



July 20, 2016

VIA EMAIL

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CEAA Review:

The Canadian Nuclear Association (CNA) is pleased to have the opportunity to provide comments on the Draft Terms of Reference for the Expert Panel (the Panel) conducting the review of the environmental assessment process. Our members consider our environmental responsibilities to be a key principle and we look forward to participating in this important review.

The CNA would like to offer the following comments on the Draft Terms of Reference for your consideration:

- Environmental assessment is a planning tool to demonstrate that the proposed project will not result in significant adverse effects on the environment. It is not intended to be the final step in the approval process prior to start of construction. The CNA believes that it is important the Panel recognize that there are other permitting and licensing processes (both federal and provincial) to ensure further environmental protections are put in place.
- Our members would like to see the Terms of Reference amended to a) recognize the purpose and role of EA in the project approval process and b) undertake, as part of the public engagement process, an education process to inform stakeholders of the existence of other opportunities for environmental protection and consultation.

Scope of Review

- The wording in Bullet #1 “restore robust oversight” implies that “robust oversight” has been lost. This statement does not apply to the nuclear sector. Our members would like to see the Terms of Reference amended to provide for the Expert Panel to acknowledge early on its review that robust oversight was not lost for the nuclear sector.
- Our members strongly support the view that EA decisions should be based on science, facts and evidence and welcome the opportunity to provide comments.

- Our members also support the Panel’s mandate to “provide ways for Canadians to express their views and opportunities for experts to meaningfully participate”. However, we caution that this must be balanced with timeliness and regulatory certainty to allow proponents to make timely and appropriate decisions on projects.
- The CNA would suggest that to better reflect the purpose and scope of EAs, Bullet # 4 in Scope of Review be changed to “Require advocates to choose the best available technologies economically achievable to reduce adverse environmental effects”.
- The CNA notes that Canada has a well-established constitutional and legal framework around environmental assessment, the Duty to Consult and regulatory process. The CNA cautions that any new international commitments should bear this in mind and be aspirational in nature and not create new rights or processes.

Timeline

- The CNA appreciates and agrees with emphasis on public engagement outlined in the Terms of Reference including holding regional in-person consultations and the creation of a separate Indigenous Engagement Plan.
- Given the importance of the public engagement plan and the need to first create the plan, then consult broadly respecting timing for traditional activities and provide an opportunity for feedback and translation, we believe that greater time is necessary to ensure a successful outcome. It may be advisable to amend the Terms of Reference to allow some flexibility to extend the timeline.
- To further the goal of providing substantive and meaningful public comment, the CNA would like to recommend that the Terms of Reference be amended to include a 60 day comment period for the draft report.

Multi-Interest Advisory Committee

- The CNA supports the creation of a multi-interest advisory committee as an additional source of advice to the Panel. To achieve, Bullet #1 of the Scope, we strongly encourage the addition of provincial governments to the committee.

The CNA appreciates the opportunity to provide input to the draft Terms of Reference and we look forward to participating in the process. Please do not hesitate to contact me should have questions or require more information.

Sincerely,

A handwritten signature in black ink that reads 'Steve Coupland'.

Steve Coupland
Director, Regulatory and Environmental Affairs
Canadian Nuclear Association