

November 17th, 2020

Hon. Justin Trudeau
Prime Minister of Canada

Hon. Seamus O'Regan
Minister of Natural Resources

SENT BY EMAIL

Dear Sirs:

Yesterday your government launched a review of Canada's radioactive waste policies. The review was expected, although we were disappointed that [the commitment Minister O'Regan made in July](#) to have his staff reach out to us to help shape the review has been abandoned. But what shocked us was that the first announcement came not from the Government of Canada or from Natural Resources Canada but from the nuclear industry, announcing that a nuclear industry organization made up of the generators of radioactive waste would "[lead the development of an integrated radioactive waste management strategy, at the request of the Honourable Seamus O'Regan, Minister of Natural Resources Canada](#)".

Not only is this outside the [mandate](#) of the Nuclear Waste Management Organization (NWMO) but it is an affront to all concerned Canadians that you would place the very companies who have created the problem - and spent decades and hundreds of millions of ratepayers and taxpayers dollars failing to solve the problem - in a lead role in this long-awaited review.

This outsourcing of policy development to a conglomerate of nuclear power generators goes against your own government's commitment to transparency. As you must be aware, unlike government departments including Natural Resources Canada, the NWMO is exempt from access to information requests, placing them beyond checks and balances and the traceability of their decisions.

With all due respect, your Government has been further embarrassed by the flurry of announcements yesterday related to the review, which - if not contradictory - certainly paint a picture of competing agendas and variant messages. Consider:

- The Nuclear Waste Management Organization's news release saying they are leading the review was the first announcement received
- Minister Seamus O'Regan news release follows, with a brief note of having asked the NWMO "to lead a dialogue to develop an integrated strategy for Canada's radioactive waste through close collaboration among waste owners and producers, Indigenous peoples and other interested Canadians"
- Natural Resources Canada launched their web site, and it outlines the review process at length but makes no mention of the NWMO having a role in the review
- An email is received from until-very-recently Canadian Nuclear Safety Commission (CNSC) Director of Wastes and Decommissioning Karine Glenn, announcing herself as Strategic

Policy Director at the NWMO and that "the NWMO will be tasked with leading a parallel engagement process with Canadians and Indigenous peoples to inform the development of an integrated radioactive waste management strategy"

- An email was received some time later from Jim Delaney, Director, Uranium and Radioactive Waste Division also announcing the review, with no mention of any role for the NWMO
- The NWMO has created a [micro-site for the radioactive waste policyreview](#), which so far is comprised of [a letter from Minister O'Regan to the NWMO](#) dated November 13th "inviting" the NWMO to "lead this dialogue, and to develop Canada's Integrated Strategy for radioactive waste" and a reply from the NWMO to O'Regan dated November 16th, plus one info-graphic

Only in Minister O'Regan's letter to the NWMO of November 13th is there any delineation of the NWMO role, or the identification of the review having the "first element (which) will be to undertake a comprehensive review of Canada's existing Radioactive Waste Policy Framework" while the "second element will be to ensure that Canada has an Integrated Strategy". But the letter being dated November 13th and the NWMO reply being dated November 16th - the day of the review launch - leaves those of us engaged in these matters wondering if this is a farce or a ruse.

The Nuclear Waste Management Organization is not seen as a trustworthy or credible organization even when operating within their mandate, as delineated in the Nuclear Fuel Waste Act. If you are unaware of this it can only be because your Government has completely failed to fulfil the oversight role that the NFWA set out. The NWMO will certainly not be seen as trustworthy or credible in its new and greatly expanded role, now quasi-government, consulting with Canadians to develop government policy.

With our colleagues we have been in communication with both your offices for many months, [seeking details and offering support](#) for a [public review](#) of Canada's radioactive waste in response to the recommendations of the International Atomic Energy Agency's Integrated Regulatory Review Service, namely R1 which stated that "The Government should enhance the existing policy and establish the associated strategy to give effect to the principles stated in the Canadian Radioactive Waste Management Policy Framework." A policy review led by the nuclear industry and the development of a strategy by the nuclear industry are simply not acceptable. The public will see it that way, as will the IAEA.

We are now seeking immediate response to three questions with respect to this review:

- what do you intend to be the role of the NWMO in reviewing, synthesizing and analyzing input received through the NRCAN review web site?
- will NRCAN engage with Canadians and Indigenous peoples in any way other than the posting of discussion papers and receiving comments via the review web site?
- based on all of the above, including the various communications from NRCAN and the NWMO as noted, is it your estimate that the NWMO is inflating the role you intended them to play in this review, or that Natural Resources Canada is hiding the role that has been assigned to the NWMO?

Finally, we ask you to consider whether Canadians already concerned with the conduct of the nuclear industry and unconvinced of their trustworthiness would participate in a process that the nuclear industry has already captured, and captured to such a degree that the nuclear industry announced the review before the government did. Consider this, and consider whether you as a reasonable and thinking person would invest your own personal time in such an exercise, were you not the Prime Minister or Minister in charge, but instead simply a concerned Canadian. While you do that, concerned Canadians are considering those same questions.

We look forward to receiving a timely response.

Sincerely,



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Executive Director
Canadian Environmental Law
Association



Shawn-Patrick Stensil
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- cc. Caroline Maynard, Information Commissioner of Canada
Andrew Hayes, Interim Commissioner of the Environment and Sustainable Development