



September 18, 2020

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

Prime Minister Trudeau:

Re: Government of Canada Review of Radioactive Waste Policy Framework

As you know, last year a multinational team of experts from the International Atomic Energy Agency (IAEA) recommended that Canada enhance its existing policy and establish an associated national strategy for the management of radioactive wastes. In February, your government accepted that recommendation and agreed to act on it, assigning the task to Natural Resources Canada (NRCan).

A multi-departmental oversight committee of cabinet would be more appropriate to oversee this task, and to ensure that Canada meets its treaty obligations under the Joint Convention on the Safety of Radioactive Waste Management. In our view, other federal ministers from Environment, Health, Global Affairs, Transportation, Heritage, the Treasury Board, and even the Prime Minister's Office, in addition to Natural Resources, must be fully involved. We ask that you establish such a committee.

When it comes to formulating a socially acceptable policy on radioactive waste management, Minister O'Regan, by virtue of the position he occupies, appears to be in a conflict of interest position. Before NRCan has even begun to engage on the radioactive waste file, it is eagerly promoting the development of a fleet of small modular nuclear reactors (SMRs) in Canada.

There is a conflict of interest in entrusting Canada's policy on radioactive waste to the industry that created the waste, or the department that champions that industry, both of whom are inclined to regard the matter as a "public relations" problem for the industry rather than a formidable safety concern for future generations.

Indeed, NRCan has prepared an "SMR Action Plan" that anticipates "civil society consultation and engagement" from July to September 2020, and promises to "finalize and print" its Action Plan for new reactors in October. All of this is done with no explicit mention of the existing policy deficiencies on radioactive wastes.

It makes sense that Natural Resources Canada identifies strongly with the needs of resource industries — oil and gas, pipelines, oil sands, uranium, and other resource extraction enterprises. But the long-term management of radioactive waste is more of a societal problem than an industry problem. Nuclear wastes will long outlive the nuclear industry that created it and the nuclear regulator that licensed its production.

Because radioactivity cannot be shut off or rendered harmless, these wastes will pose a potential danger to the health and safety of future generations and the environment with no discernible finite time horizon. Even low and intermediate level wastes remain hazardous for hundreds of thousands of years, and high-level wastes are known to be radiotoxic for millions of years.

In May of this year, 100 public interest groups across Canada wrote to Minister O'Regan asking him to initiate a broad public process of consultation to involve Canadians directly in the formulation of a socially acceptable radioactive waste policy and associated strategy. The letter also asked the minister to suspend three controversial radioactive waste "disposal" projects, all of them in violation of existing IAEA guidelines, each of them to be reconsidered after Canada has an acceptable policy in place.

We have requested to meet with the Minister for the last nine months. We did meet with ADM Mollie Johnson and Parliamentary Secretary Paul Lefebvre. In both meetings there was acknowledgement that our concerns should be brought to the attention of the cabinet as a whole and that a meeting with the Minister would be an appropriate place to begin. Nothing tangible has come of that effort as of yet.

To avoid a conflict of interest between the waste producers and those in charge of safeguarding the public and the environment from their toxic byproducts, several countries have established independent agencies for the long-term management of radioactive waste and the decommissioning of nuclear facilities – agencies that have no direct ties to the nuclear industry or to the nuclear regulator: e.g. ANDRA in France, NDA in the UK, BGE in Germany.

In 1998, following a 10-year environmental assessment process with public hearings in five provinces, the Seaborn Panel unanimously recommended that Canada create such an independent "arms length" radioactive waste agency, but the government of the day chose otherwise.

In the intervening years, it has become abundantly clear that public confidence in the field of radioactive waste management cannot be secured unless there is a scrupulous avoidance of conflict of interest. If safety and environmental protection are to be regarded as paramount, many of us think that those supervising the long-term management of the wastes must be seen to be immune from undue influence from the industry and its promoters and enablers: AECL, CNL, CNSC, and NRCan. In any event, the merits of such an arrangement must not be judged by NRCan alone.

The situation is even more urgent when promoters plan to "recycle" used CANDU fuel. The two new reactors proposed for New Brunswick are designed so as to access the plutonium contained in the solid used fuel bundles already stored at NB Power's Point Lepreau Nuclear Generating Station. Extracting plutonium from used nuclear fuel is dangerous and highly controversial, raising international concerns about nuclear weapons proliferation, since plutonium is the primary nuclear explosive in the world's nuclear arsenals.

After India exploded its first atomic bomb in 1974 using plutonium extracted from a Canadian reactor, "recycling" used fuel was banned in the US because of proliferation concerns. South Korea was prevented from acquiring plutonium extraction technology by its American ally, and to this day is prevented from using the extraction technology now planned for New Brunswick. This raises global concerns affecting not only Canada's reputation but the grim prospect of an increasingly nuclear-armed world.

Extracting plutonium requires converting solid fuel bundles into a highly corrosive liquid form, complicating the handling and long-term management of the resulting waste. Less than one percent of the used fuel is recuperated for useful purposes.

Evidently Canada's revised radioactive waste policy and associated strategy will have to address these thorny questions of safety and security, and NRCan alone is not well-equipped to negotiate such a tricky political obstacle course.

For pragmatic reasons, the government is normally reluctant to involve more than one department in the execution of any particular program. However, we are facing an unprecedented challenge: a hitherto unsolved problem of the human race, with multidimensional aspects.

The policy objectives are manifold, ranging from protecting the environment and safeguarding public health, to reinforcing non-proliferation objectives and bolstering Canada's reputation as a trend setter in state-of-the-art waste management, while ensuring that the best value is obtained in exchange for the expenditure of billions of dollars of public money.

According to recent thinking from UNESCO, it will also be necessary to carefully archive all relevant information in imaginative and enduring ways so that future generations can understand the nature of the radioactive legacy we are leaving them, and how they might best deal with it if things go wrong. Our descendants must be given the tools needed to cope with any eventuality. This should also be an important part of Canada's radioactive waste policy review.

To conclude, we are asking you to strike a multi-departmental oversight committee of cabinet tasked with ensuring that Canada adopts a socially acceptable policy and associated strategy for dealing with the management of radioactive wastes in Canada. As public interest organization stakeholders, we also wish to be engaged to lend our expertise in developing the committee's terms of reference.

Please direct your staff to reply using the contact email nuclearwastewatch@gmail.com. We look forward to your response at your earliest convenience.

Sincerely,

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cc. Members of Parliament
Premiers of Provinces and Territories of Canada