



Oral presentation

Exposé oral

**Written submission from
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**Mémoire d'
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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

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Mémoire destiné à la Commission canadienne de sûreté nucléaire

Montréal, 21 avril 2022

Do you have hope for the future ?

If I did not have much, I know what I would be doing this moment. Not writing to you: but submitting, for a cost, projects aiming at burying toxic and radioactive wastes on the drinking water's source of an entire nation, my brothers by constitution, and justifying to myself that it is okay and thoroughly well thought of.

I would not be thinking of Ukraine and what a single jet attack could do on such a membrane as the top one planned for this site, in the five centuries long to come that I know nothing of, and would be unconcerned about.

What can my voice change to this plan that is forcing itself upon my drinking water, and thus me, the peoples which I belong to, and our lands, which we are connected to ? We are unearthing dead children from not a hundred years ago, kidnapped by the Canadian government, destined to reform camps and death. We have no right to believe ourselves to be objective, out of biases, when those acts were committed through a similar one truth-based mindframe as is still used today in too many organizations, including decision-making agencies, and when every day we confirm this continuity by compromising the fundamental values that today's children survival depend upon, to choose in their stead our right to destroy what was never, and can never be, ours to rule upon, only to receive from: minerals, water, energy, other beings, and intricate life-non life based systems.

Do you know this symbol ?



What seems so clear for us today depends on our frame of references.

Electrical energy, e-storage, centralized google facilities, networks, languages and translations. To not be imperialistic, and try to really understand another culture, and another time, we need to believe we can place ourselves outside of culture, outside of time, which is not possible. That is why everyone needs to participate in public decisions, and be mindful of the rights of other beings, other nations, and future generations, to safeguards them in our own decisions but also not to infringe upon what is theirs to decide. In addition, and this needs to be said, what is science's law today is an approximation at best, taken for *du cash*, as is said in my culture québécoise, meaning taken as if it was the thing itself even if not reality, but just paper, just a concept or an hypothesis, via the physics models and contemporary conceptions through which we comprehend the world.

The Adrikan symbols are thought to have been invented just a little more than a hundred years ago. Yet their meaning is already a guessing game for our epoch. Could you think this pictogram could mean: “Halt! We have created a poison that cannot be undone by human life expectancy, and buried it here, at xy units of distance from where the river was in our time. Please understand, this land is now toxic, never to be returned upon again, unless in 550 solar years, starting the count from 2022 after the birth of Christ, our lord, our calculations and plans are textbookly realized, then at this moment, and only then, can you ignore this sign and return upon here, digging, and if they were not correct, and we have forgotten one variable in all those years of predictions, you’re probably contaminated anyway... so it does not really matter in the end, just ignore ? But... heavy metals are lying here too, which are pretty stable in time... so all things considered better to condemn the land, ours for eternity I am afraid. Do not trespass”

Testimony

My people have a lot to say about nuclear energy and its wastes. Their main statement is written for all to read on the land they inhabit, as has been the custom on this territory for many thousand generations, by animals and humans alike, customs which I am biased to be interested in as a geographer.

In Quebec the landscape speaks through a decision implemented to close down the only nuclear energy producing facility we had on December 28 2012, nearly ten years ago. Ten years is not a hundred or five hundred, yet for us, the nuclear question is done and dealt with, and many other threats have come center stage since then, not the least of them for the last three years, covid. Most people could not believe this project when I spoke to inform them of these procedures. Is it inconceivable for us. A simple treatable flu as had all of us barricaded, from the outside and from one another, forcibly and voluntarily, from our families and workplaces with rising psychological and social consequences. Yet this question concerns lethal treats of undiagnosed and possibly untreatable pathologies that could affect us unknowingly, and unequally (russian roulette), without ever being able to pinpoint the culprit, and which risks could be avoided by not causing this risk, or adding to it in the first place (because the nuclear reactor dumped in nature near the river as for sure already had consequences on cancer rates downstream all the way to the St. Lawrence, which as also not been communicated to take in mind to the public either).

The Anishinaabe people, who hold claims to the land most impacted by this project in your current study, explain in this passage meant for non-Indigenous readers¹, that in addition to environmental and health safety concern, this project would infringe upon one of their most revered religious cultural site, which is another blow to the project of reconciliation in Canada (United Nations Declaration on the Rights of Indigenous Peoples Act S.C. 2021, c. 14; L.C. 1982 art. 2a, 15(2)):

“Indigenous knowledge philosophy is a life way that situates humans within a broader context of the natural world versus a religion selectively practiced. Within this

¹ <https://www.lynngehl.com/black-face-blogging/algonquin-anishinaabe-land-acknowledgement>

philosophy, the Four Sacred Elements – Water, Rock, Wind, and Fire – are valued as more intelligent. As such, places where they intersect are sacred. In addition, while many people think Indigenous people of Turtle Island lack a tradition of symbolic literacy, in actuality the Anishinaabeg inscribed stories, knowledge, and important messages within the land and waterscapes of their territory. Akikpautik [a whirlpool in the Ottawa River] is where Creator placed the First Sacred Pipe, the ultimate expression of Reconciliation between Nations, Humans, and the Natural World.”

Provincial – Federal relations

Since hearing of the closing of the submission period to participate in the present hearing one month and half in advance of the presentations, I have been reflecting a lot on how these different standards for public participation at the provincial and federal levels are sorely inappropriate, especially in regards the core theme of the drinking water sustaining daily life for more than half the population of our adjoining province to the site. And I have realized this theme is not under federal jurisdiction to inflict damages upon, but is for the provincial constituencies to decide in all their sovereignty. Chalk River is a military base, and the radioactive wastes have indeed been taken from the industry as a federal responsibility, delegated afterwards to the Commission, but the management of water and the possible impacts of the project in terms of health, municipal infrastructures, local and provincial life as well as civil rights of our people are under strict provincial jurisdiction (L.C.1967 art.91, 92). Yet, the matter is not treated at minimum as a joined venture, a joined matter to evaluate, the BAPE (Bureau d'audiences publiques sur l'environnement) has not even been solicited to participate in a joined consultation endeavor. It is incredible that after all the shared management standards adopted at the federal level, the Commission be restricted to the sole letter of an abrogated law, without efforts to ensure participation on this environmental & social matter beyond the border.

To add in context, since members of the Commission might not be aware of it, in Quebec we are using among our guides during BAPE public consultation *la Loi sur le développement durable*², adopted in 2006, which states 16 principles as criteria to further the analysis regarding projects such as the one submitted before your instance today. These principles are among the reason the pan-canadian oil exportation project of Energy Saguenay has been rejected by our own current pro-industry government. These principles have become part of *la personne raisonnable* in Quebec. I would like to **highlight** 4 among them which I believe would be addressed a lot more seriously if audiences were to take place provincially and not strictly before your Commission:

(text accessible in English through the website)

“6. Afin de mieux intégrer la recherche d’un développement durable dans ses sphères d’intervention, l’Administration prend en compte dans le cadre de ses différentes actions l’ensemble des principes suivants:

² <https://www.legisquebec.gouv.qc.ca/en/document/cs/D-8.1.1>

- a) «santé et qualité de vie»: les personnes, la **protection de leur santé** et l'amélioration de leur qualité de vie sont au centre des préoccupations relatives au développement durable. Les personnes ont droit à une vie saine et productive, en harmonie avec la nature;
- b) «équité et solidarité sociales»: les actions de développement doivent être entreprises dans un souci d'**équité** intra et **intergénérationnelle** ainsi que d'éthique et de solidarité sociales;
- c) «protection de l'environnement»: pour parvenir à un développement durable, la protection de l'environnement doit faire partie intégrante du processus de développement;
- d) «efficacité économique»: l'économie du Québec et de ses régions doit être performante, porteuse d'innovation et d'une prospérité économique favorable au progrès social et respectueuse de l'environnement;
- e) «**participation et engagement**»: la participation et l'engagement des citoyens et des groupes qui les représentent sont nécessaires pour définir une vision concertée du développement et assurer sa durabilité sur les plans environnemental, social et économique;
- f) «accès au savoir»: les mesures favorisant l'éducation, l'accès à l'information et la recherche doivent être encouragées de manière à stimuler l'innovation ainsi qu'à améliorer la sensibilisation et la participation effective du public à la mise en oeuvre du développement durable;
- g) «subsidiarité»: les pouvoirs et les responsabilités doivent être délégués au niveau approprié d'autorité. Une répartition adéquate des lieux de décision doit être recherchée, en ayant le souci de les rapprocher le plus possible des citoyens et des communautés concernés;
- h) «partenariat et **coopération intergouvernementale**»: les gouvernements doivent collaborer afin de rendre durable le développement sur les plans environnemental, social et économique. Les actions entreprises sur un territoire doivent prendre en considération leurs impacts à l'extérieur de celui-ci;
- i) «prévention»: en présence d'un risque connu, des actions de prévention, d'atténuation et de correction doivent être mises en place, en priorité à la source;
- j) «précaution»: lorsqu'il y a un risque de dommage grave ou irréversible, l'absence de certitude scientifique complète ne doit pas servir de prétexte pour remettre à plus tard l'adoption de mesures effectives visant à prévenir une dégradation de l'environnement;
- k) «protection du patrimoine culturel»: le patrimoine culturel, constitué de biens, de lieux, de paysages, de traditions et de savoirs, reflète l'identité d'une société. Il transmet les valeurs de celle-ci de génération en génération et sa conservation favorise le caractère durable du développement. Il importe d'assurer son identification, sa protection et sa mise en valeur, en tenant compte des composantes de rareté et de fragilité qui le caractérisent;
- l) «préservation de la biodiversité»: la diversité biologique rend des services inestimables et doit être conservée pour le bénéfice des générations actuelles et futures. Le maintien des espèces, des écosystèmes et des processus naturels qui entretiennent la vie est essentiel pour assurer la qualité de vie des citoyens;
- m) «respect de la capacité de support des écosystèmes»: les activités humaines doivent être respectueuses de la capacité de support des écosystèmes et en assurer la pérennité;
- n) «production et consommation responsables»: des changements doivent être apportés dans les modes de production et de consommation en vue de rendre ces dernières plus viables et plus

responsables sur les plans social et environnemental, entre autres par l'adoption d'une approche d'écoefficient, qui évite le gaspillage et qui optimise l'utilisation des ressources;

o) «pollueur payeur»: les personnes qui génèrent de la pollution ou dont les actions dégradent autrement l'environnement doivent assumer leur part des coûts des mesures de prévention, de réduction et de contrôle des atteintes à la qualité de l'environnement et de la lutte contre celles-ci;

p) «internalisation des coûts»: la valeur des biens et des services doit refléter l'ensemble des coûts qu'ils occasionnent à la société durant tout leur cycle de vie, de leur conception jusqu'à leur consommation et leur disposition finale.

2006, c. 3, a. 6.”

If they could hear you, what would you say ?

I have conversed with many residents whose trust in the quality of their daily water depend upon the decision of allowing or not this facility to be placed at surface level/mound level on the proposed Chalk River site, and asked them if they could speak to this panel of judges, what would they most like to convey?

Some have eloquently spoken and I would like to share a very imperfect but synthesized statement of the many facets they covered: “How is it and can it be the population’s role to prevent and correct such a badly situated project, that could take away our most precious resource, survival, instead of planning the site away from water sources, safely in our most stable geological formation, *le bouclier canadien* (italics because this is common knowledge from Secondary 3 onwards in Québec), and by the same token in a dry already bare not biologically active and deep in the ground environment, away from forests and habitats which remains, away from wetlands, away from arable lands on which we grow our food, away from strongholds shared between nations (here anishinabee, american, canada capital, ontarian, quebec, and haudenosaunee), away from populated regions, and clear of the great waterbeds left from glaciations which are our source of blue gold, clean water, and are (important to mention) not renewable. How can the burden of proof be on the population to reverse, when they have delegated this responsibility to representatives to ensure that the conduct of the disposal of radioactive and toxic wastes be made in respect with not only the strict letter of the law, but also its context, its spirit, meaning not only how to protects our back by following mandatory procedure, but how to very much respect general principles of duty to the public, like the Canadian Charter of Rights and Freedoms, constitutional document of this State which oversees all publicly managed endeavors.”

One I have spoken with has responded word for word: “Why do you wish to kill us?” There are so many threats every single day my people have to climb over, and I am not speaking of the most marginalized: threats to the biosphere they love and depend on, to their own health that is disregarded in most public policies to make room for corporate decisions and subsidies, but most importantly threats to their loved ones, their suffering being the most difficult to ignore. We have

had a lot of that lately. My people are tired. They are sick of not having their rights respected in their own villages and cities. Rights to life, liberty and security (L.C. 1982, art.7), and that any excuse is good enough to infringe upon these, willfully or by neglectful consideration, as it was whenceforth the rights of king to exert, instead of reducing these constitutional assaults to only the stated Fundamental Justice Principles, each of them determined by the Supreme court we rely upon.

Who represented people east of the (Ontario) border in your total of inscriptions for participation as of April 11 2022? How many thousands of us? Several million of people could and have likely already been impacted by the radioactive wastes at the nuclear Chalk River site, through the dumped reactor. Quebec is so organized regarding water quality. We have 40 recognized watershed organizations monitoring on the ground and in proposed policies impacts on water all over the province. RCMs and municipalities are responsible for water as well, and active to ensure its quality, filtering and sanitizing facilities and all their technicians being their right hands to see to the job. We have as well an enormous amount of university researchers specializing on cancer, and many professionals and individuals working for natural preservation or the depollution of waters and lands. Who is it that in your hearing holds the claim to be representative all our population at risk to be affected? Is it someone elected for the next 4 years, or mandated to speak for the next 550 years, and all our diverse and worthy expertises, genders, backgrounds and wisdoms? Is it one professional from the Ministry of the Environment? A dozen of commendable informed and involved white citizens? Is that democratic consultation? News scandal recently outed that in all their history, our institutions responsible for allowing or refusing developmental projects had not played their role of the bad cop, only the one of the kindest cop, by allowing all or almost all exploitation project of promoters. I speak among others of the Ministry of the Environment of Quebec. How could then an analysis on their part on this construction project be even taken as rigorous for the side of natural and human protection, when no institutional change was made to these procedures of decisions yet?

Are the 140 municipalities and RCMs which have opposed by voted resolutions this dump project in the years 2017-8 among the representatives who will be heard? How many are they? Most elected officials have been replaced since the announcement of this idea of project, and the new elected officials had a lot to manage since then. They don't know, firstly that their local opposition was not heard/taken into account in the choice of location, as no alternative site has even been analyzed, and secondly, that this project is massively complex to comprehend even when you take a year to learn about it, as I've been doing as an natural and social environment knowledgeable person literate on physics, public participation and other prerequisites.

If participation in important (crucial) decisions such as this one is set by an arbitrary delay, or is so hard to get to because of the nature of the topic, which demands mitigating vulgarization videos, and a francophone communication plan different from simple translations of English content live when most people are working, than it is practically inaccessible, not participatory in the Qc sense. For us, the form is a means to permit the emergence of many many viewpoints, in a

fruitful consultation process which address a problem on the ground that is important to analyze and discuss collectively. Here, I feel the form itself is the analysis, the days counted and all sorts of restrictions not mediated enough, which is why I was saddened a collaboration with the BAPE was not considered/been implemented. Your expertises to hold consultations would have been very complimentary.

In the circumstances, your panel does hold the keys to a decision five centuries long, everyone unaware of the timeline having no say after April 11, which is just not the case in reality, and I am going to prove it.

The right to participate in decisions regarding one own survival and life quality can never being extinguished, whatever delay is set to further debates and exchanges. Therefore I will organize to send to the Commission, ongoingly until this Chalk River site is discussed in a way conducive to a prosperous shared democratic future, contributions from the population: residents, professionals, marginalized, Indigenous, black, LGBTQIA+, political/syndicate representatives, elderly, and also the little ones, so that you can be touched by their voices as I am, and hear them. I can only share with you in proportion of my capabilities, but I will do my part for wide participation.

To conclude,

I have hope for the future. Because the world when respected is an immensely rich place, that provides for all and regenerates itself. Participative democracy is the basis of a future that is not repressive, and that is what I most wish our children. Imagine, a world where diversity is okay, no more death camps, and hiding the evidence of our miscalculations underneath. There will be hard discussions to get to that place, but we need to make sound decisions any way we can, toward choices to invest in the many alternative futures which might surprise us, enliven us and brighten our common future.

It is not because Chalk River is already contaminated and federally managed that this site should hold all of the low level radioactive wastes for all of Canada, and abroad. My people would not be favorable to move their own wastes from Gentilly 2 to the source of their drinking water. It is at least watched over (I do hope so) where it is now and can wait a lot longer, to find a site which will be truly safe, and be chosen in respects of potentially affected communities and of also local jurisdictions (and indigenous claims). Closeness to the Chalk River military base radioactive construction residues to make a brand new campus should not either be a factor to decide, and it is regretful to realize only lack of research would condemn the location to be CR instead of a sturdier and yes more complex to deploy site. But transporting nuclear wastes from point A to B is hardly safe in any case, so it should be made to a location we are proud of leaving the generations to come.

Prevention is of the highest importance and demands more consideration in calculating a safer site. The futures of the people I love are in yours hands. May you care for them, and read what they will send as messages in a bottle.

With gratefulness for permitting me this submission with delay,
And compassion towards your many readings to come

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Woman, animal, sister, daughter, neighbor, nomad

West dweller, canadian citizen, montrealer, québécoise

Concernant le projet d'enfouissement en surface de déchets radioactifs à Chalk River, Ontario, Canada
Avec la permission expresse de déposer au plus tard le 21 avril 2022 de J. Denis Saumure, greffier et
registraire, Commission canadienne de sûreté nucléaire, Direction générale des affaires juridiques