

Hearings Impaired

As the Chairperson of the Inter-Church Uranium Committee Educational Cooperative (ICUCEC) I would like to provide some historical instances of how the supposed nuclear monitoring and regulatory agencies (currently the Canadian Nuclear Safety Commission – CNSC) which profess to hold to the safety of the mining enterprise, do not do so. During my over twenty years on the board of ICUCEC we appeared seven times before Joint Federal-Provincial Panels and have made countless submissions to CNSC and its predecessor agencies. Throughout all these hearings we at the Inter-Church Uranium Committee Educational Cooperative continued to emphasize seven areas of concern.

1. The release of radionuclides, heavy metals, and other chemical contaminants from the tailings and waste rock into the groundwater, surface water, and air.
2. The lack of adequate decommissioning plans.
3. The lack of contingency plans when action must be taken to reduce environmental contamination in the future.
4. Cumulative regional environmental impacts of uranium operations in northern Saskatchewan.
5. Equitable and just transfer mechanisms in terms of profits, technologies, and organizations for the peoples of the region.
6. An end to the colonialist, exploitative practices on the people, resources, and environment of northern Saskatchewan, and a termination of the exemption from ownership regulations presently enjoyed by the uranium mining companies.
7. More effective and stringent control of our uranium exports because “current Canadian limitations on end uses of uranium provide no reassurance to the public that Canadian uranium is used solely for non-military applications by purchasers.” (*Uranium Mining Developments in Northern Saskatchewan: Dominique-Janine Extension, McClean Lake Project, and Midwest Joint Venture*, Report of the Joint Federal-Provincial Panel

on Uranium Mining Developments in Northern Saskatchewan, October 1993, p.26.)
[Subsequently referred to as "Report"]

Unfortunately, the only impervious phenomenon we were to encounter was not the "impervious surround" that would line a tailings pit, but the hearing of the panels, the CNSC, and the provincial and federal government.

Meanwhile, the proponents (usually AREVA and Cameco) continued to treat the people and environment of Saskatchewan with cynical impunity, playing the EIS shell game. The August 26, 1996 News Release from the Joint Federal-Provincial Panel on Uranium Mining Development in Northern Saskatchewan stated:

The Cigar Lake Mining Corporation informed the panel that the technology it plans to implement for tailings disposal differs from the technology describe [sic] in its Environmental Impact Statement (EIS). The method proposed in the EIS was for the subaqueous deposition of Cigar Lake tailings into the JEB pit at McClean Lake, together with the tailings from the McClean Lake and proposed Midwest mines, also to be deposited subaqueously. The new plan is for deposition of the McClean Lake and Midwest tailings, using pervious surround technology, followed by subaqueous deposition of Cigar Lake tailings.

Obviously, the recommendations of the Joint Federal-Provincial Panel in its October 1993 "Report" concerning the McClean Lake Project had no impact on the environmental assessment. In its recommendations concerning the McClean Lake Project the Panel stated:

It is recommended that the McClean Lake Project be delayed for at least five years. This would allow time to obtain more experience with pervious surround tailings management facilities, to acquire comprehensive community health information, to maximize employment opportunities to northerners through education and training, to discuss further the larger issues, and to assess cumulative biophysical and socio-economic impacts ("Report," p.41).

The proponents' proposals were/are methods and models based on virtual reality, a game with which they keep us all entertained while they continue their exploitative, unsafe, and untested practices with no suggestion of curtailing their scenario for mining operations in the North. The fact that the Cigar Lake Mine has flooded twice and has had to be shut

down twice substantiates that what we presented was indeed the case and not the proponents supposed scientific and technological assurances that all was well.

The Federal and Provincial governments were expert with their attitude of feigned seriousness. Often in taking the Panels' recommendations into consideration, they noted how these are merely advisory panels. Their recommendations were not always welcome. It certainly was not heeded. The Panels were needed to legitimate the process, not to prohibit, inhibit, or delay the approval of uranium mines. For the Government uranium mining never became a political issue because it was not a "NIMBY" issue, a "not-in-my-back-yard" issue, therefore it was not Government's concern. Moreover, approval of these projects helped maintain one's favourable standing in the business community and enabled one to fabricate more propaganda about economic development and growth.

Let us now jump to a decade later and the Midwest Mining Project hearings. "This project cannot go ahead because new science shows that the basis on which it is environmentally acceptable is false." This is the assessment of Dr. Chris Busby, a foremost radiation epidemiologist from Great Britain, who studies the health effects of low dose radiation at the fundamental cell biology level. This judgment by Dr. Busby concerns the proposed Midwest Mining and Milling Project which was the next major uranium mining venture proposed by AREVA and CAMECO. This statement by Professor Busby could serve as a refrain for the past years of activity for ICUCEC as we chant: "Pseudo, Pseudo, Pseudo." Once again the Inter-Church Uranium Committee Educational Cooperative (ICUCEC) has encountered the highly fissile material known as the uranium mining and processing industry—particularly CAMECO and AREVA—and the half-life, unstable "iso-topes" which support it—the Canadian Nuclear Safety Commission (CNSC), the Nuclear Waste Management Organization (NWMO), various ministers, ministries and departments at the Federal and Provincial levels, as well as the economic development arms of such organizations as SUMA, SARM, and the Saskatoon, North Battleford, and Prince Albert Chambers of Commerce. What all these sectors have come to extol is the economic viability and stability of this most volatile, unstable, and high-risk element and industry, while ignoring the cumulative effects and the long-term consequences concerning human health, eco-system vitality, and the persistent and perpetual costs, in money and on the environment, of clean-up, remediation, waste storage, and disposal. The issues seem to proliferate in geometric progression, while organizations such as ICUCEC attempt to provide containment policies and alternatives to energy production and consumption.

ICUCEC continues to submit briefs and appear at hearings with regard to the environmental and health concerns attached to uranium mining. The continuing “clean-up” of the Gunnar and Larado mines at Beaverlodge exists on some deputy minister's agenda, but does not exist in reality. Although literally “flooded” with regulatory violations, engineering blunders, and environmental spills and degradation, the Cigar Lake mine received an indefinite extension to repair all the leaks in that deluge of disaster. Key Lake and McArthur River received licensing renewals. The Rabbit Lake Solution Processing Project was approved. At all these hearings ICUCEC presented materials showing the pseudo-claims and pseudo-science the uranium mining industry is making. While the industry claims its proposals to be viable and reliable ICUCEC has shown the proponents' record to be deniable of and non-compliable with environmental, health, and safety concerns. The arguments and basis for decision on all these uranium proposals have been economic and political; the scientific and technical veneer presents a highly buffed pseudo-sheen to the enterprise.

The major new project is the Midwest Mine Project; it is a huge open pit mining proposal. In his submission, “The AREVA Midwest Uranium Mining Project, Saskatchewan, Canada: Public Health and Ethical Implications,” Dr. Busby notes how the proponents' documentation does not even consider the effects of uranium oxide particles and uranyl salts on biological systems. “Uranium exhibits serious radiological genotoxic effects through its affinity for DNA, for nervous tissue, and because of its high atomic number which makes it preferentially absorb natural background gamma radiation and release that energy into the DNA as photoelectrons.... This aspect of its radiological behaviour is entirely absent from the conventional risk model which underpins the Environmental Impact conclusions of the AREVA Midwest Project.” Dr. Busby, later in his report, provides a tracking model of the dispersion of the uranium dusts from this mine and notes that the dust will move southeast and impact Winnipeg and populations in the Great Lakes states of Minnesota and Wisconsin. The industry claims there will only be “near field environmental impacts.” Both Dr. Busby and Dr. Edwards note how the Canadian Nuclear Safety Commission conveniently clings to outdated standards for radiation exposure set by the International Commission on Radiological Protection and question how a safety commission enacted to monitor and regulate the safety of nuclear material in all facets would not adopt and employ the best science as presented by the European Committee on Radiation Risk. Pseudo-science. Pseudo-claims. Pseudo-safety. Pseudo-care.

ICUCEC continues to work with other groups concerning the threats of the uranium industry and also those posed by the complicity and negligence of governmental agencies and supposed regulators. Coalition for a Clean Green Saskatchewan and the Nuclear Free Working Group of the Saskatchewan Environmental Network along with ICUCEC address the concerns about the uranium industry here in Saskatchewan. On the national level, ICUCEC partnered with the Pembina Institute and others in filing a complaint with the Commissioner of Competition regarding the advertisements by the Canadian Nuclear Association claiming nuclear energy to be the clean air alternative. The Commissioner's response is that the Competition Act "does not apply to the complaint." We are now working to take our concerns to Advertising Standards Canada. Along with the Sierra Legal Defense Fund and others ICUCEC is pressing the government to have a more rigorous reporting system and mandatory scope with respect to the priority substances list assessment report. Our particular concern is that these substances which are in the milling effluent are not being reported. The impact of the radionuclides and particularly the alpha-emitters are not monitored, while they do have a half-life of 80,000 years and pose serious genetic effects. ICUCEC is also in contact with leadership within the Federation of Saskatchewan Indian Nations. The concern here is to look at how the uranium mining projects affect First Nations' and Metis' lands in terms of principles regarding the Creator as well as the health and happiness of the people. Members of ICUCEC joined with others in releasing an "Open Letter to the Leaders of the New Democratic, SaskParty and Liberal Parties of Saskatchewan." In this letter we stated, "We are looking for some sign that those of you wanting to lead our Province actually care about what the nuclear and uranium industry is doing to people and the planet." None of the major media outlets carried the letter; none of the parties or party leaders responded. After the election Premier Wall has been providing very clear signs that exploitation is encouraged and that the fiscal, environmental, and social health and well-being of this province can be sacrificed for minimal, short-term gain. Pseudo-politics. Pseudo-hope. Pseudo-responsibility.

Let us make one last jump to the Federal and Saskatchewan Provincial government actions leading up to the passage of a new Canadian Environmental Assessment Act which came into effect in July 2012. The federal government is using the economic stimulus package and public anxiety over the economy as a smokescreen to dismantle federal environmental assessment. The Provincial government has adopted the same irrational, scorched-earth mentality in its mandate in constituting the Uranium Development Partnership, such that irremediable exploitation rather than environmental,

social, and economic sustainability will be the incalculable cost of these nuclear degenerative proposals.

Whether in our encounters with the uranium mining industry, the proponents of nuclear generated electricity, the Canadian Nuclear Safety Commission (CNSC), or the provincial government of Saskatchewan, there is a policy shift to remove environmental protections in the name of short-term economic recovery or growth, on the one hand, and efficiency and harmonization between federal and provincial agencies for “shovel ready” projects, on the other hand, such that we are placing our environment, our health, and our long-term economic and social well-being at risk now and for the future. Another alarming implication is the Harper government's purposeful presence in promoting the absence of meaningful public consultation. This is evident in its elimination of participant funding to such organizations as KAIROS, the Canadian Environmental Network and its provincial counterpart the Saskatchewan Environmental Network. It is also warranted in noting that environmental ministry decisions and CNSC decisions now often declare that reviews or screenings are only of a technical nature and public participation is irrelevant and unnecessary.

ICUCEC along with other concerned groups and citizens in Saskatchewan saw the evidences of this shift in the limited public participation and mandated unwillingness to consider alternative energy proposals in the Uranium Development Partnership (UDP). The mandate of this consultative (a.k.a. self-fulfilling prophecy) group was to make recommendations regarding “value added opportunities best suited to the development of the uranium industry” in our province. The five areas considered in the UDP report, *Capturing the Full Potential of the Uranium Value Chain in Saskatchewan*, were exploration and mining, upgrading (conversion, enrichment, and fuel fabrication), power generation, used fuel management, and research, development, and training. ICUCEC as a part of the Coalition for a Clean Green Saskatchewan, a network of diverse, grass-roots organizations across rural, northern and urban Saskatchewan, worked very hard with other concerned environmental groups in the province to garner more opportunities for public participation, to inform the public about the devalued qualities of life from these proposed uranium and nuclear projects, and to expose and to oppose the greenwashing of our future by both the government and industry concerning these projects. ICUCEC has also maintained its contact with leadership within the Federation of Saskatchewan Indian Nations. The concern here is to look at how the uranium mining projects affect First

Nations' and Metis' lands and people in terms of principles regarding the Creator as well as the health and happiness of the people.

Throughout this engagement with the governmental principalities and the nuclear powers ICUCEC's position has been that human beings are not the centre of the powers and processes, but are finite participants in the vast ecosystem of the planet. Our being-at-home in creation entails a physical, biological, geographical, psychological, cultural, and spiritual rootedness and calls forth a sense of dependence, awe, gratitude, humility and respect for the places we inhabit. As the traditional ways of First Nations peoples also exemplify, choices made by human beings must respect creation in its careful interconnectedness of earth, water, air, and all living things. Exploiting the earth's resources in such a way which disturbs the integrity, stability, and beauty of the biotic and human communities beyond their normal spatial and temporal scales is sinful, immoral, and unjust against the Creator and creation. Creation is not to be possessed, invaded or appropriated, but acknowledged as the gift that sustains human life and life as a whole. Technology and economic development, including uranium mining and nuclear power generation, must be subject to critical reflection in light of the impact that such actions have on people and the environment in the present and into the future. Of particular concern is that the potential damage to nature with respect to the uranium industry is of a different order and magnitude than past damage and is manifested in ways distinct from nature's own regenerative and restorative capacities for life and self-renewal.

Through the hard work and efforts of many groups and people in Saskatchewan participating in the public hearings before Mr. Dan Perrins concerning the UDP Report a resounding "No" was registered with respect to the uranium and nuclear industry in Saskatchewan. The Perrins Report noted that 83% of submissions opposed nuclear expansion in Saskatchewan. Only the Minister of Industry and Resources had difficulties interpreting these findings. He claimed that this report does not signal a red light but only an amber light and that one should proceed with caution. Unfortunately this minister is not only misinformed about the hazards of the uranium and nuclear industries, but is himself a hazard on the road for as the provincial drivers licence handbook notes an amber light signals slow down and prepare to stop. It does not indicate that one should proceed. ICUCEC also made presentations before the Standing Committee Inquiry into Saskatchewan's Growing Energy Needs. This was the provincial government's feeble and placating effort to address the serious concerns and proposals many people expressed

at the Perrins' hearings that the best way forward for a prosperous, sustainable, and healthy future for Saskatchewan is to implement creative energy conservation strategies, develop and install more renewable energy systems and to promote co-generation to supplement the generating capacities of Sask Power.

However, the future of the uranium industry is not only taking this material out of the ground, but also wanting to put it back into the ground in a highly toxic, radioactive form. ICUCEC has been involved in the discussions with the Nuclear Waste Management Organization (NWMO) whose federal mandate is to establish a site for a high level nuclear waste repository. As Bill Adamson states in one of ICUCEC's pamphlets, "What Do We Know About High Level Nuclear Waste?" "By 1975 ... there were dozens of reactors operating in Canada ... all of them producing irradiated nuclear fuel. Sometime in the future, scientists would decide what to do with the high level waste." The future is now. Although deep waste disposal has not been proven effect, despite the United States closing down its Yucca Mountain project, despite the Whiteshell Research Laboratory experimental deep rock shaft at Pinawa Manitoba cancelled after fifteen years because of the flow of underground water, NWMO continues to promote the fictive future of burying high level nuclear waste in the Canadian Shield. NWMO is going across Canada promoting its plan (the future of an illusion) trying to locate a site and hoping to find a community that will accept it.

With the firing of Linda Kean and the appointment of Michael Binder as president of CNSC, it is toxically apparent that CNSC does not consider good science or environmental health and safety arguments in making decisions, but exclusively the ideological, short-term economic, and political biases for promoting and enhancing the uranium and nuclear industry in Canada. In a presentation at The School of Public Policy, University of Calgary, "Is Social Licence a Licence to Stall?" on October 8, 2014, Mr. Binder noted that CNSC "disseminates objective scientific, technical and regulatory information *to* (emphasis mine) the public." He continues, "Public hearings allow for the public to engage in complex discussion of science and facts," but then goes on to be dismissive of public concern by stating: "However, the public often uses the hearing process to raise policy concerns." He uses as his "Case Study" for how the public messes things up Matoush, Quebec where he reaches the conclusion that "lack of social/political acceptability trumps science based conclusions." Mr. Binder's presentation makes it perfectly clear that any and every proposal by the proponent for uranium exploration and

mining will be unequivocally licenced by CNSC. Public input is window dressing and will be intentionally ignored and dismissed.

With the 2012 Omnibus Budget Implementation Bill, C-38, the Harper government has fully disclosed that war is the way it conducts and implements its ideological policies upon the Canadian people, environment, and democracy. We are all collateral damage at best, but probably much more intentionally, the targeted enemies in this war. The Harper junta's talking points and “buzz phrases” such as “radical environmentalists,” the “foreign influence and goals” of environmental groups, and “money laundering” funds, indicate that anyone who speaks for the health and well-being of the environment and people is considered by them as unpatriotic, subversive, a terrorist, and a mobster/gangster. The fact of the matter is that we are living under a regime of economic totalitarianism where the laws of corporate capitalism are implemented by means of war upon our eco-systems, our social-systems and human and non-human life.

This is evidenced in the “doublespeak” employed by the Harper Government particularly through the Minister of Industry and Resources where “sustainable development” has been blotted out from the environmental lexicon and now replaced by “responsible resource development.” This regime is implementing perhaps the most devious and demonic tactics of warfare – a scorched earth policy. Here are some of the war measures legislation that affects either directly or indirectly many of the projects of ICUCEC. First of all, in the 2012-2013 federal budget the Canadian Environmental Assessment Agency's budget has been cut by 43% from \$30 million to \$17 million. There is a \$2.2 million reduction in funding for consultations with Aboriginal groups and for funding to help citizens do research and preparations to participate effectively in an environmental assessment process. Moreover, there will no longer be funding available to do independent, original research with regards to a project. Participants in a hearings review can only comment on the Environmental Impact Statement (EIS) or the Comprehensive Study Report (CSR) as submitted by the proponent. In other words, if the EIS and/or CSR do not adequately cover hydrological, economical, social, sustainable development elements, fish habitat protection, traditional ecological knowledge, cumulative impacts, you name it, all we can do in our comments is note that these be addressed as deficiencies in the proponent's documentation. Should the review panel or Minister of Environment deem the EIS and/or CSR incomplete, it would be largely up to the individual or groups who raised the objection to provide the funding and expertise to provide the data. In addition to this only aboriginal groups may comment on the protection of Aboriginal

rights. On top of all of this, there are now stringent limits on funding amounts imposed across the board regardless of the nature of the project and the scope of the assessment. In the case of a Comprehensive Study, one is allotted \$3,000 to review EIS guidelines, \$6,000 to review the EIS, \$1,200 to review the Comprehensive Study Report. In the case of a Review Panel, one is allotted \$3,000 to review EIS guidelines, \$6,000 to review the EIS, \$10,000 to prepare for and participate in Hearings.

Why should this be part of the Inter-Church Uranium Educational Cooperative (ICUCEC) submission to BAPE? Because it has become the largest factor affecting our strategic planning and our present and future conduct. For example, all funding has been cut to the Canadian Environmental Network and its respective provincial counterparts. This means that the organization (comprised of over 150 member groups such as ICUCEC) originally mandated in the Canadian Environmental Assessment Act to ensure public participation and provide additional funding for such participation is now defunct. More specifically, with the move of the Environmental Assessment Act from the endangered species list to extinct as a casualty of the war, let us take a look at the major project currently of concern for ICUCEC, the Midwest Mining and Milling Project. The Midwest Project was first proposed by AREVA to the Canadian Nuclear Safety Commission (CNSC) in 2006. The Midwest Project, in the McClean Lake region, is a proposal for the largest open pit uranium mine in Saskatchewan. In 2008 ICUCEC was deemed a stakeholder concerning this venture and met with the proponents and members of the Canadian Environmental Assessment Agency to express our concerns and objections regarding this project. All of our issues had been thoroughly researched and our submissions included material specially solicited for the project from such eminent international experts on the subject such as Dr. Gordon Edwards and Dr. Christopher Busby. What became of this material? We do not know. It has not shown up in any transcripts or reports. My own conjecture is that our material had such high radioactive volatility with respect to the proponent's proposal that it was the first test case material used for the deep storage of highly volatile material and is now deeply buried in the Canadian Shield of bureaucracy.

Moving to May 2012. CNSC holds a hearing regarding AREVA's Final Comprehensive Study Report for the proposed Midwest Project in which, "The Commission has determined that a public hearing is not necessary to consider the Final Comprehensive Study Report. The hearing will be conducted by way of written submissions from CNSC staff and AREVA." Did any of ICUCEC's submissions and concerns get raised? We do

not know. "CNSC staff's recommendations and AREVA's submission are not available on-line and must be requested through the Secretariat." Meanwhile, on May 28, 2012 the Canadian Environmental Assessment Agency publishes the Public Notice inviting public comments on the Comprehensive Study Report. All written comments must be submitted by June 27, 2012. However, as of June 15, 2012 CNSC's "Record of Proceedings, including Reasons for Decision" has not yet been published on its web site. How does one provide a thoroughgoing response when one does not have all the necessary documentation available? It does not matter! As the Agency's Public Notice concludes, "After this comment period, the Minister of Environment will take into consideration the Comprehensive Study Report along with comments received and make public his environmental assessment decision statement." This does not fill one with confidence regarding a well-reasoned or fair judgment. It was Environment Minister Peter Kent, who rising in the House of Commons, dismissed all of the NDP's Environment Critic's, Megan Leslie's, questions concerning changes to the Environmental Assessment Act and Fisheries Act as "sanctimonious twaddle."

Given that the rules of engagement have changed Cameco and AREVA can proceed with impunity to exploit all within the environment: land, water, air, plants, animals, ecosystems, and the economic, social, cultural and human vitality and rights of First Nations and Metis people. Their most ubiquitous and successful battle tactic in winning CNSC approval is to propose an amendment to an already accepted licence: taking licence with the licence. The decision by CNSC will always include these two sentences: 1) "The Commission has considered the information and submissions from [Cameco and/or AREVA] and CNSC staff and is satisfied that the requested amendment will not adversely impact the safety of the [pick the name] Operation and the health and safety of persons and the Environment." 2) "The Commission is of the opinion that the changes will have no adverse impact on potential or established Aboriginal or Treaty rights and therefore the duty to consult with Aboriginal groups does not arise in relation to the proposed licence amendment." Meanwhile, the future health and safety of workers, the rights of First Nations and Metis people, and the well-being of the environment continue to be jeopardized.

Throughout the volumes of transcripts the word of the ICUCEC has been a clear word and a good word. It has been a word that speaks for the water, air, land, plants, animals and people. It has been a word that speaks for the integrity and intrinsic good of the

environment and for justice and peace for all peoples. It is a word that needs to be heard again and again; a word that will never be void nor in vain.

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