

**Event:** G.E.'s Uranium Secret  
Toronto West-end Community Meeting  
Davenport-Perth Community Centre for a 7 p.m

**Presentation:** Environmental and health regulation of Uranium processing & CELA's work

**Presented by:** Kyra Bell-Pasht, Counsel  
November 15, 2012

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### *1. The Canadian Environmental Law Association ('CELA')*

#### **CAUTION**

CELA has *not* been retained to act as a lawyer in relation to any matter related to the G.E. Hitachi uranium processing plant

I am here to provide **general legal information**, *not* legal advice

CELA is a nationally incorporated environmental NGO & a Legal Aid specialty clinic, offering **legal representation** in environmental matters to low-income individuals & non profit groups. Subject to capacity, we also provide environmental legal information to the general public.

•See [www.cela.ca](http://www.cela.ca) for our legal application form & contact details

We have a long history of involvement in energy -related cases, and energy related law reform efforts, including nuclear power regulation which I will discuss at the end of my presentation. My comments today are general in nature and not specific to this plant.

I will do my best to briefly outline the regulation of radioactive and toxic emissions into the environment, and to what extent they allow for public participation in decision making processes and the public's right to know.

### *2. The Canadian Nuclear Safety Commission (CNSC)*

The federal government –through the Canadian Nuclear Safety Commission (CNSC) - is responsible for regulating nuclear power & related activities.

Both the *processing* and *transportation* of uranium are regulated by the CNSC.

### ***3. The Canadian Nuclear Safety Commission - Licensing***

When applying for licence renewals, an applicant is required to give notice to surrounding community members. The public can request permission to make written and oral submissions at these public hearings.

Transcripts from hearings and CNSC licencing decisions are often available online on the CNSC website.

Licences are granted if the applicant has adequate provisions for the protection of the environment, the health and safety of persons, and the maintenance of national security. Complying with these conditions require annual **monitoring; reporting, inspections; emergency plans, site decommissioning plans** and compliance with enforcement provisions of the legislation.

Audits are undertaken externally and internally to ensure compliance with licence standards and regulations.

Annual compliance reports are available to the public upon request to the facility, GE Hitachi's 2011 annual compliance report is also available on GE Hitachi's website.

Compliance reports outline, amongst other things, annual emissions to the environment as well as workplace exposure. The federally regulated annual discharge limit is 760 grams.

Renewals are normally granted if the licence applicant has complied with its licence conditions, subject to the applicant satisfying the requirements of the legislation, regulations and guidelines to the satisfaction of the regulator.

Copies of licences are also available to the public by request to the CNSC.

### ***4. The Canadian Nuclear Safety Commission - Transportation***

The CNSC also regulates the transport of radioactive materials in Canada. The company also reports annually and is audited on its transportation activities to ensure compliance with the regulations.

### ***5. The Canadian Nuclear Safety Commission – Radiation exposure***

Regulations for protecting the radiation exposure of the workers and surrounding community are outlined in the: *Radiation Protection Regulations*

Every licensee is required to implement a radiation protection programme. Licensees are also required to ensure that the dose of radiation received is “as low as reasonably achievable” taking economic and social considerations into effect.

The specified current annual limit on public radiation exposure from nuclear operations is 1 milliseivert (mSv= the rate at which radiation is absorbed by the body). GE Hitachi licence conditions include limits that are much lower than this regulated limit.

## 6. Other Reporting obligations: Ontario's Ministry of the Environment (MOE)

Provincially, the Ministry of the Environment regulates facilities that emit pollutants into the environment to ensure they do not exceed provincial air and water quality standards.

MOE requires that facilities emitting pollutants into the environment apply for certificates of approval. These certificates are posted to the Ministry's online Environmental Registry for public review and comment. Interested persons also have the right to appeal decisions to the Environmental Review Tribunal.

One requirement of certificates of approval, is the company must provide the public, upon request, with executive summaries of their annual emissions summary and dispersion modeling reports. These reports are provided to the MOE annually to ensure that certificate holders are complying with their CoAs.

I should also note that as of 2016, there is a newly established uranium and uranium compound air standard, set in 2009. The MOE sets such air standards to help protect communities located near industrial sources of air pollution.

This new air quality standard was set by the MOE, not in relation to uranium's radioactive toxicity, but its general toxicity.

## 7. CELA's experience

CELA's mandates include: **supporting public participation in environmental decision making** and the **use of safe and sustainable energy**.

Our experience with the regulation of nuclear activities in Ontario and Canada more generally, is extensive, and includes representing clients before the Canadian Nuclear Safety Commission, in regards to:

- radioactive tritium processing facilities,
- the Darlington Nuclear reactor refurbishments, and
- the proposed new nuclear reactors at the Darlington Plant

We have also undertaken judicial reviews of environmental assessments of:

- Nuclear waste transportation licences, and
- proposals for new nuclear reactors

We have also undertaken numerous nuclear law reform efforts, including

- tritium standards for drinking water, and
- uranium air emissions standards

The following are two examples of CELA's involvement with hearings before the CNSC in relation to two nuclear processing facilities.

In 2010, CELA acted on behalf of a public interest group in a CNSC licence-renewal hearing for a radioactive tritium processing plant located in Pembroke, Ontario.

The transcripts of the hearing, which are available on the CNSC's website, outline our arguments on behalf of our client, namely, that the licence should not be renewed as the activities undertaken at the facility present the unnecessary creation of hazardous waste and the applicant has failed to meet the outdated and weak Canadian drinking water tritium guidelines.

Nonetheless, the licence renewal hearing resulted in the facility's operating licence being renewed.

More recently, CELA provided limited legal representation for a public interest organization in a case before the CNSC in regards to a licence renewal. The license was in relation to another tritium processing facility.

The applicant's consultant reported higher than usual releases of tritium, resulting in an audit. The auditor's review of releases showed emissions twice that permitted by its licence for the previous two years.

This information resulted in the CNSC delaying the renewal hearing and repealing the facilities full operating licence.

#### **8. I would just like to end by highlighting the key points of this presentation**

- 1) The company has a duty to provide the public with its annual provincial emission and federal compliance reporting information
- 2) The public has a right to participate in certain environmental decision making processes to which the facility is subject, such as when the company applies for a new provincial certificate of approval, or during licence hearings before the CNSC.

#### **9. [www.cela.ca](http://www.cela.ca)**

Please visit our website for further information about our casework and law reform activities.

#### **10. Thank you**