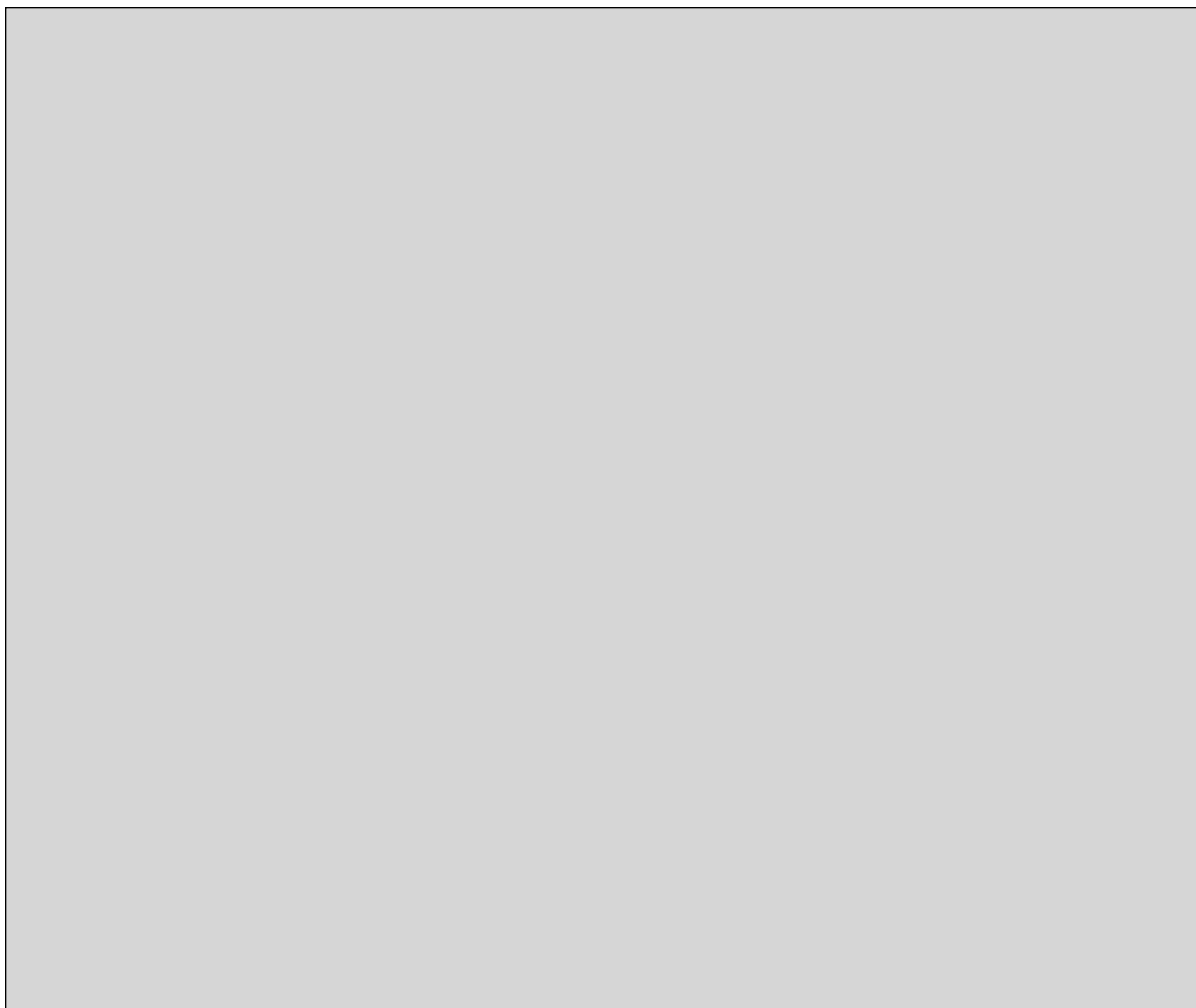


NWMO BACKGROUND PAPERS**7. INSTITUTIONS AND GOVERNANCE****7-1 STATUS OF THE LEGAL AND ADMINISTRATIVE ARRANGEMENTS FOR
HAZARDOUS WASTE MANAGEMENT IN CANADA AND INTERNATIONALLY****EXECUTIVE SUMMARY**

OCETA (Ontario Centre for Environmental Technology Advancement)



EXECUTIVE SUMMARY

This background paper is part of an information base that summarizes the range of complex issues that relate to nuclear waste in Canada. Legal and administrative arrangements for hazardous waste management in Canada and internationally have parallels to nuclear waste management, and, where particular insights are relevant, comment is included on the connection.

The paper begins in Chapter 2 with general information about hazardous waste - definition, classification, quantity handled in Canada and transport and documentation required for hazardous waste. This is an overview, formatted so that individual sections may be readily examined for specific information and references. It takes time - ten to fifteen years, historically - for a country to develop a mature system of legal and administrative arrangements for hazardous waste management. Therefore, in Chapter 3, the key elements of the evolution of waste management are presented, and also a hierarchy for environmental protection is described in which Canada's approach is classified as between "Pollution Control" and "Pollution Prevention."

The federal, provincial and municipal regulatory and policy regime has been researched and a methodical review is presented in Chapter 4. There is a description of the main acts that form the legal framework, such as the *Canadian Environmental Protection Act (CEPA)* and the *Transportation of Dangerous Goods Act (TDGA)*, the Regulations pertaining to Export and Import of Hazardous Waste (EIHV), and also the Metal Mining Effluent Regulations (MMER). In addition, supporting arrangements are discussed such as the National Pollutant Release Inventory (NPRI) and the National Office of Pollution Prevention (NOPP). Key legislation is surveyed for each of ten provinces and three territories. The Canadian Council of Ministers of the Environment (CCME) plays an important role in hazardous waste issues and has worked to harmonize provincial approaches. To this end the CCME forms task groups, e.g. the Hazardous Waste Task Group. The CCME has developed and continues to revise national guidelines, and also develops and issues national standards, referred to as the Canada-Wide Standards. In nuclear waste management, the responsibility is primarily federal, so the harmonization and responsibility sharing between different jurisdictions is not a major issue. The municipal role in hazardous waste management is also described.

Public participation is reviewed, as the participation of civil society in Canada and elsewhere is becoming an important factor in developing policy.

The overview of international approaches to hazardous waste management in Chapter 5 concentrates on five selected countries that are large users of nuclear power - the United States, France, Great Britain, India, and China. By way of contrast, we have also reviewed countries that have no nuclear power generation - Denmark, Australia, Malaysia, Hong Kong and Thailand. For developed countries, legal and administrative arrangements are essentially the same as in Canada, although the terminology may differ considerably. For example the hazardous waste manifest is given different names in different jurisdictions. Developing countries such as Thailand, and countries in transition

such as India and China, are making serious efforts at environmental protection, adopting similar standards to those of western countries, although they are struggling with problems of capacity and public awareness.

Canada is a signatory to many international agreements that deal with hazardous wastes, discussed in Chapter 6. The major agreements in force, that relate to hazardous waste, are the following:

1. Canada-U.S.A. Agreement on the Transboundary Movement of Hazardous Wastes, 1986 (as amended in 1992)
2. United Nations Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989 (ratified by Canada in 1992)
3. Organization for Economic Cooperation and Development (OECD) Decision of Council on the Control of Transfrontier Movements of Wastes Destined for Recovery Operations, C(92)39/Final, March 1992, Revised C (2001) 107 Version harmonized with the Basel Convention
4. Initiatives of the Radiation Protection and Radioactive Waste Management Division of the OECD Nuclear Energy Agency (NEA), 1958 and 1972
5. Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention)
6. Stockholm Convention on Persistent Organic Pollutants (1998)
7. North American Agreement on Environmental Cooperation (NAAEC) (1994)

Following the review of each agreement, comments are made on the relevance of the agreement to nuclear waste. The number of signatories to the agreements discussed has grown considerably since they were launched with the first set of members. The International Atomic Energy Agency (IAEA) is a focus for scientific and technical support for countries that must deal with nuclear waste. The IAEA commissions new work and consolidates existing work. There is no organization comparable to the IAEA or the Nuclear Energy Association (NEA) in the hazardous waste area.