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# 'We have a broken nuclear governance system': Regulator comes under fire for approving waste facility at Chalk River

The approval came in the face of staunch opposition from local Indigenous communities and anti-nuclear activists, leading some to question the independence of Canada's nuclear regulator.

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A sign welcomes visitors at the entrance to the Chalk River Laboratories Chalk River, Ont., on Monday, July 9, 2012. A proposed nuclear waste disposal site on land around Chalk River Laboratories is too close to the Ottawa River, says Bloc Quebecois Leader Martine Ouellet. THE CANADIAN PRESS/Sean Kilpatrick



A decision to approve the construction of a nuclear waste storage facility two hours west of Ottawa has led Indigenous leaders, activists and experts to voice concerns about what they describe as fundamental flaws within Canada's nuclear regulator.

Earlier this week, the Canadian Nuclear Safety Commission (CNSC) approved an application from Canadian Nuclear Laboratories (CNL), a nuclear research organization, to build an aboveground mound at its facility in Chalk River, Ont., which would store low-level nuclear waste for the next half century.

The decision came amid vehement opposition from anti-nuclear activists and local Indigenous communities, which argued the structure would have adverse environmental effects for species at risk and the surrounding watershed.

Critics of the decision believe the recent approval is the latest example of the CNSC prioritizing the nuclear industry over Canadians, which they say stems from a lack of regulatory independence.

“We were very discouraged, disheartened, [and] upset by the decision, but at the same time, we were not surprised,” said Justin Roy, a councillor for Kebaowek First Nation in Quebec. “We figured the writing was on the wall for quite some time.”

“We were just a checkbox to them.”

Meanwhile, Bloc Québécois MP Monique Pauzé lamented the approval what she described in French as an “insane and inconceivable project.”

“Ottawa confirms to us the bogus status of the hearings conducted by the CNSC where the Commission heard the opposition of multiple stakeholders only to finally brush them aside in the decision rendered yesterday,” Pauzé said in a statement.

In its decision, the CNSC emphasized that “the duty to consult, and where applicable, accommodate, has been adequately discharged,” and the nuclear waste facility was deemed “not likely” to cause adverse environmental effects.

However, for Roy, while the CNSC did engage with Indigenous communities throughout the consultation process, it became apparent early on that Indigenous perspectives would fall on deaf ears.

“They like to throw around the word ‘relationship’ ... but just because you have a relationship with someone doesn’t mean it’s a good relationship,” he told *iPolitics*. “The process is not working. The relationship is not where it needs to be.”

It should be noted the Algonquins of Pikwakanagan First Nation, the Indigenous community closest to the proposed site, reached an agreement with CNL earlier this year and gave its consent to the waste facility’s construction.

That being said, Roy noted the CNSC has never refused to grant a licence in the regulator’s entire history, adding “they’re batting 1,000 per cent.”

Earlier this year, the CNSC approved a new 20-year licence for the world’s largest uranium mine located in northern Saskatchewan, despite the human health concerns of members of the local First Nation.

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According to Ole Hendrickson, president of the Sierra Club Canada Foundation, it’s no shock that the relationship between the regulator and Indigenous peoples is so poor because the CNSC is not in the business of serving Canadians, but rather promoting industry interests.

“We have a broken nuclear governance system,” said Hendrickson, also a researcher with the Concerned Citizens of Renfrew County and Area, a non-profit focusing on nuclear waste management. “The CNSC is not independent, though it claims to be.”

Hendrickson’s concerns were echoed by M.V. Ramara, a public policy professor, who specializes in nuclear energy, at the University of British Columbia, who said “there’s a lot of evidence that [the CNSC] is not as strict with regulation as it should be.”

“It promotes nuclear energy, which should not be part of its remit,” Ramara said in an interview. “I don’t think the CNSC is a neutral objective regulator, ... their job should be to just make sure things are safe.”

In addition to what he believes to be the regulator's coziness with the industry, Hendrickson also took issue with the CNSC's governance structure, as it reports to the Canadian parliament through the minister of natural resources.

"You've got the minister who's responsible under the Nuclear Energy Act for promoting nuclear energy and he's also in charge, basically, of the CNSC," said Hendrickson.

Led by Energy and Natural Resources Minister Jonathan Wilkinson, the federal government has been a strong advocate for the potential for nuclear energy to help combat the climate crisis at home and abroad. Last year, the feds spent \$74 million to develop small modular reactors in Saskatchewan and provided \$3 billion in financing to help build new reactors in Romania.

"Of course, we have to be good stewards in managing the issue of [nuclear] waste, but many in the environmental community are increasingly saying that climate change is the most urgent issue of our time," Wilkinson said last year. "In that context, we have to be able to move beyond the concerns we have about waste."

A spokesperson for Wilkinson said "the CNSC is an independent body and to maintain that important independence, the minister does not comment on its actions or decisions."

When asked if Wilkinson still had faith in the CNSC, given the allegations that it's a captured regulator, the spokesperson said the minister "has confidence in the CNSC and respect for its jurisdiction."

It should be noted that the regulator's relationship with the natural resources minister was not a universal concern. Allison Macfarlane, who formerly led the U.S. Nuclear Regulatory Commission, said she didn't know if "there was an ideal independent regulator anywhere in the world."

"Over time, different agencies have ups and downs in terms of their actual independence," noted Macfarlane. "So, making blanket statements like the CNSC is a captured regulator, it's not helpful and I don't think it's true."

Macfarlane said she did not share the belief that the CNSC lacked for independence, either from politicians or businesses, but said all regulators can better establish this perception of independence by prioritizing transparency.

“I would advise being really open and transparent with what you do,” she said. “So that means making available all of your documentation and how you arrive at your decisions. It means listening to people from outside the industry and to all different stakeholders with interests in the purview of the agency.”

The CNSC declined repeated requests from *iPolitics* for an interview.

However, in an email, a spokesperson for the regulator said “the CNSC is recognized as a global leader in nuclear regulation.”

“The International Atomic Energy Agency, an autonomous international organization within the United Nations system, determined favourably in a report in 2019 that the CNSC has a mature and well-established nuclear regulatory framework that does an effective job in protecting the health, safety and security of Canadians and their environment,” read the email. “The report also noted that the framework allows for independent decisions.”



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