

Our concerns with nuclear waste

Niniibawtamin Anishinaabe Aki

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Niniibawtamin Anishinaabe Aki (“Stand up for the land”) is an Indigenous-led group dedicated to stopping the disposal of nuclear waste in Anishnaabe territory. We have Indigenous members from Treaty 3, Treaty 9, and Robinson-Superior Treaty territories. Our members include artists, lawyers, and academics with expertise in environmental management. Niniibawtamin Anishinaabe Aki has serious concerns with the Nuclear Waste Management Organization’s (NWMO) proposal for a deep geological repository (DGR) near Ignace, Ontario.

If approved, the proposed DGR would create risks to Indigenous territories, the environment, and public health. The NWMO is proposing to transport nuclear waste 1000s of kilometers from eastern Canada to Ignace. After a period of monitoring, the NWMO would effectively abandon the waste, which will remain dangerously radioactive for hundreds of thousands of years.¹ Either through accidents along the transportation route, accidents at the repository site, or the long-term degradation of storage canisters over time, there is potential for nuclear waste to be released into the environment. Depending on the nature and location of an accident, it could potentially affect the health and traditional land-use of First Nations along the transportation route, near the repository site, and downstream from the repository site or transportation route.

Crown regulators are not up to the task of managing these risks. There is a strong bias in favour of nuclear energy in Canada’s nuclear regulator (Canadian Nuclear Safety Commission) and some federal government departments (Natural Resources Canada). This is called ‘regulatory capture’ and it affects the ability of regulators to fulfill their mandates to keep people and the environment safe.²

The NWMO’s site-selection process is unfair and undemocratic. It focuses on two individual communities, when the entire region should be involved in the decision whether nuclear waste is transported through and/or abandoned in northern Ontario. This should include transparent referendums in First Nations along the transportation route and downstream from the proposed DGR.

The NWMO process undermines environmental assessment and responsible decision-making. Usually, when a public government is asked to make a decision of this magnitude, an environmental assessment (EA) is conducted to ensure that decision-makers have access to the unbiased information and expert advice required to make responsible decisions. The EA publicly scrutinizes the proposal and the proponent’s claims about environmental protection and public safety. The NWMO’s site-selection process effectively short-circuits the EA process, by asking municipal and Indigenous governments to consent before an EA has even begun.

The NWMO is negotiating agreements with municipal and Indigenous governments that further undermine environmental assessment. A recent Hosting Agreement with the Municipality of Ignace provides the NWMO with an incredible degree of control over the municipality’s participation in future regulatory processes. If the agreement is ratified, the NWMO would be able to vet the municipality’s comments to regulatory authorities. The agreement would require the municipality to support the proposed DGR through all future regulatory processes, even if an EA determined that the environmental effects would be worse than the NWMO has claimed, or if the scope or other details of the proposal change significantly.

The NWMO site-selection process does not allow for informed consent. Communities are being asked to consent to the waste repository before the proposal has been fully developed or an EA has been conducted. Many important details about the DGR have yet to be determined. Most studies done on the proposed DGR to-

¹ Deschenes-Philon, X. & Leduc, S. (2020) Nuclear Energy and Radioactive Waste. Background Report. Library of Parliament Publication No. 2019-41-E https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201941E

² Impact Assessment Agency of Canada. 2017. [Building Common Ground: A New Vision for Impact Assessment in Canada](#). Final Report of the Expert Panel Review of EA Processes; Blaise, K. & Stensil, S.P. (2020) [Small Modular Reactors in Canada: Eroding Public Oversight](#). In: Blackbranch & Fleck (eds) *Nuclear Non-Proliferation in International Law*. Asser Press.; (2019) [Nuclear Governance Problems in Canada](#). Petition to Government of Canada.

date have been carried out by the NWMO and its consultants. Until these studies have been rigorously examined by an independent EA, we cannot rely on them to resolve our concerns.

Nuclear power is not a viable, green, sustainable, or peaceful solution to the climate crisis. Representatives of the nuclear industry argue that rapidly expanding nuclear energy is required to solve the climate crisis, and that nuclear power is a viable, sustainable, safe, cheap, and peaceful solution to climate change. Based on our research, these claims appear to be inaccurate, overstated, and misleading.

Nuclear power is not a viable solution, because the nuclear industry cannot expand quickly enough meaningfully mitigate climate change.³ Climate scientists are clear that we have a short window to reduce our carbon emissions if we want to mitigate climate change.⁴ The nuclear industry is notorious for long delays in reactor construction.⁵ They argue that new mass-manufactured ‘small-modular reactors’ (SMRs) will solve problems with construction delays. However, SMRs are still in the prototype stage, and it could take a long time before they are advanced enough for mass-manufacturing.⁶

Nuclear power is not green. While nuclear reactors produce little greenhouse gasses compared to coal or even natural gas power plants, we need to consider environmental impacts beyond fossil fuel emissions. We also have to look at the entire “nuclear lifecycle” including uranium mining, fuel processing, power generation, and waste disposal. Nuclear power disturbs large amounts of land for uranium mining and produces large amounts of radioactive wastes at all stages of the nuclear cycle.⁷

Nuclear power is not sustainable. Uranium is not a renewable resource. Like oil, it is exhaustible, and will one day run out. This means nuclear can only be at best a short-term solution to our climate and energy problems.

Nuclear power is not peaceful. Nuclear power and nuclear weapons are intimately linked.⁸ The technology used in nuclear power, and the wastes it produces, can be used in nuclear weapons. This connection was explained by politicians after the Fukushima disaster, when Japan was considering phasing out nuclear power. A former Minister of Defense said: “I don’t think Japan needs to possess nuclear weapons, but it’s important to maintain our commercial reactors because it would allow us to produce a nuclear warhead in a short amount of time.”⁹

Several Indigenous communities and organizations have passed resolutions and issued public statements opposing the transportation and/or storage of nuclear waste in Northern Ontario. First Nations downstream from the DGR and along the transportation route have passed resolutions and issued statements opposing the proposed DGR, including Lac Seul First Nation, Grassy Narrows First Nation, Fort William First Nation, and Gull Bay First Nation. The Anishinabek Nation has passed numerous resolutions opposing both the transportation and storage of nuclear waste on its members territories.¹⁰ The Nishnaabe Aski Nation (NAN) has similarly passed several resolutions ‘vehemently’ opposing the NWMO’s proposed repository.¹¹ While Ground Council Treaty 3 has accepted funding from the NWMO, its formal position as we understand it is that nuclear waste should not be disposed of in Treaty 3 territory. A proposal to dispose of ‘low-level’ nuclear waste in Eastern Ontario is similarly facing significant opposition from adjacent First Nations.¹²

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³ Muellner et al. (2021) Nuclear energy - The solution to climate change? *Energy Policy*. <https://doi.org/10.1016/j.enpol.2021.112363>.

⁴ ESA Climate Office (2023) [Window narrowing on global warming goal, warns IPCC](#).

⁵ Henley, J. (2023) [Europe’s nuclear divide grows as one plant opens and three close](#). *The Guardian*. 2024-04-21.

⁶ Makhijani, A. & Ramana, M.V. (2021) [Why SMRs Won’t Help Counter the Climate Crisis](#). EWG. 2021-03-25.

⁷ Winfield, M. & Kaiser, C. (2022) [What is Clean Energy? Policy Options](#). 2022-01-27.

⁸ Campaign for Nuclear Disarmament. (2018) [Nuclear Power and Nuclear Weapons](#). June 2018.

⁹ Dawson, C. (2011) [In Japan, A Provocative Case for Staying Nuclear](#). Wall Street Journal. Oct 28, 2011.

¹⁰ Clutchey, C. (2021) [Anishinabek Nation opposed to NWMO plan](#). *Chronicle Journal*. 2021-12-21; [Joint Declaration between the Anishinabek Nation and the Iroquois Caucus on the transport and abandonment of radioactive waste](#).

¹¹ McLeod, M. (2022) [Nishnaabe Aski Nation opposes possible site for storage of nuclear waste](#). *The Globe & Mail*. 2022-08-10.

¹² Council of Canadians. (2023) [Algonquin First Nations Oppose Giant Radioactive Waste Mound](#). 2023-06-20.