

SCR16, As Adopted by Senate, June 11, 2014

Substitute for Senate Concurrent Resolution No. 16.

A concurrent resolution urging the President of the United States, the Secretary of State, and the Congress of the United States to invoke the participation of the International Joint Commission under Article IX, Article X, or both, of the Boundary Waters Treaty to evaluate the proposed underground nuclear waste repository in Ontario, Canada, and similar facilities.

Whereas, Ontario Power Generation is proposing to construct an underground, long-term burial facility for low- and intermediate-level radioactive waste at the Bruce Nuclear Generating Station. This site is less than a mile inland from the shore of Lake Huron; and

Whereas, Placing a permanent nuclear waste burial facility so close to the Great Lakes shoreline is a matter of serious concern for the inhabitants of the Great Lakes states and provinces. A leak or breach of radioactivity from this waste facility could damage the ecology of the lakes. Tens of millions of United States and Canadian citizens depend on the lakes for drinking water, fisheries, tourism, recreation, and other industrial and economic uses; and

Whereas, Michigan recognizes the duty of the legislative branch of government to protect the public health, safety, and welfare of its citizens and the state's natural resources. Article IV, Section 50 of the Michigan Constitution authorizes the Legislature to regulate atomic energy in view of the safety and general welfare of the people. Article IV, Section 51 declares that the public health and general welfare of the people of the state are matters of primary public concern, while Article IV, Section 52 requires the Legislature to provide for the protection of the air, water, and other natural resources of the state from pollution, impairment, and destruction; and

Whereas, The Michigan Legislature has recognized the inherent dangers of siting a radioactive waste storage facility near the shores of the Great Lakes. Under Public Act No. 204 of 1987, the final siting criteria for a radioactive waste facility containing the same types of waste as would be stored at the proposed Ontario repository includes a prohibition on siting it within 10 miles of one of the Great Lakes, the Saint Mary's River, Detroit River, St. Clair River, or Lake St. Clair; and

Whereas, The Great Lakes Water Quality Agreement (GLWQA) is a binational agreement to address critical environmental health issues in the Great Lakes region, with the overall purpose of restoring and maintaining the chemical, physical, and biological integrity of the Great Lakes. Article 6 of the GLWQA acknowledges the importance of anticipating, preventing, and responding to threats to the Great Lakes and recognizes that a nuclear waste facility sited close to the Great Lakes shoreline could lead to a pollution incident or could have a significant cumulative impact on the waters of the Great Lakes; and

Whereas, The 1909 Boundary Waters Treaty recognizes the immense importance of the Great Lakes as a shared resource between the United States and Canada. The wisdom of the Treaty drafters is reflected in the creation of the International Joint Commission (IJC), composed of three members from the United States and three members from Canada, to act as impartial watchdogs over the boundary waters between the countries. Under Article IX of the Treaty, questions or matters of difference between the countries involving their rights, obligations, or interests along their common frontier may be referred to the IJC for examination and report, upon the request of either country. Under Article X, the IJC may be asked to make a binding decision on an issue of difference between the two countries, upon the consent and referral by both the United States and Canada; and

Whereas, The IJC has frequently been asked to weigh in on major topics of concern to the Great Lakes region. In 1912, a few years after the Treaty's ratification, the IJC was asked to examine and report on the extent, causes, and location of pollution in the boundary waters and to recommend remedies and pollution prevention strategies. In 1999, the IJC was asked to study the international

export of bulk supplies of Great Lakes water. The IJC provides an objective and international forum to study Great Lakes issues that affect both countries; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the President of the United States, the Secretary of State, and the Congress of the United States to invoke the participation of the International Joint Commission under Article IX, Article X, or both, of the Boundary Waters Treaty to evaluate the proposed underground nuclear waste repository in Ontario, Canada, and similar facilities; and be it further

Resolved, That we urge the other Great Lakes states and Canadian provinces to adopt appropriate regulations to protect the Great Lakes region from radioactive waste and to petition their respective federal governments to engage the IJC under Article IX, Article X, or both, of the Boundary Waters Treaty to evaluate the proposed underground nuclear waste repository in Ontario, Canada, and similar facilities; and be it further

Resolved, That we urge the Prime Minister of Canada and the Canadian Parliament to suspend the Joint Review Panel process convened by the Canadian Environmental Assessment Agency and the Canadian Nuclear Safety Commission to decide whether to grant Ontario Power Generation a license to construct the underground nuclear waste repository so that it can receive input from the IJC, the Great Lakes Commission, and the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Prime Minister of Canada, the United States Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Speaker of the Canadian Senate, the Speaker of the Canadian House of Commons, and the governors or premiers and the legislative majority leaders in Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, Ontario, and Quebec.