

Mayor Tory and Executive Committee
Office of the Mayor
City Hall, 2nd Floor
100 Queen St W
Toronto, ON M5H 2N2

via email exc@toronto.ca

October 18, 2017

Re: Comments on EX28.13: Toronto's Emergency Management Program and Revisions to the Toronto Municipal Code

Dear Mayor Tory and Executive Committee,

In response to the City of Toronto's "Report for Action – Toronto's Emergency Management Program and Revisions to the Toronto Municipal Code" released October 17, 2017, the Canadian Environmental Law Association (CELA) provides the following comments and recommendations.

For nearly 50 years, CELA has used legal tools, undertaken ground-breaking research and conducted public interest advocacy to increase environmental protection and the safeguarding of communities. We work towards protecting human health and our environment by actively engaging in policy planning and seeking justice for those harmed by pollution or poor environmental decision-making.

Summary of Recommendations

- Accept the Office of Emergency Management's (OEM) Annual Report & Program Update
- Join other municipalities in calling for Ontario to have a 'best in the world' nuclear emergency response plan
- Strengthen the City of Toronto's approach to nuclear public safety and request that the Ontario government put in a place an emergency response plan capable of responding to a Level 7 accident on the International Nuclear Event Scale (INES)
- Endorse Durham Region's request to the province for an expansion of potassium iodide delivery
- Study the financial impact of a revised nuclear emergency response plan (pending release in 2018)
- Direct staff to communicate the City of Toronto's expectations to the Ministry of Community Safety and Correctional Services (MCSCS).

Canadian Environmental Law Association

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Recommendation 1: Support neighbouring municipalities in their requests to the province for world-class emergency response plans

The Executive Committee must call on the province to require strengthened nuclear emergency response plans.

During the Ministry of Community Safety and Correctional Service's (MCSCS) consultation on Ontario's nuclear emergency response (announced with the release of a Discussion Paper on May 15, 2017), the City of Toronto's request for an extension of the comment period was unfortunately denied. In order for the City to communicate its position to the province, we recommend it echo the call by other municipalities for a world-class nuclear emergency response plan. It is crucial that with the release of the Executive Committee's Report, staff also be directed to communicate the City's expectations to MCSCS with utmost promptness.

In advocating for the heightened public safety of residents and citizens living and working near nuclear plants, we encourage the City of Toronto's Executive Committee to echo actions taken by other municipalities, such as Durham Region, Ajax, Windsor, Amherstburg, Essex County and Brockton, who have all passed motions asking the province to strengthen its preparedness for a nuclear emergency.

For example, as noted in its submission to MCSCS during the PNERP review, Durham Region requested the Province undertake the following actions to improve nuclear emergency preparedness:¹

- Recognize the public's expectation for world-class public safety, which meets or exceeds international best practice;
- Expand the delivery of potassium iodide (KI) pills beyond the current 10 km pre-distribution area;
- Improve transparency and accountability with Council members, by providing regular updates to impacted municipalities;
- Enhance protection for vulnerable communities;
- Commit to a study of potential effects of a major nuclear accident on the Great Lakes and drinking water supply; and
- Seriously consider the detailed recommendations contained in civil society policy paper "A Call for Public Safety: Addressing Nuclear Risks on the Great Lakes."²

¹ The Regional Municipality of Durham, Regional response to Provincial Discussion Paper entitled "Provincial Nuclear Emergency Response Plan (PNERP) Planning Basis Review and Recommendations, #2017-COW- 137 [as amended by Council June 14, 2017].

² A Call for Public Safety: Addressing Nuclear Risks on the Great Lakes, online: <http://www.cela.ca/publications/call-public-safety-addressing-nuclear-risks-great-lakes>

Recommendation 2: Request that the Ontario government put in a place an emergency response plan capable of responding to a Level 7 accident on the International Nuclear Event Scale (INES)

CELA asks the City of Toronto to encourage the province to substantially strengthen its public safety measures.

One of the most significant lessons learned from the Fukushima Daiichi tragic accident, over six years ago, was the necessity for robust nuclear emergency planning for much more severe offsite accidents than the nuclear industry and regulators had considered probable. Ontario - and in particular the City of Toronto with the Pickering and Darlington nuclear power plants just over 30km from downtown - must heed that lesson.

CELA disagreed with the MCSCS's Discussion Paper recommendation that Ontario maintain its current policy of only preparing detailed emergency plans for accidents equivalent in scale to the one at Three Mile Island in 1979. As the Discussion Paper asserts, "the examination of such severe accidents does not imply that detailed nuclear emergency response planning must be undertaken" for what they call "these extremely low probability events."³

CELA reminds the Executive Committee that the size of the dose considered for provincial nuclear emergency response planning is at the heart of the debate about the size of the accident to consider and plan for. Therefore, we request the City of Toronto Executive Committee ask the province to emulate what has recently occurred in Switzerland, where in June of 2017 it announced that it would put in place an emergency plan to protect its citizens to a Level 7 on the International Nuclear Event Scales (INES). This is the most severe accident on the INES scale.

By adopting a Level 7 INES accident, both the size of planning zones around nuclear power plants and the level of protective measures in place, necessary to respond to a severe offsite accident, are increased. This level of accident is currently not prepared for under the province's proposal.

Recommendation 3: The pre-distribution of potassium iodide (KI) pills must extend beyond 10km

We request that the Executive Committee endorse Durham Region's request that a revised Provincial Nuclear Emergency Response Plan (PNERP) require the pre-distribution of potassium iodide pills beyond the existing 10km distribution zone.

³ Ministry of Community Safety and Correctional Services, Discussion Paper – "Provincial Nuclear Emergency Response Plan Planning Basis Review & Recommendations", p 46

As Durham Region requested in its submission to the province:

[T]aking into account science, international best practices and the existence of two nuclear stations in Durham Region, the Province expand the pre-distribution of potassium iodide (KI) pills beyond the current 10 km Primary Zone.⁴

Similarly, the Amherstburg and Essex County asked the province to include requirements, in the updated PNERP, “for the funding, public education and pre-distribution and availability of potassium iodide (KI) pills for communities living in proximity to the Fermi and Davis-Besse nuclear stations.”⁵

Recommendation 4: The City of Toronto should study the finances needed to resource an extended contingency zone and revised nuclear emergency response plan

The MCSCS Discussion Paper recommends a 20km Contingency Zone, “double” the size of the 10 km Primary Zone surrounding Ontario-based stations. Therefore, as a result of potential changes to the contingency zone, we ask the Executive Committee direct staff to report on the financial impacts of the revised nuclear emergency response plan, once published in 2018.

The Executive Committee’s Report notes, “As the provincial government is not proposing any new protective actions for the Contingency Planning Zone, there are no financial impacts to the City of Toronto.”⁶ We remind the Executive Committee, however, that the CNSC, Health Canada, Durham Region and CELA have voiced concerns that the proposed zone lacks alignment with international safety guidance. For instance, the CNSC has encouraged the province to include other preparedness measures in the Contingency Zone, including “evacuation plans, the availability of KI before or at time of emergency, location of centres outside this zone.”⁷ Notably, inclusion of such measures would make the proposed Contingency Zone operationally almost identical to the current 10 km Primary Zone.

⁴ The Regional Municipality of Durham, Regional response to Provincial Discussion Paper entitled “Provincial Nuclear Emergency Response Plan (PNERP) Planning Basis Review and Recommendations, #2017-COW- 137 [as amended by Council June 14, 2017].

⁵ Town of Amherstburg – Resolution #20170612 – 742, June 22, 2017 and Essex County Council Regular Meeting Agenda, Resolution 9.2.1, July 19, 2017.

⁶ City of Toronto, “EX28.13 - Toronto’s Emergency Management Program and Revisions to the Toronto Municipal Code,” p 12

⁷ Kathleen Heppell-Masys, (Director General, CNSC) to Leslie Coleman (Manager, Community Safety and Intergovernmental Policy Branch), “Consolidated CNSC Comments on PNERP Discussion Paper and Proposed Changes,” July 28, 2017, E-Doc#5287028, pg. 5, Acquired through Access to Information (A-2017- 00066) at p 8.

Therefore, in light of the contested scope of adequacy of the Contingency Zone as currently proposed, we recommend the Executive Committee direct staff to report on the financial impacts of a revised, nuclear emergency response plan.

CONCLUSION

Lastly, we request the City of Toronto communicate all of its expectations to the Ministry of Community Safety and Correctional Services. Notably, MCSCS staff have stated they are working with “haste” to have provincial cabinet approve an PNERP before the end of 2017⁸ and thus, if the City of Toronto is to provide meaningful input in the revised plan – which directly affects the safety of its residents - it must communicate its expectations and recommendations as soon as possible.

Thank you for your time and attention to this matter.

Sincerely,



Theresa McClenaghan

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

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⁸ August 17 the meeting of the Canadian Nuclear Safety Commission, pgs. 102 – 103