

Draft Policy on Radioactive Waste Management and Decommissioning – feedback from Ottawa Riverkeeper Nov 2, 2022

Ottawa Riverkeeper maintains the view that the Draft Policy on Radioactive Waste Management and Decommissioning fails to live up to the expectations of Canadians engaged with this issue. We applaud the extensive engagement process that NRCan undertook and the transparency of the process in publishing the What We Heard Report. We applaud the extensive participation from individuals and organisations in this process. By and large, participants expressed a desire for an updated policy that is detailed, specific, methodical, and concrete. Despite these consistently held opinions, the Draft Policy fails to lay out clear definitions, is extremely vague, and provides no obvious means of oversight.

What's missing from the draft policy:

- Clear definitions. Crucially, the waste classification definitions are extremely vague and open to interpretation.
- Concepts are introduced without mechanisms for how they are to be applied
 - Example from the Draft Policy: *Waste producers and owners will: (1.8) characterize, classify and document their radioactive waste in order to define and implement waste management strategies and decommissioning solutions that are commensurate with their risks in both short and long term.*
 - In this example, what mechanism or definition will be used to determine how radioactive waste will be characterized and classified to ensure consistency across different proponents' sites with radioactive waste? What process will be used for documentation/record keeping? Who is responsible for defining the waste management strategy? Who determines what is commensurate with the risk associated with radioactive waste?
- There is a distinct lack of timelines and policy review to ensure the new policy will be fulfilling its obligations. The draft policy states that “the federal government would review its Policy for Radioactive Waste Management and Decommissioning as appropriate”, however, 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.

Issues with the Integrated Waste Management Strategy:

The Draft Policy states that the federal government requires an integrated waste management strategy. However, it is unclear why waste producers and owners are charged with the strategy's development rather than simply participating in the process. There is no rationale given for this decision and it is unclear why an integrated waste management strategy is being developed concurrently with a policy that defines the strategy's purpose. This is not how these processes are expected to be applied. This does a disservice to both the parliamentary and ministerial review processes and to the individuals who participated in the consultation process.

It is additionally unclear why the NWMO has been charged with oversight of the integrated waste management strategy; particularly since the NWMO was established in 2002 under the Nuclear Fuel Waste Act to investigate approaches for managing Canada's used nuclear fuel. Our understanding of the Draft Policy is that it encompasses radioactive waste that is not only derived from spent fuel. So while input and feedback from waste producers and owners are critical in the development of an integrated waste management policy, NRCAN must lead this process directly.

Our recommendations:

With no clear objectives, timelines, or proposals on how transparency, consultation, documentation, and oversight will be completed, we remain unconvinced that the Draft Policy will provide the clarity that Canadians are expecting. Canada urgently needs strong radioactive waste policies. It is NRCAN's responsibility to ensure they are strong, and not to compromise on their strength for the urgency of pushing them through.

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 inter-jurisdictional cooperation
- III. That updated radioactive waste policy integrates the public's right to know
- IV. That the foundational principles of environmental law are included in the updated radioactive waste policy

We provided justifications for each of the above themes, along with a number of recommendations on how each can be applied. After reviewing the Draft Policy, it is worth reiterating these themes as they have not been adequately addressed. Natural Resources Canada needs to play a strong role in the oversight of nuclear waste and its management

activities. Stating that “[p]rotecting the health, safety and security of people and the environment is the federal government’s top priority when it comes to nuclear energy and radioactive waste” is insufficient if the policy developed does not put in place a tangible mechanism to provide these protections.

The regulatory structure does not provide sufficient guidance where there are overlapping jurisdictions. In these cases, policies with the strongest environmental protections should take precedence, and 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.

Throughout, the Draft Policy is written with vague language, thereby eroding confidence that the policy provides the clear, transparent guidelines required for the nuclear industry. For example, the Draft 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.

We remain optimistic that the feedback and comments on the Draft Policy on Radioactive Waste Management and Decommissioning will be taken into consideration to reach that goal.

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