

## Saskatchewan Eco Network - Action Alert

### Inter-Church Uranium Committee Educational Co-operative (ICUCEC) continues legal battle

#### ICUCEC needs your support

After much discussion and soul-searching, the Board of the Inter-Church Uranium Committee Educational Co-operative (ICUCEC) has bravely voted to take our case to the Supreme Court of Canada.

In July 1999 ICUCEC, "the flagship of the anti-nuclear movement in Saskatchewan", took the unprecedented step of taking Canada's nuclear regulatory agency, the Atomic Energy Control Board (AECB), to Federal Court.

Now, ICUCEC is asking for support from the community to continue its legal action.

To find out more, and how you can make a difference visit ICUCEC's web site

<http://www.icucec.org>

#### History of ICUCEC's legal action

In June 1999 the AECB had licensed the French owned mining giant, Cogema Resources Inc. , to mill and dump highly radioactive and toxic uranium tailings into the JEB pit, as part of the McClean Lake Project.

They granted this licence even though the AECB itself and uranium-mining engineers advised that the harmful long-term impacts of this massive waste dump were unknown.

The pit, located in the Wollaston Lake watershed and measuring four football fields wide (450m) and thirty stories deep (150m), was created in 1997 by the open-pit mining of uranium ore below what was once a marsh.

In 1993, the federal-provincial environmental assessment panel that reviewed this project when still in planning concluded: "/Tailings management must contain contaminants for thousands of years before they will cease to be a radiological hazard. Moreover, the non-radioactive toxic metals, such as arsenic, will persist forever. Perhaps wisely, the public fears that whatever can go wrong, will go wrong/. "

In 1997 the truncated panel concluded, on the basis of new information, that this is potentially one of the most dangerous waste dumps in Canada.

Given the current scientific knowledge about radioactive wastes, environmentalists know that this IS the largest and most dangerous waste dump in Canada.

Since 1990 the scientific consensus has been that there is no safe level of radiation exposure for humans and other living things.

Even exposure to low levels of radiation can cause genetic and somatic (bodily) harm, including cancer.

A recent U. S. geological survey study concluded that in the long-term uranium tailings are even more dangerous than high-level nuclear wastes.

After the 40-year planned operating life of the pit the mining companies will be turning the pumps off followed by an additional 30-year monitoring period.

The AECB approved the plans even though the review panel stated that the dangerous wastes in the pit need perpetual monitoring.

If the theory fails, if the questionable assumptions are proven invalid, there will be an environmental catastrophe in northern Saskatchewan.

Because of the need for long-term monitoring, the various problems with the pit's construction and design, and the disregard for Canada's environmental assessment laws, we felt that we had to take Canada's nuclear regulator to Court.

On September 23, 2002, Mr. Justice Douglas Campbell quashed (invalidated) the operating licence for the JEB mill and JEB pit waste tailings dump, ruling that the mill and waste dump required a new assessment under the Canadian Environmental Assessment Act.

Within two days of our victory, the uranium mining company filed its appeal to the Federal Court of Appeal. Cogema was incensed by the Court's interpreting environmental protection laws in Canada to make Cogema accountable.

The AECB also objected to the Trial Division decision and launched its own appeal and support of a stay pending appeal.

On June 4, 2004 the Federal Court of Appeal overturned the ruling by the Trial Division and awarded costs against ICUCEC to Cogema – the corporate agenda wins.

The Court of Appeal failed to understand that ICUCEC was not seeking a new assessment merely as a technical requirement under Canada's environmental protection laws, but because serious scientific and technical problems arose between the panel review of the JEB mill and waste dump, and the actual licensing of the operation of the facilities.

## Implications

The Canadian Environmental Law Association has studied the implications of the Court of Appeal decision for other projects in Canada that have been previously assessed by a review panel under the old EARPGO regime.

CELA has concluded that various mega projects will not be subject to any new assessments under the Canadian Environmental Assessment Act, or may be subject to only a very limited review.

Such mega-projects include: the Nuclear Reactor at Point Lepreau, New Brunswick; the Northumberland Strait Crossing Project; the Old Man River Dam in Alberta; and the Cigar Lake, Midwest, McArthur River, and Rabbit Lake uranium mining projects in Saskatchewan.

## Why Appeal?

This Court case is of national significance for the environmental movement in Canada.

The higher courts of the land have moved away from progressive rulings that favour environmental protection, precautionary principles, and true sustainable development.

It is necessary to fight this unacceptable trend and seek to put "protection" back into Canada's environmental protection laws.

The JEB pit dump is a highly dangerous experiment.

When completely filled in forty years, the dump will make the devastating Sydney Tar Ponds look like a dirty slough.

ICUCEC is concerned about the future of our children and generations yet unborn.

The governments of Canada and Saskatchewan are permitting a shameful perpetual legacy of radioactive and toxic contamination in northern Saskatchewan in exchange for 20 to 40 years of uranium mining jobs and the equivalent in nuclear energy, primarily for France.

In effect, today's decision makers are imposing the responsibility of dealing with dangerous nuclear wastes on future generations spanning the next 250,000 years.