



September 14, 2017

The Hon. Catherine McKenna
Minister of Environment and Climate Change
200 Sacre-Coeur Boul., 2nd Floor
Gatineau, Quebec
K1A0H3

Re: Environmental and Regulatory Reviews: Discussion Paper (June 2017) - Proposed Role of the Canadian Nuclear Safety Commission

Dear Minister McKenna:

SOS Great Lakes (SOSGL) is a volunteer organization opposing the deep burial of nuclear waste in the Great Lakes Basin, currently focusing on OPG's plan to construct a deep geological repository (DGR) for nuclear waste by the shore of Lake Huron. SOSGL maintains that nuclear waste should not be buried anywhere in the Great Lakes Basin due to the potential for contamination of the world's largest supply of fresh water. In spite of this risk, a Joint Review Panel (JRP) under CEAA 2012 supported by the CNSC approved the DGR plan with almost 100 conditions. We have argued to the Ministry of the Environment and Climate Change that this EA process, CNSC involvement and the JRP Report were deeply flawed.

In February of 2016 your Ministry issued further requests of OPG to satisfy unanswered concerns about their proposed DGR. The process of review of OPG Responses has been recently attenuated due to your August 21, 2017 letter asking OPG for more information on cumulative effects, and for allowance of continuity of the Saugeen Ojibway First Nation process.

SOSGL has on many occasions expressed deep concern over the appropriateness of CNSC's involvement in the EAs process for the OPG DGR. Over the years, we have observed a too-close relationship between the CNSC and the industry which it regulates, including a documented instance of a CNSC executive who was integral to the appointment of the JRP expressing bias in favour of the project at a secret meeting of local Mayors before the hearings even began. Our experience has led us to question the integrity and competency of industry regulators such as the CNSC to undertake impartial EAs.

SOSGL has commended the federal government for proceeding with the long-promised and highly anticipated review of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) and related regulatory processes. We were participants in the hearings in the Fall 2017 (Toronto) where we made verbal and PowerPoint presentations on behalf of our organization. At that time, based on our direct experience with the flawed and one-sided approach of the CNSC to the OPG L&ILW DGR for which they are the regulator, we strongly recommended an arm's length relationship between the CNSC and any project EA for designated nuclear projects.

We read the report of the Expert Panel with interest when it was released. We applauded the Expert Panel's recommendation that a new independent quasi-judicial authority be established, rather than having the CNSC conduct EAs under the new regime.

We were shocked to find that the August Discussion Paper included the CNSC preference for retaining powers in the EA process despite the clear recommendation of the Expert Panel against this continuance. The continued involvement of the CNSC is not only contrary to the report by the Expert Panel; it is contrary to the opinion of the majority of public participants who contributed to the cross-county public hearings. We urge you in the strongest possible terms, to adopt listen to the Canadian public, and to adopt the Expert Panel's recommendation to create an independent impact assessment authority.

We concur with the reports and letters that have been sent to you by the Canadian Environmental Law Association, including the Letter from CELA dated September 13, 2017.

We especially concur with their re-statement, from the *Expert Panel Report*, (page 49) that,

“the apprehension of bias or conflict of interest, whether real or not, was the single most often cited concern by participants with regard to the NEB and CNSC as Responsible Authorities...The apprehension of bias on the part of these two Responsible Authorities has eroded confidence in the assessment process”.

SOSGL stands with CELA in expressing the perspective that the, ‘...establishment of a new authority is absolutely necessary in order to achieve the stated objectives of the EA review’ and further that, ‘...the financial implications of establishing and staffing the new authority would have to be weighted against the undesirable socio-economics costs of continuing with status quo and needlessly creating or perpetuating process uncertainty and potential project delays if the CNSC continues to conduct controversial EAs under the new regime.’ (CELA, August 13, 2017, page 6).

We would like to add on the matter of cost, that there is a conflict of interest in CNSC recommending against establishing an independent assessment process, because CNSC stands to gain monetarily through budget allocations, if the process remains under their authority. Again, they are in a conflict situation.

SOSGL supports the CELA conclusion that the federal government should not proceed with the Discussion Paper's proposal and that a fair, independent, unbiased, accountable entity be established to conduct EAs for nuclear projects.

Yours truly,



Jill Taylor, President
SOS Great Lakes On behalf of the Board of Directors