

May ---, 2020

The Honourable Seamus O'Regan
Minister of Natural Resources
House of Commons
Ottawa, Ontario K1A 0A6

Sent by email to Seamus.OREgan@parl.gc.ca

Dear Minister O'Regan:

Re: Canada's Need for a National Radioactive Waste Policy

We write to you today to express our strong support for the development of comprehensive policies and strategies for the long-term management of radioactive waste in Canada that will protect the environment and current and future generations of Canadians. We urge that these policies and strategies be developed transparently and that they be based on meaningful consultation with the public and First Nations. The undersigned groups wish to be considered stakeholders in any consultations your department undertakes during the policy development process.

Furthermore, we urge you to instruct the Canadian Nuclear Safety Commission (CNSC) to cease its development of radioactive waste management and nuclear decommissioning regulatory documents until the necessary overarching policies and strategies are in place. We also urge you to instruct the CNSC to pause consideration of any current or active applications involving radioactive waste disposition and decommissioning, and pause its acceptance of new radioactive waste proposals. These requests and the reasons for them are further elaborated below.

International Review of Canadian Radioactive Waste Policy in 2019

Between September 3 to 13, 2019, the International Atomic Energy Agency's Integrated Regulatory Review Service, Department of Nuclear Safety and Security, visited Canada and subsequently provided the report of its Mission to Canada. The Mission observed, among other things, that:

“Observation: The Canadian Radioactive Waste Management Policy Framework presents the overall principles for radioactive waste management. However, this does not encompass all the needed policy elements nor a detailed strategy or corresponding arrangements that provide a strategy for radioactive waste management in Canada.”

The resulting recommendation from the Mission, R1 stated as follows:

“Recommendation: The Government should enhance the existing policy and establish the associated strategy to give effect to the principles stated in the Canadian Radioactive Waste Management Policy Framework.”

Canada stated in response as follows:

“Canada’s response

“Accepted. Canada's Radioactive Waste Policy Framework provides the overall principles for radioactive waste management and is supported by three pieces of legislation that govern the management of radioactive waste in Canada:

- The *Nuclear Safety and Control Act*, which sets out the CNSC’s mandate, responsibilities and powers;
- The *Nuclear Fuel Waste Act*, which provides the framework for progress on a long-term strategy for the management of nuclear fuel waste; and
- The *Impact Assessment Act* (and previously, the *Canadian Environmental Assessment Act*, 2012), which, while not being specific to radioactive waste management, establishes the legislative basis for the federal impact assessment process.

“The Policy Framework clearly defines the role of government, and waste producers and owners. The government has the responsibility to develop policy, to regulate, to oversee producers and owners to ensure that they comply with legal requirements and meet their funding and operational responsibilities in accordance with approved waste disposal plans. It also makes clear that waste producers and owners are responsible, in accordance with the principle of “the polluter pays”, for the funding, organization, management and operation of disposal and other facilities required for their wastes.

“Natural Resources Canada will review its existing policy for radioactive waste, and consider how it may be enhanced to give effect to the principles stated in the Radioactive Waste Policy Framework, including the establishment of an associated strategy.”
(italics added for emphasis)

We write to request that you advise the undersigned organizations and individuals as to the plans for development of an enhanced radioactive waste policy and associated strategy; specifically in terms of consultations, engagement and timing. We also request that these policy and strategy development plans be made public.

Proponents of Radioactive Waste Projects are Seeking License and Project Approvals

This is an urgent matter since there are several applications for regulatory licences underway in Canada for a variety of radioactive waste projects, and these are proceeding de facto with an inadequate policy environment; in fact with some elements of Canada’s current approach in contradiction to IAEA guidance as noted in the report from the Mission. As a result there is a danger that decisions are being made, and will continue to be made essentially in a federal policy vacuum and without the appropriate thoughtful planning and leadership by Canada.

Furthermore, many of the most urgent radioactive waste issues are entirely federal responsibility as the waste is owned by the federal government of Canada and arose from the operations of the former Atomic Energy of Canada Limited. In addition, constitutional responsibility for all matters related to nuclear power and the resulting waste generation has been assumed by the federal government.

Despite the lack of, and pressing need for development of a nuclear waste policy, and strategy, which the government of Canada has publicly accepted, the licensing body is pressing ahead with development of five nuclear waste “RegDocs” which it plans to bring to the Commission this summer. Review of these documents by the undersigned has revealed both that they lack the context and guidance of an adequate national radioactive waste policy, and that they are premature without such a policy. However, without action by Canada to fulfill its responsibilities, applications by proponents to the licensing body, the CNSC, and CNSC development of radioactive waste “RegDocs” are threatening to *de facto* establish a path for nuclear waste without appropriate federal policy guidance. Needless to say, this will result in, at best, poor decision making, and at worst, the imposition of unacceptable risks on surrounding communities and future generations.

Radioactive Waste Policy Review Must be Open, Transparent and Public

We request the following in the federal government’s approach to developing a radioactive waste policy for Canada, along with the supporting strategy:

1. A commitment to meaningful consultation with Indigenous peoples and strong public engagement from the outset, and a commitment that development of a current and effective radioactive waste policy will be carried forward by the federal government itself, not delegated to the CNSC or NWMO, and designed in such a way that public input is as important in determining the ultimate policy decisions as views of the nuclear industry;
2. A commitment to a public process of identifying the problems and issues that are posed by Canada’s existing and accumulating radioactive waste; this process must include substantive consultation with Indigenous peoples and engagement of the public;
3. A commitment to a public process of establishing the underlying objectives and principles that should underly Canada’s nuclear waste policy and strategy;
4. A commitment to a public process of establishing criteria for evaluation, and for evaluating proposed approaches that may be embodied in a national radioactive waste policy and strategy;
5. A commitment to a public process of examining the implementation issues and requirements to follow a national radioactive waste policy and strategy, including an examination of the agency/ies that may be needed for implementation and their needed roles (and noting that these may not be any of the existing agencies which currently exist and have distinct responsibilities);

6. A commitment that the resulting policy and strategy will be predicated on the need for long term public credibility, transparency, and capacity for effective implementation.

As expressed above, it is urgent that the federal government direct the CNSC to pause in its acceptance of new radioactive waste proposals and in the CNSC's policy development via the CSNC Regulatory Documents, in the absence of needed federal policy and direction.

We are committed to engaging in this policy development process, and contributing from our own knowledge, experience and expertise to the discussions of these matters, which are important to Canadians now and into the far future.

We look forward to your response,

Yours very truly,

LIST OF ENDORSING GROUPS