

February 9, 2004

Ms. Liz Dowdeswell
President
Nuclear Waste Management Organization
49 Jackes Avenue
Toronto, Ontario
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Dear Ms Dowdeswell:

We have reviewed the NWMO's report "*Asking the Right Questions*" and we applaud the NWMO for its intention "to mine the lessons of the past.... in our quest for answers."

It is clear that you have taken to heart the many lessons taught both by past efforts in Canada, and by international attempts to deal with similar issues. In particular, comments from the Seaborn Panel's report speak to things not done thoroughly, or without enough input from diverse sources. For this reason, the analytical framework seems a good first attempt to lay out what needs to be examined, in that it thoroughly covers a range of issues. While consultation on these issues may appear to be the best approach to finding solutions, the structure and format of these consultations with the Canadian public will determine the success or failure of your process.

As principals of InSite & Solutions, we experienced first-hand the co-operative siting process for Ontario's Low Level Radioactive Waste (LLRW). We emerged from it determined to contribute in whatever way we could, to help others avoid the pitfalls, betrayals of trust, and conflict that were the legacy of that process. Drawing as well on a wealth of other public consultation experiences, we hope to alert the NWMO to some significant challenges you may face as you attempt to carry out your mandate. This follows our work in providing insights on siting processes to the International Conference on Deep Geological Disposal of Radioactive Waste in 1996, and in a presentation requested by the Seaborn Panel.

The most significant lesson learned from the failure of the LLRW siting process is that **the manner in which the process itself is conducted has the greatest potential to influence the opinion of the public, and to lead to a successful outcome.**

In response to your question "what adjustments need to be made in order for this study to address the priorities and concerns of Canadians", we offer a brief summary of some of the earliest challenges we believe the NWMO will face.

Issue 1

The NWMO is considering setting up community groups to engage both reactor site communities and potential host communities in “dialogue”. In our experience, **the timing and agenda for such engagement is mission-critical**. The interaction between the NWMO and these groups may indeed be the number one component in building trust and credibility in the siting process and in its ultimate success.

The very act of selecting representatives for such groups will be the first test of the perceived “trustworthiness” of the process, and by extension the NWMO. Have no doubt, although you may set out to select people representing different facets of the public, in the eyes of many there is only one differentiator – whether participants are seen to be “for” or “against” the very generation of nuclear waste, and thus the need to deal with its storage or disposal. You may reject certain participants because you feel you have adequate membership from the community segment they represent, only to be accused of selecting participants who “support your agenda”. This has been the case in many similar processes, including the LLRW process. Fairness and transparency in the criteria for selection, and clarity about the agenda for consultation, may go some way toward alleviating this.

Also, the resources required to establish, select, monitor and interact with such community groups are not to be underestimated. Nothing valuable happens quickly or easily, based on our own experiences in the LLRW process. While it is tempting to form and engage these groups early to provide reassurances about community control and input, in the absence of a well-defined consultation plan with concrete objectives, unrealistic expectations will arise about the extent of the consultation, appropriate activities for the group, and their mandate.

If such groups are formed with no decision-making power and a very general agenda of “seeking input”, well-meaning participants will create their own agendas and expectations. The entire siting process can be stalled with extraneous activities that do not make a concrete contribution to the issue at hand. This can only result in frustration and loss of credibility for the NWMO process at this early stage and there is a risk that it can be undermined entirely if the efficacy of these groups is not realized.

As well, community consultation will generate a groundswell of issues, questions and concerns. If this happens very early in the process, there will be no answers or information for a significant length of time, because studies will be needed to find these answers. This “delay” in tabling answers to a community’s concerns will be seen by many as reluctance to cooperate or unwillingness to provide information, and can seriously undermine the trust and credibility so essential to the remainder of the process. Extended consultation also brings with it the challenge of “consultation overload” or simple burn-out among interested citizens, particularly if any of these communities do become potential facility “hosts”.

(As an aside, in the absence of a suggested management approach, how will you determine at this stage what potential “host communities” should be involved? We suspect that the

type of community that would make an appropriate host will vary by approach. It would be unconscionable to involve a community, and no doubt create alarm and stress for many its citizens, in the absence of any real possibility that the location would be an appropriate host for a waste management facility.)

The NWMO should deal with Issue 2 and Issue 3 before beginning widespread community consultation. Then, it should communicate very clearly the decisions and plans it makes with regard to these issues, prior to approaching communities to form consultation or dialogue groups of any kind.

Issue 2

The goal of the overall public consultation component of the process needs to be clearly defined early on, and before extensive consultation takes place. Otherwise, valuable goodwill may be lost, and you will also be unable to measure the success of the consultation effort or adequately report its results. Is consultation aimed at arriving at a consensus about the best approach to recommend? Will consultation outcomes or findings be a recognized component in decision-making by the NWMO as the process unfolds? Or is consultation designed merely to ensure that all related issues are “placed on the table” for consideration in technical and other studies? In the documentation we have read to date, the goals of consultation and how its outcome will be treated are not crystal clear, and we believe that level of clarity to be essential.

For any community or individual to engage meaningfully in a siting process, they must be given a defined role (with clarity about responsibility or capacity for decision-making) and the NWMO needs to have a specific action plan **now**, outlining concrete opportunities, topics and objectives for consultation. Such a plan will ensure that consultation efforts contribute to the success of the project rather than hinder it, and that at the end of the day, the right questions have not just been asked, but answered through appropriate means.

Issue 3

Definitions are essential to common understanding, and to creating an atmosphere of trust. While *Asking the Right Questions* provides valuable background about many technical terms and words, throughout the document there are many other phrases and terms used that are open to interpretation. This presents an obstacle to consultation activities – in the absence of definitions, people will use these terms the way they see fit, or more pointedly, to fit their own agendas.

For example:

- what constitutes the "required level of acceptability" for an approach to be adopted for managing nuclear waste? As we know, this was the real “deal breaker” in the Seaborn Panel’s assessment of the AECL concept.

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- who are the "communities of interest" and how do these differ from the "affected communities", "stakeholders" or "impacted individuals and communities"? (All are cited in *Asking the Right Questions* as participants in the process, and candidates for consultation.) As well, at what point do you need the input of each? Our experience in the LLRW siting process, as well as international experience, shows that weeks and months can be spent debating the meaning of these terms. Doing this at the outset reduces the impact such discussions will have on trust and credibility within the process. Let everyone know, early on, how these terms will be used in the context of your efforts, and at what points in your consultation you will engage these groups.
 - what does "socially acceptable" (as noted in the NWMO's mission statement) mean and what measures will be used to determine that you have this?

Communities and individuals who participate in a siting process do so at a cost. That cost may include conflict within their boundaries and with neighbouring municipalities, even those at a distance along transportation corridors or downstream. For example, community members and municipal representatives in Deep River suffered many negative outcomes as a result of their participation in the LLRW siting process. Simply by agreeing to explore the issues, participants in consultation activities were often deemed by others to be supporters of, or proponents for, hosting a waste facility. Participants suffered on a personal level -- neighbours on opposite sides of the siting issue stopped speaking to each other. Relationships with neighbouring municipalities have been strained for nine years and that stress caused the disintegration of several municipal partnerships.

In order to decide if the possible costs of participation are acceptable to them, people and municipalities must know **up front**, what their role is, what parameters exist for the consultation, and how the information gained will be used.

With well-defined "communities" and with clear NWMO objectives for consultation, there will be opportunities where public input can be demonstrated to be achieving the desired goals. A well-planned consultation process requires ingenuity and experience to identify those key points where community input is most relevant, and can be used in a tangible way.

We reiterate our opening comments with regard to the question "What forms of institution and governance inspires trust and confidence?"

We suggest that the first challenge is to ensure that the process itself engenders trust, and establishes enough confidence in the integrity of the players that there is willingness to take the next step. While the purpose of the siting process is to recommend the best approach to find a safe, acceptable site, the public involvement plan must have as its primary focus the need to build and maintain trust.

The manner in which the NWMO process itself is conducted has the greatest potential to influence the outcome of the process. The integrity and timing of the consultation, with relevant, well-defined communities of interest, is critical to building trust in the process. Too early and there is a risk of losing credibility and or running up against “consultation exhaustion” – too late or too rushed and Canadians’ willingness to believe they have any real input or potential to affect the project will be lost. On this last point, it is essential to the credibility of the undertaking that those consulted believe that they were heard, and are able to see themselves in the summaries produced, and in the decisions that are made.

The work and success of the NWMO is crucial to all Canadians and we all have an interest in its success. We wish you well in your efforts. We would be pleased to elaborate on any aspect of these comments, if it would be helpful to you.

Respectfully submitted,

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Donna Oates

Dave Thompson