

Comments on Bill C-22

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to the Standing Committee on Natural Resources
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As President of the Canadian Coalition for Nuclear Responsibility I have been invited on numerous occasions over a period of 35 years to testify before House Committees on a wide variety of nuclear-related issues, ranging from the long-term management of high level radioactive waste and reactor safety, to food irradiation and the production of medical isotopes.

On November 29, 2007, I testified before this Committee on Bill C-5, an earlier version of the Nuclear Liability and Compensation Act. I have appended a copy of my testimony at that time for your information. [See Appendix B.]

This Committee is currently being asked to approve Bill C-22 for third reading. If passed in its present form, Bill C-22 would cancel the existing Nuclear Liability Act (limiting the offsite liability of nuclear facility operators to \$75 million) and replace it with the current version of the Nuclear Liability and Compensation Act (limiting the offsite liability of nuclear facility operators to \$1 billion).

Offsite liabilities caused by severe nuclear accidents can be very large indeed. Even the most conservative estimates of the financial cost of offsite damages from the Chernobyl accident are measured in the tens of billions of dollars, and some estimates of offsite costs of the Fukushima disaster are measured in the hundreds of billions of dollars. [See <http://ccnr.org/crac.html> for example.]

So for you, the members of this Committee, to approve Bill C-22 is for you to agree in advance that the taxpayers of Canada, from coast to coast to coast, be required to shoulder a potentially crushing future tax burden (in the event of a severe nuclear accident) so that some Canadians -- those living in Ontario and New Brunswick -- may continue to enjoy the benefits of nuclear-generated electricity without being burdened by the full responsibility for that choice.

The proposed Nuclear Liability and Compensation Act arbitrarily limits the financial liability of a Canadian nuclear facility operator to a maximum of one billion dollars for offsite damages resulting from any incident that results in an accidental release of radioactivity sufficient to cause personal injury and/or property damage.

While the Act limits the liability of the operator, it does not limit the liability of the Canadian taxpayer. The exposure of the Canadian taxpayer is unavoidable under this legislation and it is unlimited. No serious effort has been made by anybody in any official capacity to quantify the size of the maximum financial burden that might be shifted onto the shoulders of all Canadian taxpayers as a result of this legislation. It is financial planning with no planning whatsoever.

You, the members of this Committee, are being asked to authorize the writing of a blank cheque -- strange behaviour indeed from any government, but especially so from a government that professes to admire and strives to emulate the efficiency and discipline of the free market. It is difficult to imagine any captain of industry that would authorize such a sword of Damocles for his own company.

We urge you, as elected representatives of the Canadian population, not to approve this Act for third reading without insisting on due diligence.

First of all, why is there a need for such a limitation of liability? Shouldn't every enterprise be required to accept full responsibility for potential offsite damages? If the government has to ultimately step in to deal with a messy situation, such as that at Lac Megantic, so be it – but why should the owner or operator have his responsibilities lifted from his shoulders ahead of time?

Secondly, where did the figure of one billion dollars come from? This is even less than the cost of a reactor refurbishment. It is far less than the cost of onsite damages in the event of a severe nuclear accident, for which the owner/operator is fully liable and adequately insured. If there ought to be any limit at all, should it not be at least ten billion dollars, to bring it into line with the American legislation? and offer more protection to Canadian taxpayers from coast to coast to coast?

Thirdly, should there not be an opportunity for adequate public input and debate on the substantive pan-Canadian issues of equity that are involved? Shouldn't citizens from provinces without nuclear power reactors be given the opportunity to comment on a bill that would potentially bind their children and grandchildren?

Fourthly, should not the Canadian nuclear authorities be required to produce a definitive study laying out the maximum cost anticipated for offsite damages, taking into account the extensive and expensive decontamination efforts that are currently underway in Japan following the Fukushima Dai-ichi triple meltdown more than three years ago? [See Appendix A] We find it disturbing that the recently compiled draft report by CNSC Staff, entitled "Study of Consequences of a Hypothetical Severe Nuclear Accident and Effectiveness of Mitigation Measures", released on June 4, 2014, just one day before Mr. Binder testified before this Committee, says nothing about the financial liability associated with these offsite "consequences". Are there indeed no economic consequences?

Members of the Committee, we appeal to you to appreciate the fact that Bill C-22 is not just a house-cleaning bill to facilitate the work of parliament, but that it involves important and substantive questions that, in the wake of Fukushima, must be addressed by our elected representatives. [See Appendix C]

It was Dwight D. Eisenhower who stated decades ago that war is too important a matter to be left to the generals. We appeal to the Committee members to recognize that nuclear power is far too important a matter to be left to the Canadian pro-nuclear establishment, which unfortunately now includes the senior staff of the Canadian Nuclear Safety Commission.

Since the firing of Linda Keen, the CNSC has become an increasingly active supporter and promoter of the nuclear industry – a fact that has become clear to many dozens of citizen intervenors at CNSC hearings. Indeed, on the front cover of the CNSC 2009 Annual Report is the statement: [<http://tinyurl.com/k3643a4>]

FACT: NUCLEAR IN CANADA IS SAFE

If indeed “Nuclear in Canada is Safe”, then there would be no need for a Nuclear Liability and Compensation Act! Indeed, there would be no need for a Nuclear Safety Commission either! It is difficult for the Canadian public to have confidence in an agency that is unwilling to distinguish between opinion and fact.

In our view, elected representatives must become involved more directly in these matters concerning long-term liabilities associated with questions of widespread radioactive contamination. The time is past when a rubber-stamp, business-as-usual approach could be seen as forgivable. We’ve got to start paying attention.

Costs are mounting. Overnight, the estimated cost of the radioactive cleanup of Port Hope went from \$800 million to \$1.8 billion. Overnight, the \$7 billion cleanup of Chalk River went up by another billion dollars. No inquiry or report!

Where is our public accountability? How many billions more will it take before our parliamentarians are induced to act in the public interest -- to staunch the hemorrhaging of public money by insisting on proper accountability measures?

A good beginning would be to recommend that the Nuclear Liability and Compensation Act not be voted on in its present form until the underlying substantive issues are addressed, some of which have been outlined above.

Thank you for considering these comments.

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Canadian Coalition for Nuclear Responsibility.

Appendix A: http://ccnr.org/Liability_A.pdf

Appendix B: http://ccnr.org/Liability_B.pdf

Appendix C: http://ccnr.org/Liability_C.pdf