



**Final submission from
Kathryn Lindsay**

**Mémoire définitif de
Kathryn Lindsay**

In the Matter of the

À l'égard des

Canadian Nuclear Laboratories (CNL)

Laboratoires Nucléaires Canadiens (LNC)

Application from the CNL to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility

Demande des LNC visant à modifier le permis du site des Laboratoires de Chalk River pour autoriser la construction d'une installation de gestion des déchets près de la surface

**Commission Public Hearing
Part 2**

**Audience publique de la Commission
Partie 2**

May and June 2022

Mai et juin 2022

Submission to CNSC re: CNL's application to amend its license to allow the construction of a Near Surface Disposal Facility (NSDF)

From Dr. Kathryn Lindsay

I am making this final written submission in a number of capacities outlined in my previous written and oral submissions including:

- As an informed but concerned member of the public
- A 6th generation settler and current property owner in Renfrew County including a family cottage 100 km downstream from the Chalk River Labs (CRL)
- A PhD wildlife ecologist with Environment Canada, retired after 33 years
- An Adjunct Research Professor at Carleton University in Ottawa
- Chair of the Board, Director, and Program volunteer of the Bonnechere River Watershed Project, a community-based charitable not-for-profit that engages with others to promote awareness and inspire stewardship actions for watersheds in Renfrew County
- And lastly, as a founding member of the Kitchissippi-Ottawa Valley Chapter of the Council of Canadians supporting that final written submission.

Given that the CNSC is the sole agency charged with protecting the health and safety of Canadians and the environment as the regulator of the nuclear industry and as an agency of the crown in relation to free, prior and informed consent by indigenous peoples, the decision on the CNL licence amendment to build the proposed NSDF at CRL should reflect the growing public and Algonquin First Nations concern about consultation, engagement and the long-term management of radioactive and other toxic

waste products including keeping dangerous waste materials as far away as possible from the Ottawa River, and to ensure that such wastes are properly managed, disposed of and routinely monitored so that issues such as leaks are readily detected and remedial actions can be expeditiously made for centuries to come.

During the public hearing in May-June 2022, Canadian Nuclear Labs (CNL) claimed the NSDF is quote “The right solution at the right time” and that "We would be negligent if we didn't go forward now. There is urgency".

I beg to differ, as have others, and can summarize my written and oral interventions in three words:

- Wrong Wrong Wrong

Wrong Place. Wrong Plan. Wrong timing

In brief ...

The Wrong place

- 1 km from the Ottawa River, a source of drinking and recreational water for millions of Canadians downstream including Pembroke, Arnprior, Ottawa, Gatineau and Montreal
- The risk of seismic events and extreme weather events related to our changing climate
- The loss of older growth forest and the release of carbon that it sequesters
- Related loss of biodiversity including species at risk
- And the loss of both our natural and cultural heritage including that of the Algonquin First Nations as documented by cultural and on-site field research in the NSDF “footprint” described in CMD 22-H7.111C, which includes the extensive use of the area by species with cultural, spiritual, and economic

importance to Algonquin peoples, including three active bear dens, winter moose and deer habitat, and eastern wolves.

The Wrong plan

- It has been argued by others that the proposed facility may lack the capacity to deal with current and future waste at CRL especially in relation to radioactivity
- The proposed facility is expected to contaminate ground and surface water from leakage over time, including the Ottawa River itself and expose surrounding lands and wildlife to contamination

The Wrong timing

- I agree with CNL and other interveners that we need to deal with our legacy and future nuclear waste including at CRL
- However, as other interveners have already pointed out, public engagement and consultation has been flawed, especially with the Algonquin Anishinaabeg Nation on whose unceded and untreated territory Chalk River Labs are located, and who as noted in their most recent written submissions that the UN “Free, Prior and Informed Consent” guidelines have not been adequately implemented especially as they intersect with the current social and political priority of Reconciliation
- In addition, the current EIS has not considered the option of maintaining the current baseline or status quo condition until a more thorough characterization of wastes has been completed, the EIS can be updated in relation to the recent IPCC climate change report, and there is better developed remediation and decommissioning plans in place, particularly for the historic waste management areas

So to reiterate my position: wrong, wrong, wrong

I am well aware that this is not a popular or given my past experience with the CNL license hearing in 2018, a particularly viable position at this point in the process.

The CNSC is governed by AECL and NRCAN whose mandates include the promotion of the nuclear industry

Even CNSC as the regulator has advocated on behalf of the nuclear industry, in recommending approval of this license amendment and in relation to the federal Impact Assessment Act 2019 in relation to exemption of Small Modular Nuclear Reactor projects

For these reasons, as other interveners have noted, CNSC has been deemed a regulator captured by the economic interests of the industry and host communities over protection of public health and the environment, an opinion most recently argued in the book *Corporate Rules: The Real World of Business Regulation in Canada ... How Govt Regulators are Failing the Public Interest*, which includes a chapter on the nuclear industry

In addition, as some interveners have noted, public consultation and engagement by nuclear-business supporters like NRCAN, NWMO and CNL in relation to the NSDF smacks of public relations and marketing, which is of particular concern to me, as it has convinced Renfrew County Council and local host communities to intervene in support of the project, presumably based on their strictly socio-economic assessment related to CRL as a key regional employer rather than based on a human health and environmental risk assessment of the NSDF

As a side note, it seemed odd to me that CRL employees were allowed to be interveners in the public hearing, and after dissing the expertise of well-educated and informed public interveners

including independent experts, being thanked by their employer and by the CNSC President and commissioners.

All of this is unfortunate as, according to some, including interveners at the public hearing such as Sierra Club Canada, Old Fort William Cottagers Association and Concerned Citizens of Renfrew County & Area, the public information campaign has been superficial, opaque and undemocratic, with controversial elements not shared.

That the CNSC is advancing the approval of the construction of the NSDF at Chalk River in close proximity to the Ottawa River is against common sense, against contrary scientific arguments, and against the imperative for indigenous reconciliation and Free, Prior and Informed Consent.