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Clerk of the Senate Standing Committee on Energy, the Environment and Natural Resources

Submission from:
CAMECO CORPORATION
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Cameco Corporation submission on Bill C-69 to the Senate Standing Committee on Energy, the Environment and Natural Resources

Cameco Corporation (“Cameco”) appreciates the opportunity to make a submission to the Senate Standing Committee on Energy, the Environment and Natural Resources on Bill C-69 and we are hopeful that Senators will consider our recommendations on the proposed Impact Assessment Act (IAA). Cameco is also a member of the Mining Association of Canada (MAC), the Canadian Nuclear Association (CNA) and the Saskatchewan Mining Association (SMA). MAC, the CNA, and the SMA are all supportive of the amendments that we are requesting for uranium mines and mills.

Cameco has considerable experience conducting provincial and federal environmental assessments. Our company has operated under every federal environmental assessment (EA) regime in Canada since 1988, and we have conducted and completed EAs in numerous international jurisdictions. Over our 30 years of experience, we have been the project proponent for more than 20 proposed projects related to the production and processing of uranium for nuclear energy that were subject to federal and multi-jurisdictional EA processes in Canada. We have sponsored projects under every version of federal environmental assessment legislation including the Environmental Assessment and Review Process Guidelines Order (EARPGO), the Canadian Environmental Assessment Act (CEAA) and the Canadian Environmental Assessment Act, 2012 (CEAA 2012).

Cameco requests a change to the IAA draft currently before the Senate that would have narrow application, as well as a proposal for the designated projects listed in the Regulations Designating Physical Activities (“Project List”) to ensure that the IAA is appropriately focused on complex, major projects. We understand that the Project List is not under consideration by the Senate, but it remains our view that the magnitude of the IAA’s impact on the resource sector will ultimately be determined by what projects are included on the Project List.
We believe that these modest requests will ensure the process described in the draft IAA is manageable for our industry, understanding that the core of this legislation is likely to become law.

As part of the review of this Bill, the House of Commons Standing Committee on Environment and Climate Change made a number of amendments that reflected some of Cameco’s input and improved the legislation, including removing the prohibition against joint federal-provincial cooperation for project assessments in the nuclear industry, specifying the time period to appoint a review panel, and shortening the legislated timeline for review of the project by the review panel.

However, our major concerns that will determine if the uranium sector has a place in Canada’s future have not yet been addressed.

With this context, Cameco recommends the following:

1. **Amend section 43 of the IAA to exclude uranium mines and mills from an automatic referral to the review panel process.**

Cameco is requesting simple amendments to section 43 (and related provisions) of the IAA to ensure uranium mines and mills are treated consistently with other mines and mills in Canada.

Currently, the draft IAA automatically imposes a review panel process on designated uranium mining and milling projects, when designated projects of similar complexity for other mines and mills (e.g., coal, gold, silver, etc.) are not automatically subject to a review panel process.

This arbitrary referral is dissimilar to all prior versions of federal environmental assessment legislation and is not supported by any science or evidence. In fact, the uranium mining industry is a top performer in Canada with respect to social, environmental, safety, and health issues, including regulatory compliance. Furthermore, it is the only mining and milling sector in Canada that is already subject to continuous, dedicated oversight by a federal lifecycle regulator – the Canadian Nuclear Safety Commission.

For the IAA to be workable for Canadian uranium producers, uranium mines and mills must be treated like other metal mines and mills. This would require the following IAA provisions to be amended as indicated by the underscored text:

39(2) However, the Minister is not authorized to enter into an agreement or arrangement referred to in subsection (1)…

(a) the *Nuclear Safety Control Act* other than a uranium mine or mill.

43 The Minister must refer the impact assessment of designated project to a review panel if the project includes physical activities that are at a nuclear facility regulated under any of the following Acts:
(a) the Nuclear Safety Control Act other than a uranium mine or mill.

44(1) When the Minister refers an impact assessment of a designated project that includes activities regulated under the Nuclear Safety Control Act, other than a uranium mine or mill, to a review panel...

46 For the purposes of conducting..., including preparing a report with respect to that impact assessment, a review panel referred to in s. 43 may exercise the powers...

67(1) The Minister...the Nuclear Safety and Control Act other than a uranium mine or mill, designate...

2. The Project List must treat uranium mines and mill projects and activities consistently with all other mines and mill projects by only including complex major projects.

The Project List should only include complex major projects, and the same criteria should apply to uranium mines and mills as apply to all other mines and mill projects. Otherwise, the IAA will not be workable.

Cameco defines “complex major projects” for the metal mining industry to mean new mills with a tailings management facility. This would exclude all projects that have been previously assessed, consistent with a “one project, one assessment” approach, and would exclude activities at existing facilities and projects characterized by effects adequately addressed by accepted mitigation measures fully within the oversight of provincial and federal regulators.

Restricting the Project List to complex major projects also means that no additional criteria-based factors would trigger an IA for industries on the Project List – i.e., no project or activity should trigger an IA for enumerated industries that would not trigger an IA for municipal or agricultural projects or activities, for example. At the very least, IA triggers on the Project List must be the same for uranium mines and mills as apply to all other metal mines and mills. There is no scientific basis for segregation here, and any distinction would be purely arbitrary.

If the Project List includes projects and activities at uranium mines and mills other than new mills, or if criteria-based factors trigger an IA for uranium mine and mill projects, then the proposed IAA will increase the complexity, time and cost for federal assessments, and many uranium projects in Canada would simply become unviable for proponents to proceed with in the first place.

Summary

Cameco is concerned that the new requirements in Bill C-69 that uniquely apply to uranium mine and mill designated projects would increase the administrative burden for these projects without any increase in environmental protection or even improved outcomes.
Cameco has been a full participant in all the public and industry consultations led by the Canadian Environment Assessment Agency with respect to the IAA; we have repeatedly made comments and recommendations based on our experiences with applicable federal and provincial environmental legislation in Ontario and Saskatchewan over many years.

We are also concerned that implementing many of the proposed changes will dramatically increase the cost to the proponent for the vast increase in administrative activities performed by federal regulators and officials, also without providing any additional environmental protection.

The impact of these effects can be minimized by amendments to the IAA with respect to uranium mines and mill projects. Ultimately, however, the IAA will only be workable if the Project List only applies to new uranium mills with a tailings management facility.

**About Cameco**

Headquartered in Saskatoon, Saskatchewan, Cameco is one of the world’s largest producers of uranium for nuclear energy and one of Canada’s largest industrial employers of Indigenous people. We maintain uranium mining and milling operations in northern Saskatchewan and value-added uranium processing and fuel fabrication facilities in Blind River, Port Hope, and Cobourg, Ontario.

Cameco’s uranium is used around the world in the generation of low-carbon nuclear energy. We play a major role in the energy equations of many countries – particularly here in North America, where Cameco uranium powers more than 10% of all households in Canada and roughly 5% of all households in the United States.