

**Comments on the Draft policy for Radioactive Waste Management and Decommissioning
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The proposed federal policy on Radioactive Waste Management and Decommissioning fails to provide effective guidance to ensure that our radioactive waste will be responsibly managed. Canada must not compound errors of the past by allowing this accumulated waste to be abandoned or disposed of in such a way that it will impact future generations.

We recommend changes to the policy to reflect the following:

1. Establish a regulatory agency arms-length from industry to oversee radioactive waste management, decommissioning, licensing applications, and public engagement for the common good.

The Canadian Nuclear Safety Commission (CNSC), widely regarded as a “captured regulator”, lacks the independence necessary to hold the nuclear industry accountable. The CNSC has never refused to grant a license and has even secretly lobbied on behalf of the industry it is charged with regulating. The CNSC reports to Parliament through the Minister of Natural Resources whose Ministry actively supports and promotes the nuclear industry. This is a clear conflict of interest that must be rectified.

The draft policy recommends continuing the current practice of letting the nuclear industry decide how it manages its waste through the unaccountable Nuclear Waste Management Organization (NWMO). Polluters must not be allowed to decide waste management practices based on cost and convenience.

2. Radioactive waste requires perpetual care and monitoring and should not be abandoned.

The draft policy largely ignores the fact that most nuclear waste remains a deadly threat for inconceivably long periods of time. The language on perpetual care and monitoring in the draft policy fails to clearly define what is required to avoid false solutions such as the effective abandonment of radioactive waste. Simply burying spent fuel and other highly radioactive waste underground is not an acceptable solution “in perpetuity.” Radioactive waste must be stored in a safe and accessible form, documented and continually monitored to allow for intervention when containment starts to fail or when better technology becomes available.

The policy must also give clear guidance regarding the significant and ongoing health and ecological problems of radioactive toxic substances such as the uranium and uranium compounds contained in the effluent from uranium mines and mills that meet the criteria set out in paragraph 64(a) of the *Canadian Environmental Protection Act, 1999* (CEPA)¹. These substances should be managed

¹ Environment Canada, “Releases of radionuclides from nuclear facilities” <https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/substances-list/toxic/meeting-criteria-schedule-1/releases-radionuclides-nuclear-facilities-impact.html>

under the authority and in accordance with principles set out in CEPA rather than the weaker and more industry focused Canadian Nuclear Safety Control Act.

3. Government and industry must be open and transparent in the management of radioactive waste and its transportation.

The draft policy must support the rights and concerns of communities subject to the risks of the transportation of vast quantities of highly radioactive waste. The current plan from the industry-led NWMO will send tens of thousands of high-level waste shipments through First Nations and settler communities on a daily basis for more than forty years. The policy must clearly address how these communities will be consulted, informed, and protected. And most importantly, it must commit to allowing communities to refuse to take the risks asked of them.

As a waste management proponent, NWMO must be subject to requirements by an independent, arms-length regulator who monitors NWMO for transparency, accountability, and honesty in its dealings with potentially impacted communities. The CNSC has not fulfilled that role to date.

4. Indigenous peoples and non-Indigenous Canadians have a right to access information, to engage in decision-making, to know the risks and to have Canada respect its obligations under the United Nations Declaration on the Rights of Indigenous Persons (UNDRIP)².

Canada has a shameful track record of ignoring the rights of Indigenous peoples, and the nuclear industry is no better. Throughout Canada's history of nuclear exploitation, the government and the industry have ignored, undermined, or outright deceived Indigenous Peoples. The policy must acknowledge this historical injustice and give specific and fulsome guidance for respecting the rights of Indigenous Peoples. Consent must be sought from the entire community including traditional leaders and elected Chiefs and Councils. A good start should be made by incorporating 5 elements of a policy set out in a Joint Declaration by the Anishinabek Nation and the Iroquois Caucus³, in brief:

1. No abandonment
2. Monitored and retrievable storage
3. Better containment and more packaging
4. Away from major water bodies
5. No imports or exports

First Nations have reported that they have not had access to the information necessary to understand the complexities of the subject they are being asked to make a decision upon. We need an independent, arms-length, regulatory and oversight agency, mandated by a federal policy that ensures that First Nations communities are consulted, informed, and protected. It must ensure that

² UNDRIP section 29.2: "States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent."

³

[https://www.nrcan.gc.ca/sites/nrcan/files/engagements/radwaste/Document%20submitted%20by%20an%20interested%20individual%20\(Document%2019\).pdf](https://www.nrcan.gc.ca/sites/nrcan/files/engagements/radwaste/Document%20submitted%20by%20an%20interested%20individual%20(Document%2019).pdf)

these communities have the capacity to take part in technical reviews, are given fulsome information, and ultimately allowed to refuse to accept the waste, including its through-transport.

5. The policy must explicitly forbid importation of radioactive waste from other countries, radioactive waste reprocessing, and plutonium extraction.

The draft policy contains contradictory statements regarding the import or repatriation of radioactive waste. There should be no import or repatriation of radioactive waste with no exceptions. Furthermore, the draft policy allows for consideration of extraction of fissile material such as plutonium and nuclear waste reprocessing without offering any more guidance than “due consideration” and respect for regulation. There is no technology that allows the safe reprocessing of radioactive waste and there is no reason to consider this activity in the future. The policy should simply forbid the practice.

6. The policy should recognize that Canada’s nuclear industry has created an intractable radioactive waste problem, that nuclear energy is not sustainable, and that it is not a viable solution to solve climate change⁴.

We must reduce fossil fuel use faster than the nuclear industry can expand. Nuclear energy is far more expensive than renewable energy solutions and much too slow to build. Current nuclear plants are operating under problematic regulatory approvals that have allowed many of them to continue operation for decades beyond their original operating lifetimes. They should be replaced as quickly as possible with the safe, proven, reliable, and cost-effective low-carbon alternatives that already exist.

7. Adopt the very impressive draft of an alternate policy provided by an ENGO Radioactive Waste Review Group.⁵

Sincerely,

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Pontiac Environment Protection

⁴ http://www.ccnr.org/nuclear_climate_change_2022.pdf

⁵ https://nuclearwastewatch.weebly.com/uploads/1/4/9/1/14913256/nww-policy-response-to-nrcan-draft-policy_march2022.pdf