

Ottawa Riverkeeper's review of the Draft Policy on Radioactive Waste Management and Decommissioning from Natural Resources Canada

April 1, 2022

About Ottawa Riverkeeper

Ottawa Riverkeeper, a Canadian charity, is a champion and collective voice for the Ottawa River watershed, providing leadership and inspiration to protect, promote, and improve its ecological health and future. We inspire action and collaboration in order to achieve a healthy Ottawa River in which every person can safely swim, drink, and fish. The objects of our registered charity are:

- to achieve a healthy, ecologically sustainable Ottawa River available for the enjoyment and benefits of its Ontario, Quebec and First Nations communities;
- to employ a professional Riverkeeper to facilitate the maintenance and enhancement of Ottawa River ecological integrity through monitoring, original research, public and agency communications and support for enforcement;
- to work independently as well as cooperatively with individuals, businesses, community groups and all levels of government on both sides of the river;
- to develop and maintain an expert understanding of: the river's ecological values, processes and special features, and the protective framework offered by various federal, provincial and municipal jurisdictions and rights of First Nations;
- to facilitate the enforcement of existing ecological protection regulations;
- to encourage, where appropriate, the creation of additional measures to sustain and enhance the ecological health of the river; and
- to encourage and develop programs and projects that increase community awareness, stewardship and habitat restoration along the Ottawa River.

Overview of Ottawa Riverkeeper involvement with nuclear waste management

Ottawa Riverkeeper has been engaged in the nuclear waste management issue as it pertains to the protection of the Ottawa River for a number of years. In 2017, Ottawa Riverkeeper received funding to hire experts to review the draft Environmental Impact Statement for Canadian

Nuclear Laboratories' (CNL) proposed Near Surface Disposal Facility (NSDF) at the Chalk River Laboratory (CRL) site and formally submitted comments on the project. Ottawa Riverkeeper has also participated in Regulation Oversight Review and Licensing renewal for CRL.

Ottawa Riverkeeper has also been a member of the Environmental Stewardship Council (ESC) since 2006 when this council was first formed. This council was started by Atomic Energy Canada Limited – Chalk River on a recommendation of the Canadian Nuclear Safety Commission. Now that the full Environmental Assessment for the project has been released, Ottawa Riverkeeper is currently preparing a submission for the second round of hearings on the NSDF, to be held by the Canadian Nuclear Safety Commission on May 30th 2022.

Through participation in the ESC, Ottawa Riverkeeper has learned a great deal about operations at CNL and the wastes that have accumulated at the site over its lifetime. Learning from experts about the legacy wastes buried on site, contaminated groundwater plumes, and the contaminated riverbed has been distressing yet extremely important to inform our comments and interventions. It has opened our eyes to the importance and urgency around dealing with all types of wastes at this site in a responsible and safe manner.

Through working on the NSDF proposal and the Chalk River site, Ottawa Riverkeeper also concluded that there is a need for clear policy at a national level to better ensure public and environmental safety at local sites. In 2020, Ottawa Riverkeeper launched a public campaign requesting that the Government of Canada review and update the Radioactive Waste Policy, to bring it into line with international standards and better lay out clear and adequate rules to manage non-fuel nuclear waste. After Natural Resources Canada launched the consultation process that began on November 16th 2020, Ottawa Riverkeeper put in a formal submission, including 14 recommendations for the new policy.

Review of Draft Policy on Radioactive Waste Management and Decommissioning

It is the view of Ottawa Riverkeeper that the Draft Policy on Radioactive Waste Management and Decommissioning fails to live up to the expectations of Canadians engaged with this issue, who had unmistakably expressed their opinions as part of the engagement processes run by Natural Resources Canada. Within the engagement process report (titled [What We Heard: Modernizing Canada's Policy for Radioactive Waste Management and Decommissioning](#)) is a clearly indicated desire from participants for an updated policy that is detailed, specific, methodical, and concrete. Instead, the Draft Policy on Radioactive Waste Management and Decommissioning fails to lay out clear definitions, is extremely vague, and seems impossible to

enforce; or even provide mechanisms to decide when it would need to be enforced. In the places where it does directly address public desire, it does so in very broad terms, acknowledging concepts without providing the mechanisms or rules by which these would be implemented.

The best illustration of this issue comes by comparing page 17 of the engagement process report to the draft policy. In the engagement report, it says “We heard that the policy should be as clear as possible about the objectives that it aims to achieve, not just principles or process.” And yet, the draft policy defines itself as: “This draft Policy for Radioactive Waste Management and Decommissioning comprises a set of policy principles for radioactive waste management and decommissioning that will guide the federal government’s direction.” This is clearly not what Canadians engaged with this issue asked for, regardless of where they stand on the issue of the nuclear industry.

In another example, there was a clearly expressed desire presented in the engagement process report for a definitive schedule and mechanism for regular reviews of the policy. For example, again on page 17, it says: “We heard suggestions that the policy should include specific provisions for policy evaluation and information sharing. It was noted that the current policy has been in place for over two decades, but does not provide guidance on when or how to evaluate its effectiveness. It would therefore be helpful for a modernized policy to provide clarity on policy goals, and some means by which the achievement of those goals will be evaluated.” Regrettably, this is not clearly outlined in the draft policy. While there is mention that “the federal government would review its Policy for Radioactive Waste Management and Decommissioning as appropriate”, there is no schedule or process outlined to define what exactly “as appropriate” is meant to represent. This lack of direction and clear guidance does not inspire confidence that regulators will be equipped to hold nuclear facilities accountable for managing their waste appropriately in the years to come.

With no clear objectives, timelines, or proposals on how transparency, consultation, and oversight will be completed we are unconvinced that this draft policy will provide the clarity that Canadians are expecting from this regulator. There is great urgency for putting strong policies for radioactive waste in place. As this policy is being developed, projects continue to be reviewed by the Canadian Nuclear Safety Commission using the existing regulations. This was the case during the first round of hearings for the [Near Surface Disposal Facility \(NSDF\)](#) being proposed as a solution to the low level waste currently at the Chalk River site. Projects like these are controversial in part because they are relying on old policy frameworks that Canadians clearly want updated.

On March 24th, 2021, Ottawa Riverkeeper submitted a number of recommendations for building a strong policy for radioactive waste in this country. This was broken into 4 main themes:

- I. Issues with the consultation process and implementation of changes to policy
- II. That new policy ensures interjurisdictional cooperation
- III. That updated radioactive waste policy integrates the public's right to know
- IV. That foundational principles of environmental law are included in updated radioactive waste policy

We provided justifications for each of these themes along with a number of recommendations on how this could be applied. After reviewing the draft policy, it is worth reiterating these themes as they are not adequately addressed.

Natural Resources Canada needs to play a strong role in the oversight of nuclear waste and its management activities. Currently, the Nuclear Waste Management Organization and Canadian Nuclear Safety Commission have been delegated the responsibility for licensing, but there remains concerns of how close these entities are from the industry they oversee. The regulatory structure also does not provide sufficient guidance where there are overlapping jurisdictions. In these cases, policies with the strongest environmental protections should take precedents, that any policy focused on radioactive waste should adopt a precautionary principle. In addition, the public needs to remain informed on the impact of any nuclear facility or developments' impact on the environment in a timely and forthcoming way.

While the draft policy alludes to some of these issues, it is written overall with vague language that does not instil confidence that this policy provides the clear, transparent guidelines required for this industry. Examples include how the policy highlights the need to “characterize, classify and document [...] radioactive waste in order to define and implement waste management and decommissioning solutions” but then adds: “that are commensurate with their risks in both the short and long term” which could differ depending on one's interpretation of the associated risks.

Hundreds of individuals participated in the consultation process which helped to inform the Draft Policy on Radioactive Waste Management and Decommissioning. There is a clear desire to have policies in place that provide guidance and structure to the agencies that are currently regulating radioactive waste and for the industries that are involved in nuclear development. Providing that framework will also help develop trust and transparency in how these sites are managed. While this draft policy is an initial step towards that goal, it does little to provide reassurance that Natural Resources Canada is fully embracing its role in the oversight of the nuclear industry. Canada needs a policy for radioactive waste that provides clear objectives and definitions, reasonable and predictable timelines, and well documented mechanisms that



provide transparency, consultation, and oversight. We remain optimistic that the feedback and comments on this current Draft Policy on Radioactive Waste Management and Decommissioning are taken into consideration to reach that goal.