prime Minister, to ensure that the government's long-standing commitment to remediate the unfortunate contamination of Port Hope and Port Granby not be compromised by giving free rein to hired contractors to weaken the cleanup criteria, thereby leaving substantially more toxic and radiotoxic material in place than was originally promised. As Richard Sexton, President and CEO of Atomic Energy of Canada Limited (AECL) is quoted as saying, "AECL, Canada and CNL remain committed to delivering on our cleanup promises, to safely and responsibly execute the project." https://www.phai.ca/en/home/phai/phai_info/proposed-changes-to-phai-cleanup-criteria-.aspx

We consider any suggestion that the cleanup criteria be weakened completely unacceptable and unjustified on the grounds of environmental protection, responsible stewardship, or reconciliation with the indigenous peoples of Canada,

Best regards,



Glen Hare (Gwiingos)
Grand Council Chief
Anishinabek Nation

cc: Anishinabek Nation Chiefs
Political Executive, Anishinabek Nation
Marcia Trudeau-Bomberry, Chief Operating Officer, AN
Ontario Regional Chief, RoseAnne Archibald
Iroquois Caucus
Perry Bellegarde, NC, Assembly of First Nations

Attachments (2)