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## **Supplementary Information**

**Presentation from the  
Algonquins of Pikwakanagan  
First Nation**

## **Renseignements supplémentaires**

**Présentation de la  
Première Nation des Algonquins  
de Pikwakanagan**

**Regulatory Oversight Report for  
Uranium and Nuclear Substance  
Processing Facilities in Canada: 2021**

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**Rapport de surveillance réglementaire  
des installations de traitement de  
l'uranium et des substances nucléaires  
au Canada :2021**

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Commission Meeting

Réunion de la Commission

**December 16, 2022**

**16 décembre 2022**



# Algonquins of Pikwakanagan



## First Nation

### **Review of the Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada: 2021**

December 16th, 2022

# PRESENTATION OUTLINE

- 1 Introduction to AOPFN's submission
- 2 Part One of the Submission
- 3 Part Two of the Submission
- 4 Conclusions and Next Steps



# 1) INTRODUCTION



# INTRODUCTION TO THE SUBMISSION

- This submission is based on a review of the Regulatory Oversight Report (ROR) for Uranium and Nuclear Substance Processing Facilities (UNSPF): 2021 and our experiences working with the four UNSPF facilities in 2021 (and 2022).
- The submission has two parts:
  - **Part one**, provides AOPFN-specific comments on the ROR and AOPFN's experiences with the UNSPF Facilities and CNSC in 2021.
  - **Part two**, provides recommendations for improving consultation with Indigenous Nations going forward. These recommendations are based on criteria developed in a previous ROR submission, and were developed with Sagkeeng Anicinabe First Nation (SAFN).

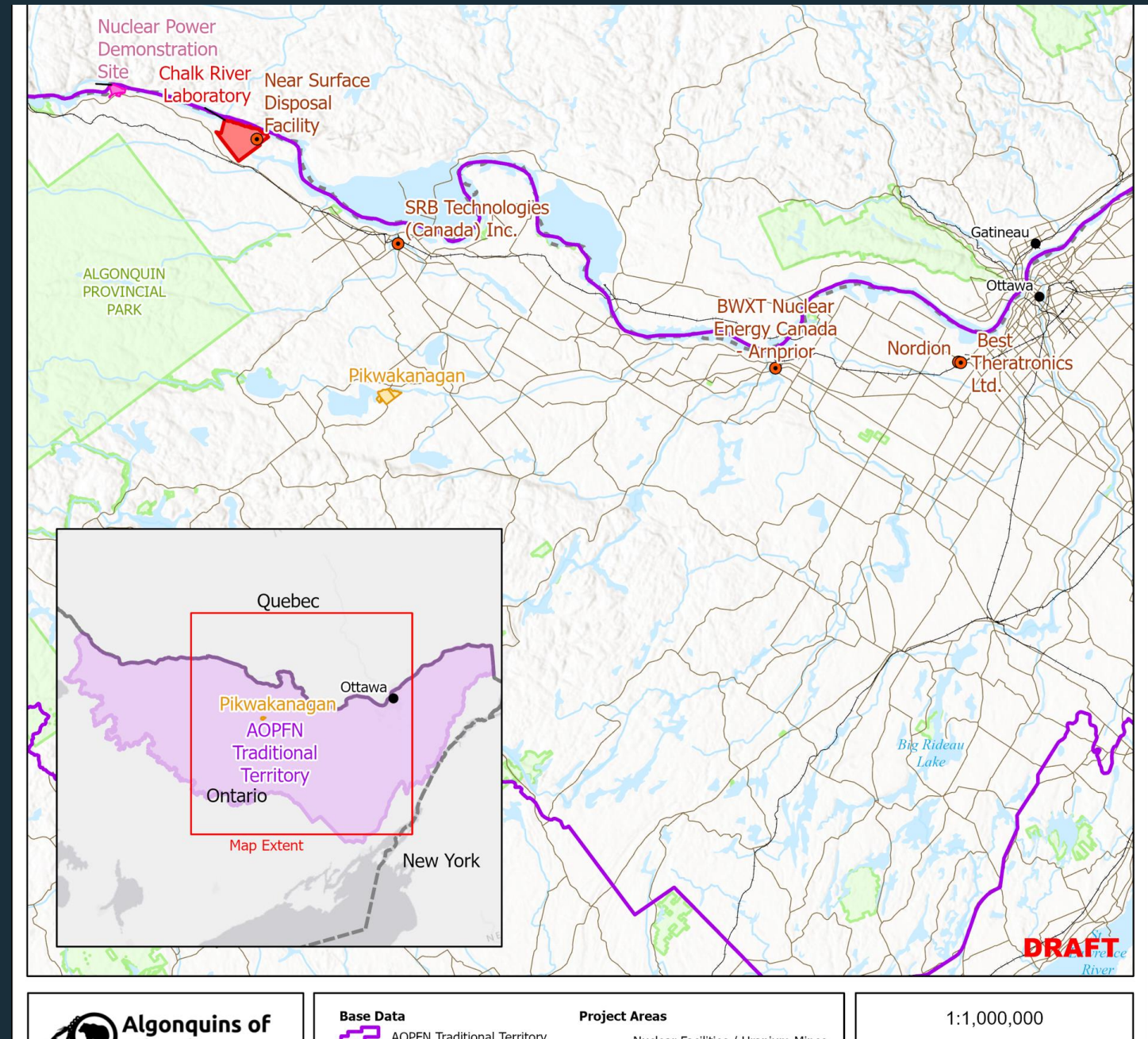


# Nuclear Facilities in AOPFN Territory

AOPFN is providing comments to CNSC on the 2021 operations of the:

- SRB Technologies (Canada) Inc. (SRBT)
- Best Theratronics Ltd. (BTL)
- BWXT Medical Ltd. (BWXT)
- Nordion (Canada) Inc. (Nordion) facilities on AOPFN territory

This submission is based on a review of the ROR, our experiences working with CNSC and the UNSPF in 2021 and in 2022 (for comparison purposes).



# OVERALL ENGAGEMENT PERFORMANCE FOR 2021

## The CNSC

- Responding further to comments on previous submissions
- Committed to developing a Terms of Reference (ToR) for a Long-term Relationship (LTR) (Ongoing)
- Strengthening Indigenous involvement in sampling programs
- Seeking to strengthen approach to the 2021 ROR, including:
  - Land acknowledgments in facility descriptions (though commitments to Free, Prior, and Informed Consent are preferred)
  - Indigenous Engagement and Consultation became a stand-alone section (though it requires improvement)

## The UNSPF

- BWXT: Has made strong improvements in 2021 and 2022
- SRBT: Has made some efforts, but still a long ways to go
- BTL and Nordion: Have no established relationship with AOPFN

## AREAS FOR IMPROVEMENT

While we are encouraged by this progress, there is still room for improvement. Including:

- ☐ Consultation of AOPFN during the drafting of the ROR, and explanation on how our **comments and feedback**, as well as the addition of **Indigenous Rights Criteria**, will be **incorporated** into future **RORs, annual work activities, permit reviews, and decisions**;
- ☐ Further **transparency and communication** with AOPFN leadership, and collaborative **information sharing** with our **community members**;
- ☐ Incorporating **Indigenous perspectives on wellness and health**, including the recognition that nuclear activities contribute to **environmental cumulative impacts**;
- ☐ Incorporation of the Neya Wabun Guardian Program into **monitoring activities and reviews**;
- ☐ Further **communication, collaboration and co-approval** regarding **radioactive material management and transport** on or through AOPFN traditional territory;
- ☐ More **Nation-specific cultural awareness training** with CNSC and UNSPF staff.

For these to happen, the CNSC and the UNSPFs must also provide technical and financial support

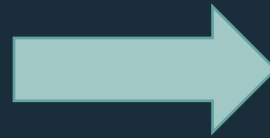


## 2) PART ONE



# 1. TRANSPARENCY AND INFORMATION SHARING

- CNSC must provide clear results in an accessible manner that will help offset concerns from AOPFN membership.
  - E.g. The high potential of contaminated soil around the UNSPF's and the potential of it to accumulate or infiltrate groundwater, as was reported in the ROR.
- Positive results should also be clearly conveyed to nearby communities. Such as monitoring data showing that water and food grown nearby were safe for consumption. This needs to be conveyed so communities can regain some trust in their rights to harvesting in these areas.



**CNSC must invest in day-to-day communication with AOPFN staff, as well as developing and funding community communication plans to ensure it is providing complete transparency. Information sharing needs to be collaborative, understandable, and culturally appropriate.**

## 2. INDIGENOUS FINDINGS, OBSERVATIONS AND PERSPECTIVES ON THE ENVIRONMENT AND WELLNESS

- The ROR assesses the biophysical environment, but does not consider the socio-cultural well-being of local communities and individuals
- There has long been a gap in the consideration of mental wellness and health of peoples living near UNSPF's in the ROR.
- The environmental monitoring programs run by the UNSPF monitor effluent and hazardous substances to ensure their concentrations do not affect public health, but there is no mention of mental health, perceived risk, or cumulative effects.



**CNSC must collaborate with AOPFN to incorporate Indigenous perspectives on health, wellness, and the environment around the UNSPFs and in the RORs. This should include the consideration of additional risk assessment criteria (detailed in Part 2).**



### 3. ENGAGEMENT AND CONSULTATION FROM THE CNSC AND UNSPFS WITH INDIGENOUS GROUPS

AOPFN is glad to see that the CNSC is implementing requests made by Indigenous Nations from past submissions. However, some key issues persist with respect to Engagement, including:

- The CNSC is determining UNSPF's engagement performance without considering Indigenous feedback. Despite providing little to no information on the engagement programs, it nonetheless gives the facilities a pass.
- Engagement tends to be limited to information sharing and listening to concerns, Indigenous groups are not seen as partners with roles in planning and decision making.
- AOPFN is not included in the inspections of UNSPFS or in planning of waste management and movement. This leads to increased risk perception by community members and is not in the spirit of FPIC.
- The IEMP applies a western perspective to its sampling program, AOPFN has raised concerns about the timing of sampling, and the lack of adaptability and transparency of sampling results.
- The ROR does not consider impacts to Indigenous Rights, or how Indigenous Knowledge is incorporated.

### 3. ENGAGEMENT AND CONSULTATION FROM THE CNSC AND UNSPFS WITH INDIGENOUS GROUPS

To resolve these issues, we recommended the following:

- ☐ The CNSC should consult AOPFN on their experience with UNSPFS during ROR drafting.
- ☐ The CNSC to support AOPFN's position in decision-making around permitting and licenses of UNSPF on their territory and encourage the UNSPFS to enter LTRAs with AOPFN.
- ☐ The CNSC to provide more information on the Indigenous Engagement programs of the UNSPF, and how they are learning from and implementing AOPFN feedback.
- ☐ The CNSC to work with AOPFN to establish a more substantive role and bilateral relationship in monitoring/sampling, as well as incorporating the Neya Wabun Guardian Program into IEMPs.
- ☐ Future RORs to include *how* Indigenous Knowledge is used in planning and decisions.
- ☐ CNSC and UNSPF staff to attend Nation-specific cultural awareness training.

## 3) PART TWO





## THE NEED FOR INDIGENOUS RIGHTS CRITERIA

- The 14 safety and control areas (SCA's) that CNSC use only address safety from a western science perspective, and do not consider how CNL operations may impact indigenous rights and interests
- To address these gaps, we are proposing several SCAs that will:
  - Promote the recognition and protection of Aboriginal Rights, which are protected under section 35 of the *Constitution Act 1982* and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
  - Address Indigenous determinants of health and safety

## AOPFN STATEMENT ON THE REQUIRED INCLUSION OF ABORIGINAL RIGHTS CRITERIA

- The CNSC must expand its regulatory and safety lens to integrate Indigenous concerns and world views by incorporating the protection of Aboriginal rights in the assessment of site operations.
  - In so doing, the CNSC would be implementing a “two-eyed-seeing” approach. “Two-Eyed-Seeing” refers to viewing the world through Indigenous and Western eyes and minds.
  - Applying both Western Science and Indigenous Knowledge will benefit the CNSC, the UNSPFs, and affected Indigenous groups by integrating multiple perspectives, understandings, relationships with the lands and waters, ways of viewing and experiencing the world, and more. It would also improve the IEMP and ensure Indigenous values and relationships with the environment are represented in sampling plans.
- All parties can and should work in collaboration to co-develop criteria and measures to ensure that the engagement done by the CNSC and the UNSPFs are approached from a “two-eyed” perspective.

## RECOMMENDED SCAS FOR CNL SAFETY METRICS

Proposed SCA	Description
<b>Recognition of, protection and promotion of Aboriginal rights</b>	<ul style="list-style-type: none"><li>Does the site have measures in place, co-identified with impacted Indigenous peoples, to support the protection and promotion of:<ol style="list-style-type: none"><li>Rights protected under Section 35 (hunting, trapping, harvesting, and fishing) and;</li><li>Principles under UNDRIP (Free, Prior and Informed Consent; Self-Determination; Cultural Protections; Indigenous Health);</li></ol></li></ul>
<b>Risk communication with Indigenous peoples and management of public concern</b>	<ul style="list-style-type: none"><li>Does the site have an effectively functioning program that communicates risks to Indigenous peoples in a timely, effective, and accepted manner?</li><li>Is the information being sent through effective and accepted communication channels?</li><li>Are public concerns about the facility low, moderate or high?</li></ul>
<b>Integration of Algonquin Knowledge into site monitoring and management</b>	<ul style="list-style-type: none"><li>How is Indigenous Knowledge integrated into monitoring of the site and its surroundings? Do impacted Indigenous groups have a demonstrable role in identifying adaptive management measures?</li></ul>



# RECOMMENDED SCAS FOR CNL SAFETY METRICS

Proposed SCA	Description
<b>Engagement of Indigenous peoples in site planning, monitoring and management</b>	<ul style="list-style-type: none"> <li>Is there a system in place whereby impacted Indigenous groups are integrated into site planning, monitoring and management - research, analyses, decisions and implementation?</li> </ul>
<b>Contribution to reconciliation with Indigenous peoples</b>	<ul style="list-style-type: none"> <li>Do the site operations and the relationship between SRBT, Nordion, BTL, BWXT, and impacted Indigenous groups contribute to better relations between Canada and impacted Indigenous peoples?</li> <li>Are there demonstrable positive benefits to Indigenous peoples from the site?</li> <li>Does the site communicate effectively and regularly with impacted Indigenous nations regarding past, present and future operations?</li> <li>How is the site improving communication and relations with Indigenous nations regarding past relationships?</li> <li>Do SRBT, Nordion, BTL, BWXT, and CNSC integrate Indigenous values into site monitoring, planning, and reviews?</li> </ul>

## RECOMMENDED SCAS FOR CNL SAFETY METRICS

Proposed SCA	Description
<b>Level of knowledge and support for site waste management by Indigenous peoples.</b>	<ul style="list-style-type: none"><li>• Does the site maintain communication and consultation with impacted Indigenous groups regarding onsite materials management, ultimate disposal plans, import and export types and volumes, and transportation methods and protocols?</li><li>• How are Indigenous concerns and recommendations integrated?</li></ul>
<b>Engagement adequacy with Indigenous peoples</b>	<ul style="list-style-type: none"><li>• Does the site meet a minimum standard of adequacy of engagement with each impacted Indigenous group by SRBT, Nordion, BTL, and BWXT in a given year? (As a Pass or Fail outcome)</li></ul>
<b>Communication and management of reportable incidents</b>	<ul style="list-style-type: none"><li>• Were all reportable incidents promptly reported to impacted Indigenous groups and followed up on with additional communications? If so, how were they reported?</li></ul>

## OVERALL REVIEW OF THE UNSPF

### BWXT

- Neutral (improving in 2022)
- Most effort made to build a relationship
- Committed to meetings, funding engagement, supporting cultural activities, and plans to take cultural awareness training

### SRBT

- Below Expectation
- Some efforts made
- Interest in cultural awareness training, to be seen how it will be implemented
- Disagreed with responsibility for funding engagement

### Nordion

- No communication at time of drafting

### BTL

- No communication at time of drafting

# RIGHTS-BASED REVIEW OF THE SITES

Metric / SCA	Facility performance and Recommendations for Improvement			
	SRBT	Nordion	BTL	BWXT
<b>Recognition of, protection and promotion of Aboriginal rights</b>	<p>BE.</p> <p>SRBT acknowledges our rights but doesn't follow through with actions. Further engagement required, including a commitment to developing a LTRA.</p>	BE.	BE.	<p>Neutral.</p> <p>BWXT is providing some funding to promote and protect cultural programs.</p> <p>To improve relationship further, BWXT must develop a LTRA with AOPFN.</p>
<b>Risk communication with Indigenous peoples and management of public concern</b>	<p>Neutral.</p> <p>AOPFN does get correspondence regarding operations; however, a more structure approach to communication would help mitigate risk perceptions. The LTRA would include regular check-ins with AOPFN staff and communication with community.</p>	BE.	BE.	<p>Neutral.</p> <p>AOPFN does get correspondence regarding operations; however, a more structure approach to communication would help mitigate risk perceptions. The LTRA would include regular check-ins with AOPFN staff and communication with community.</p>



# RIGHTS-BASED REVIEW OF THE SITES

Metric / SCA	Facility performance and Recommendations for Improvement			
	SRBT	Nordion	BTL	BWXT
Integration of Indigenous Knowledge into site monitoring and management	BE.  Further work and engagement required. Specifically, SRBT must commit to working with AOPFN's guardian program.	BE.	BE.	BE.  Further work and engagement required. Specifically, BWXT must commit to working with AOPFN's guardian program.
Engagement of Indigenous peoples in site planning, monitoring and management	BE.  Further work and engagement required. SRBT must commit to: developing an LTRA, working with AOPFN Guardian Program, communication program with AOPFN.	BE.	BE.	Neutral.  Further work and engagement required. BWXT must commit to: developing an LTRA, working with AOPFN Guardian Program, communication program with AOPFN.

## RIGHTS-BASED REVIEW OF THE SITES

Metric / SCA	Facility performance and Recommendations for Improvement			
	SRBT	Nordion	BTL	BWXT
<b>Contribution to reconciliation with Indigenous peoples</b>	<p>BE.</p> <p>Taking cultural awareness training is “catch up work”. AOPFN is doing the work to educate SRBT staff, SRBT needs to implement what they learn. The LTRA would be a commitment to moving forward.</p>	<p>BE.</p>	<p>BE.</p>	<p>Neutral.</p> <p>In 2021, BWXT made improvements in strengthening relationship with AOPFN. To improve further, BWXT to commit to a LTRA to help BWXT implement its goals for reconciliation.</p>
<b>Level of community knowledge and support for site waste management and waste transport</b>	<p>BE.</p> <p>Communication is required so AOPFN is made aware of waste transport. SRBT must commit to FPIC.</p>	<p>BE.</p>	<p>BE.</p>	<p>BE.</p> <p>Communication is required so AOPFN is made aware of waste transport. BWXT must commit to FPIC.</p>

## RIGHTS-BASED REVIEW OF THE SITES

Metric / SCA	Facility performance and Recommendations for Improvement			
	SRBT	Nordion	BTL	BWXT
<b>Engagement adequacy with Indigenous peoples</b>	<p>BE.</p> <p>SRBT doesn't want to develop a LTRA with AOPFN, which would meet AOPFN's engagement requirement.</p>	BE.	BE.	<p>Neutral.</p> <p>BWXT has started investing in relationship building with AOPFN; however, BWXT hasn't signed a LTRA with AOPFN, which would meet AOPFN's engagement requirement.</p>
<b>Communication and management of reportable incidents</b>	<p>BE.</p> <p>LTRA needed to establish communication expectations and plans.</p>	BE.	BE.	<p>BE.</p> <p>LTRA needed to establish communication expectations and plans.</p>

## 4) CONCLUSIONS





# CONCLUSIONS AND NEXT STEPS

Overall, the AOPFN has seen CNSC and certain Uranium and Nuclear Substance Processing Facilities make some progress in recent years to improve relations with our Nation and begin to make more of an effort to respect our rights and interests to our lands and waters. All of the facilities have room for growth, some more than others.

Our goal is to ensure all nuclear facilities develop a long-term relationship with AOPFN to ensure we have strong line of communication and that AOPFN members can feel more confident that our voices are being heard and respected as stewards of the lands and waters.

AOPFN asks that CNSC meaningfully respond and integrate all of our recommendations and feedback into future RORs, and that the CNSC communicate with all of the facilities on our review to ensure they can learn and grow from our recommendations.





MIGWECH / THANK YOU