

For immediate release

Environmental group demands that provincial budget include full costs to protect drinking water in light of new water quality concerns

The Canadian Institute for Environmental Law and Policy has released: [Walkerton Inquiry 2: A Summary and a Response](#). This "must have" publication examines the main recommendations offered in the Walkerton Final Report including: (1) the estimated \$330 million required to implement the recommendations, (2) the failure of current drinking water regulations to specify a role for the Ministry of Environment to require local water systems to sample and monitor drinking water and to require all laboratories to conduct specific and less costly tests for E. coli, rather than relying on "look-alike bacteria" with a focus on total coliforms, with full public disclosure.

"Given on-going concerns about the safety of Ontario's drinking water, we urge the Provincial government when it releases its budget on Monday to include the full costs of implementing the Walkerton Final Report", says Anne Mitchell, Executive Director of CIELAP.

But CIELAP found a number of important areas that would benefit from further public review before the Inquiry results are set out in provincial legislation:

- The Walkerton Report recommends that government and industry engage in a process to define full costs and sustainable asset management but what about a role for the public, for First Nations or for Conservation Authorities, the front line is water source protection? (see summary, p 10)
- Given that almost half of the water systems inspected since the Walkerton tragedy failed to have adequate sampling programs, the Walkerton Report's characterization of the new Ontario drinking regulations as an improvement is at best optimistic since all references to the Ministry of Environment's role in sampling, monitoring, and inspections have been removed (see summary p. 27).
- While the Walkerton Report was concerned that the regulatory and enforcement functions of the MOE not be removed by the establishment of an arms length Drinking Water Commission or industry self regulation, it ironically favoured a separate public utility commission to regulate municipal water systems and private sector operators (see

summary p. 27).

- Despite the acknowledgement that the implications of NAFTA's investment provisions was at issue in the Inquiry, the Walkerton Report failed to recommend provincial or national standards or offer any advice to local governments on the public interests at stake when significant water system governance structures are changed (see summary p. 21).
- The Walkerton Report failed to consider that water as an exhaustible natural resource may be subject to a public trust under the 1867 Constitution Act, Section 109 (see summary p.8).
- Given the characterization of water as an essential need, the Walkerton Report fails to recognize the human right to safe and affordable drinking water (see summary p. 12).
- While the Walkerton Report recognized that water quality is a national concern, and that voluntary measures provide for weak enforcement, the Report should have recommended a National Safe Drinking Water Act rather than be satisfied with unenforceable federal guidelines (see summary p. 9).
- Given the Enron accounting scandal, and the value of this exhaustible natural resource, the Walkerton Report should have recommended that third party audits of operational plans for local water systems be undertaken by MOE (see summary p. 10).
- Despite the link between water quality and water quantity, the Walkerton Report failed to specifically find that the expanding bottle water industry in the province is also a direct threat to safe drinking water, especially from groundwater supplies (see summary p.15).
- Given the benefits of conservation and efficiency, the Walkerton Report should have recommend a consistent provincial-wide policy to include the provision of water use meters in the design of rate structures for water services. (see summary p. 10).

According to Christine Elwell, Senior Legal and Policy Analyst and author of the Summary, "While the new Ontario Drinking Water regulations may now set limits on 54 chemicals and other standards, the Walkerton Report should have noted that, in fact, the province only provides municipalities and conservation authorities with laboratory testing for 38 parameters." The requirement that drinking water be sampled for Tritium, a dangerous radon associated with nuclear power plants, was also removed (see summary p. 26).

CIELAP will be soon be releasing a publication entitled A Checklist of Provincial Water Quality Standards that comprehensively establishes a sound set of water-quality monitoring standards based on a comparative analysis in the Great Lakes region.

For more information contact:

Anne Mitchell
Executive Director
(416)-923-3529 ext 24
anne@cielap.org

Christine Elwell
Senior Legal and Policy Analyst
416-923-3529, ext 25
christine@cielap.org

The Canadian Institute for Environmental Law and Policy has for been commenting on and monitoring policy and regulatory changes related to the environment for 30 years.