



July 20, 2016

Review of Environmental Assessment Processes
Canadian Environmental Assessment Agency
160 Elgin Street, 22nd Floor
Ottawa, ON K1A 0H3

SOS Great Lakes (SOSGL), formerly known as Save Our Saugeen Shores, Inc. commends the federal government for proceeding with the long-promised and highly anticipated review of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) and related regulatory processes.

SOSGL is an organization opposing the deep burial of nuclear waste in the Great Lakes Basin, currently focusing on OPG's plan to construct a deep geological repository (DGR) for nuclear waste by the shore of Lake Huron. SOSGL maintains that nuclear waste should not be buried anywhere in the Great Lakes Basin due to the potential for contamination of the world's largest supply of fresh water. In spite of this risk, a Joint Review Panel (JRP) under CEAA 2012 approved the DGR plan after what we argue was a deeply flawed review process.

Our participation in OPG DGR EA review process involved multiple written and oral presentations. The research and analysis we have conducted is extensive and includes expert legal and scientific opinion. Our experience at the hearings and concerns over the independence and quality of the JRP Report led to our filing for a Judicial Review in 2015. We believe this body of work and our direct experience with the EA process would be of benefit to the upcoming review of the 2012 CEAA and the EA process.

We broadly concur with the concerns regarding the Expert Panel's draft Terms of Reference (TOR) raised by CELA and Lake Ontario Waterkeeper. Additionally, based on our particular experience, we have specific concerns with respect to the new EA regime: the scope of EA powers; scientific verification / scientific process, sustainable development; use of Adaptive Management Measures, the partiality of industry regulators; and the need to consider catastrophic events.

In our engagement in the JRP for the OPG DGR, we observed that key issues of purpose, need, alternatives to, and alternative methods were routinely ignored, and that the OPG was given a stamp of approval without demonstrating that the DGR was necessary; that it had selected the best possible location for the DGR; or that it had chosen the best available method of nuclear waste storage. To remedy this, we recommend that those key criteria be enshrined in legislation and that EA be empowered to stop projects that don't meet the criteria.

SOSGL is concerned with the project-level focus of EA in the TOR. This is a critical flaw which discounts a more holistic approach to EA that recognizes the interdependence of natural systems and the cumulative, ecosystem-wide effects of EA decisions. In SOSGL's experience, OPG was allowed

to move forward with its DGR plans despite inadequately accounting for the cumulative effects of the project (a deficiency that was acknowledged by Minister McKenna in her letter requesting additional information from the OPG in February 2016). SOSGL supports the establishment of strategic- and regional-level EA planning as well as cumulative effects assessments in the new EA regime.

Additionally, SOSGL is concerned with the appropriateness of EAs conducted by entities such as the CNSC. Over the years, we have observed a too-close relationship between the CNSC and the industry which it regulates, including a documented instance of a CNSC executive who was integral to the appointment of the JRP expressing bias in favour of the project at a secret meeting. Our experience has led us to question the competency of industry regulators such as the CNSC to undertake impartial EAs. The Expert Panel should consider stripping away these entities' current EA responsibilities and vesting them in another body (e.g. the administrative tribunal outlined in CELA's submission).

Finally, in SOSGL's experience the JRP allowed OPG to "screen out" many potentially catastrophic events that could affect the DGR and endanger the drinking water of over 40 million people. For the limited number of events that OPG was required to consider, the JRP failed to require OPG to adequately describe the magnitude, geographic extent, timing, duration, frequency and degree of irreversibility of any of them. We believe that the interpretation of the legislation which allows for such laxity is fundamentally at odds with the precautionary principle. Accordingly, SOSGL supports a new EA regime which takes seriously low-probability catastrophic events.

In summary, the CEAA review process presents an opportunity to develop new, forward-thinking legislation that results in an impartial EA process that reflects the government's policy objectives in the areas of climate change; transparency and accountability to the public; the rights and interests of Indigenous Peoples, and sustainable development. SOSGL is looking forward to participating in the review process and working toward the next generation of EA legislation.

Yours truly,



Jill Taylor, President
SOS Great Lakes
On behalf of the Board of Directors