

My name is Eugene Bourgeois and I am a retired sheep farmer living in Inverhuron, home to the world's largest operating nuclear plant and OPG's proposed Deep Geologic Repository. I registered to participate in the environmental assessment of this project and applied for participant funding in three areas:

- To identify the conditions that represent an ideal burial site and determine the location of such sites in southwestern Ontario;
- To assess the viability of co-locating used fuel wastes with low- and intermediate-level wastes; and
- To consider the effectiveness of OPG's stated use of Traditional Knowledge in comparison with the scientific verification methodologies used to support its predetermined conclusion.

I was refused participant funding in each case.

The CEAA requires OPG to consider both alternative means and alternative sites, including an assessment of the do nothing alternative. Despite CEAA's requirement, OPG failed to consider any alternative means and no alternative sites were assessed, despite 6 communities in Ontario and Manitoba expressing an interest in being one.

The Environmental Impact Statement states clearly and simply that it is a planning tool. Nothing could be further from the truth in this case. The predetermined conclusion ensured that no opposing views or scientific evidence would sway or be taken into account by the JRP, the CNSC or OPG that better and more reasonable alternatives exist, are viable and might even be more cost-effective.

At the Socio-economic Special Technical Session, Dr. Swanson, Chair of the JRP, opened by stating that socio-economic concerns would not offer criteria leading either to acceptance or rejection of the application by OPG for a DGR. A review of the EA Guidance suggests otherwise:

- s.10.2 requires an assessment of socio-economic conditions;
- s.11 requires a description of changes to health and socio-economic conditions;
- s.11.5 requires a description of socio-economic effects.

If the laws that protect innocent members of the public like us from harm are ignored and flouted by institutions entrusted to cherish and enforce them, why do we have them – what is their purpose? Why waste money and other valuable resources pretending to conduct an 'open and transparent' review of, in this case, the EIS? If the long-term plan of OPG and CNSC is for the radioactivity to migrate into Lake Huron via groundwater, why do we undertake the pretense and expense of building a DGR instead of just dumping them directly into the lake right now? One study that NWMO undertook with AECL in 2000 demonstrates that once a cavern fills with water, radioactivity will migrate via diffusion in all directions at a rate of 2-7 meters per day. At 680 meters deep, that's 100-360 days before it's in the lake.

We - my family, livestock and I - have all been harmed by activities at this site, along with other members of our Inverhuron community. Our property suffered from fumigation:

- first with hydrogen sulphide and its byproducts;
- then with smoke from bunker C oil used during fire training activities; and

- always with the ionising particles and gases of radioactive isotopes.

A tree cut down on our property for ring analysis identified when atmospheric testing of nuclear weapons began, when Douglas Point began operations, when Bruce A started and finally when Bruce B did. Our green and leafy garden vegetables, organic because that is the way we farm, are chock a-block full of radiation. Our urine is radioactive. The air we breathe is radioactive.

Ionising radiation is known to cause adverse health effects. One of its most pernicious side-effects is for cells to age more quickly and so, to cause illness and death sooner than normal. I had a heart attack at 62, in spite of living a life of hard work, fresh air and exercise. We eat and ate a low fat diet full of fresh vegetables. My wife suffered from ovarian and then breast cancer, beginning at the age of 68. Neither of these diseases is part of her genetic history and nor does she have the gene sequences that predict ovarian cancer. Two neighbours have died of throat cancer at relatively young ages, neither of them smokers.

The JRP tolerated no concerns about the potential of this project to cause adverse health effects. Instead, it allowed OPG and CNSC to rely on models that were defective and admitted by their expert meteorologist to be so under the conditions present in Inverhuron for much of the year. The JRP heard evidence of property value stigma in the community but failed even to consider it.

If socio-economic issues are of no importance to the CEEA, why bother to state and demand consideration of them? Why is consideration of socio-economic issues legislated? If socio-economic issues are matters of importance, as indeed they are, then how can a panel be allowed to refuse to consider them and their potential to cause harm?

The first environmental assessment in which I was a registered participant was the Demand/Supply Plan hearings in Ontario in 1990. At that time, those of us who expressed an interest in participating met with our legal counsel together before the panel secretariat, explained the reasons for our interest and requested intervenor funding to enable us to participate. The secretariat then determined who would and would not be eligible for funding. The amount of funding was not predetermined because, of course, it is not possible to know what research is necessary until later. We were required to justify these expenditures and, if the secretariat agreed, the expenses were granted. We were able to hire meteorological experts from Cornell and the University of Pittsburgh to enable us to consider the impacts of the proposed operations on our health and well-being.

Unlike the DGR hearing, each registered participant had an opportunity to cross-examine the Ontario Hydro expert panel. In this current process, none of us had the opportunity of cross-examining the OPG witnesses. Instead, we were allowed, only if there was time remaining – that is, if OPG and CNSC did not manage to run out the clock – to ask questions of the Chair and she, and only she, would determine whether or not the questions warranted a response.

In the Demand/Supply Plan hearings, the process moved along very quickly. Beginning in 1990, the hearings themselves convened and because the EIS was actually used as a planning tool, Ontario Hydro learned that its 25-year plan was seriously deficient and no longer relevant, a little more than a year later. There were, of course, expenses associated with this hearing but even with these, the province of Ontario and its citizens were saved from a massive over-build of nuclear assets because two things happened: household efficiencies reduced demand; and industrial demand slackened.

The end result is that we were saved from the large and stranded costs of having built nuclear power plants that were entirely unnecessary.

My wife and I had legal representation at these DGR hearings. The secretariat said that we did not need legal representation to participate but failed to understand our special needs and circumstances. The industry, with the tacit approval of the CNSC, has threatened to sue us if we were to speak publicly about having been fumigated by it. Our participation was in part motivated by our fear of being fumigated further through these operations. The DGR would create a mountain of waste rock and stone dust on site that would cover more than 40 acres and be at least 115' high, enough to fumigate us with particulate matter, with gaseous radiation from incineration and with exposure to radon and radium from the waste rock pile. It was important that we have competent legal advice to protect us.

Our lead lawyer is also an expert in administrative law and we wanted to ensure that the DGR project met all the tests required of it under the CEAA. The simple fact that I am here before you today and that you have been appointed as a panel to hear our concerns demonstrates that this project has not met the requirements as specified in the act. With our legal counsel, we identified the lack of community acceptance, failure to consider alternatives including the do nothing alternative, failure of international comity, and failure to be protective of human and environmental health.

But such advice and assistance does not come cheaply. As private citizens engaging in this process, we spent in the mid-six figures to participate, not all of this of course for legal representation (this, heavily discounted by our lawyer, was in the low-six figures). Is that how this panel sees public participation? Should those who in any event will bear the brunt of the failure of the project to be protective of the environment and human health also be required to spend a small fortune, merely to have these views ignored by a process that has been designed specifically to ignore us? I asked the Chair of the JRP repeatedly to order OPG to reimburse us for our costs of representation but she steadfastly ignored these requests.

I would like to make the following recommendations:

- Adopt Ontario's 1976 environmental assessment guidelines;
- Make funding available to stakeholders in the Local Study Area to participate as the DSP did;
- Allow cross-examination of witnesses;
- Create an oversight body with the authority to bring criminal charges against any institutions and leaders who seek to subvert the good intentions of the act by creating an end-run around the regulations.

Thank you.