



**Written submission from  
Leanne Betasmosake Simpson**

**Mémoire de  
Leanne Betasmosake Simpson**

In the Matter of the

À l'égard de

**BWXT Nuclear Energy Canada Inc.,  
Toronto and Peterborough Facilities**

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**BWXT Nuclear Energy Canada Inc.,  
installations de Toronto et Peterborough**

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Application for the renewal of the licence for  
Toronto and Peterborough facilities

Demande de renouvellement du permis pour les  
installations de Toronto et Peterborough

**Commission Public Hearing**

**Audience publique de la Commission**

**March 2 to 6, 2020**

**Du 2 au 6 mars 2020**

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I am opposed to pelleting in Peterborough and I ask the CNSC to deny BWXT's license request to produce uranium dioxide fuel pellets in Peterborough, Ontario as part of its 10-Year license renewal for the following reasons:

1. Peterborough, Ontario and BWXT is located in the territory of the Michi Saagiig Nishnaabeg nation, and has several First Nation communities in the vicinity including my home community, Alderville First Nation.
2. My Grandmother, Audrey Williamson (nee Franklin) moved with her family as a child to Wolfe Street, in Peterborough, Ontario, a few blocks from GE. My family has been impacted by the practices of GE and now BWXT for five generations.
3. I am writing as a member of Alderville First Nation, a mother to two band members and as a resident of Peterborough, Ontario who lives on Bolivar Street, a few blocks from the BWXT facility. Both Peterborough and BWXT are located within Michi Saagiig Nishnaaabe territory, the Williams Treaty are and Treaty 20.
4. According to Michi Saagiig Nishnaabeg law and ethical practices as encoded in our local Indigenous Knowledge, we have a responsibility to protect our lands, waters, and the plant, animal and human communities we share land with from environmental contamination for the coming generations.
5. Our people continue rely on the environment for the necessities of life, including the consumption of traditional foods. Traditional foods include fish, wildlife, and plants such as wild rice harvested in our territory. The main pathway for contamination impacting human health is through the consumption of food and water. The harvesting and consumption of Traditional Foods is an integral part of our culture, and this food system is directly impacted by environmental contamination.
6. Our communities have been directly, continually and actively involved in environmental protection and conservation for the past four centuries. Ardoch First Nation, an adjacent Algonquin community, actively and successfully blocked access to a prospective uranium mining site, near Sharbot Lake, Ontario, in its traditional territory, in 2008. Many Indigenous people and allies in Peterborough and from the surrounding Michi Saagiig Nishnaabeg communities acted in solidarity with Ardoch First Nation during this mobilization.

7. Article 29 of the **United Nations Declaration on the Rights of Indigenous Peoples** to which Canada is a signatory states:

i) Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

ii) States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent. 

iii) States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

8. Canada's **Truth and Reconciliation Commission** made the following relevant recommendations:

Recommendations 43 and 44 state:

We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as a framework for reconciliation...We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

Recommendation 92 directly relates to the corporate sector and states:

We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

i) Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.

9. In 2018, federal and the provincial government of Ontario committed to a new relationship of trust when they signed the **Williams Treaty First Nations Settlement Agreement**.

10. The final report of the **National Inquiry on Missing and Murdered Indigenous Women** states calls for “all industries to consider the safety and security of Indigenous women, while ensuring their equitable benefit from development, at all states of project planning, assessment, implementation, management, and monitoring.”

11. Beginning in 2010, Anishinaabeg knowledge holders Shirley Williams and Liz Osawamick, began **Nibi Emosaaawdamajig** – Those Who Walk for the Water, to increase awareness of Anishinaabeg water teachings, and to protect local water sources from contamination.

12. The **Canadian Nuclear Safety Commission** has committed to consulting and building relationships with Indigenous Peoples as follows:

“As an agent of the Government of Canada and as Canada’s nuclear regulator, the Canadian Nuclear Safety Commission (CNSC) recognizes and understands the importance of consulting and building relationships with Canada’s Indigenous peoples.

The CNSC is aware that Indigenous peoples may have concerns with regard to the nuclear sector and that it is important to seek opportunities to work together in ensuring the safe and effective regulation of nuclear energy and materials, this includes duty to consult, coordinated approaches, engagements and reconciliation, Indigenous engagement, meaningful participation and the inclusion of Indigenous Knowledge.”

13. **Ontario Power Generation** has also committed to a practicing of respecting First Nations rights and interest, community engagement and building relationships: OPG’s policy on Indigenous Relations states:

“Our Indigenous Relations group helps to build these relationships in keeping with OPG’s Indigenous Relations Policy, first developed in 2007.

The policy sets out:

- OPG’s objectives for respecting rights and interests.
- Rules for developing and maintaining mutually beneficial relationships and partnerships with Indigenous communities.
- Policies that require engaging in community relations and outreach.
- Paths to providing capacity-building support, including employment and business contracting opportunities.

Our relationships are developed on a foundation of respect for the languages, customs, cultural institutions and rights of Indigenous communities in Ontario. Our goal is to build and preserve openness, transparency and trust.”

14. Peterborough Mayor Diane Therrien, was elected on a promise of reconciliation with local First Nations when she came into office in 2018.

15. The production of pellets at BWXT will result in the release of uranium into the air and water of the traditional territory of the Michi Saagiig Nishnaabeg.
16. Surrounding First Nations, and the urban Indigenous population of Peterborough have not given their free, prior and informed consent for the production of pellets at BWXT, nor have they been adequately informed of the potential health and environmental impacts from the pelting process.

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