

# WATER PROOF 2

## CANADA'S DRINKING WATER REPORT CARD

SIERRA LEGAL DEFENCE FUND

## EXECUTIVE SUMMARY

Six years after the tragic events in Walkerton, Ontario where at least seven people died and over 2,300 people became sick from contaminated water, the health of Canadians is still at risk from a patchwork of inconsistent and too often ineffective drinking water regulations.

Drinking water in Canada is at risk of contamination from a wide range of microbiological, chemical and radiological contamination.

A troubling example is the thousands of chemicals and hundreds of pesticides never properly assessed in Canada for health impacts. Canada still permits the use of dozens of pesticides that are banned in other countries due to health threats.

The risks facing Canadians are more than theoretical. Health Canada estimates unsafe drinking water causes 90,000 illnesses and 90 deaths *every year*, the equivalent to 13 Walkerton tragedies. And this figure is almost certainly underestimated.

This report, *Waterproof 2*, updates – five years later – an analysis of the adequacy of drinking water regulation in Canada.

The good news is that in five years, protections for drinking water have improved noticeably in areas

such as water treatment, binding contaminant limits, testing, operator certification and public transparency. The bad news is that – in most places – significant regulatory deficiencies threatening drinking water safety. No province or territory can claim to have implemented all of the Walkerton Inquiry's recommendations to protect drinking water.

“[Ontario's drinking water] should have been covered by regulations which, unlike guidelines, are *legally binding*. ...Water quality standards for reserves should be no lower than those that apply elsewhere in the province and ... those standards should be made *legally enforceable*.”  
— Mr. Justice Dennis O'Connor<sup>1</sup>



Only four provinces and territories require advanced drinking water treatment (e.g. filtration). Only four have adopted drinking water quality standards that meet or exceed the non-binding *Guidelines for Canadian Drinking Water Quality* and close to half of Canadian jurisdictions lack mandatory testing for chemical contamination.

One area of clear improvement is the requirement to use labs specifically accredited to evaluate drinking water quality. Testing at accredited labs (or the government's own labs) is now universal.

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Water system operator certification programs are in place or proposed for nine provinces and territories, but it is troubling to contemplate that any government would not embrace this critical protection for drinking water systems. Public transparency and accountability is also improving, but it has a long way to go.

In the preparation of this report, we have deferred our consideration of the adequacy of source water protection to a future date. Had we considered this factor, our findings would certainly be more troubling.

Excluding an evaluation of source water protection efforts, the province leading Canada in protecting drinking water is Ontario. We only hope that other provinces will follow Ontario's lead without waiting until tragedy strikes.

Our report also evaluates the performance of the federal government in protecting drinking water quality. Where the federal government is exclusively responsible for the quality of drinking water, the results are also troubling. Drinking water quality in First Nations communities is scandalous.

Health Canada should regulate the bottled water industry. In reality, the industry effectively (or perhaps not so effectively) regulates itself.

Aboriginal, local, provincial and federal governments should all be working cooperatively to provide safe drinking water. Within the Canadian system, each level of government has a role to play and responsibilities to meet. Currently, however, we have a "top-down" failure of responsibilities, by which we mean that the federal government avoids its role to adequately protect drinking water where

it has direct responsibility. The federal government also fails to mandate minimum standards for drinking water quality in provinces and territories and fails to provide adequate financial, technical and enforcement assistance.

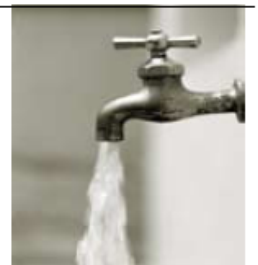
Provinces and territories, left with unfettered discretion, weigh the imperatives of public health protection against increased costs and enforcement responsibilities and too often sink to troublingly low standards.

Individual water systems are then left underregulated and underfunded, and often they are unable to convince ratepayers to make appropriate investments in improvements or protections perceived to be luxuries beyond what's "required." Other water systems may simply assume that by meeting government requirements for drinking water, public

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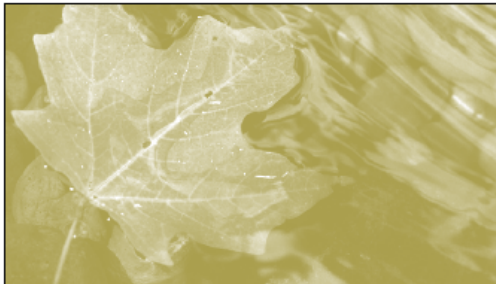
Only four provinces have adopted drinking water quality standards that meet or exceed the non-binding *Guidelines for Canadian Drinking Water Quality* and close to half of Canadian jurisdictions lack mandatory testing for chemical contamination.

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health will be protected. Water providers *should* be able to make this assumption, but unfortunately meeting current standards in many places doesn't adequately protect public health.

A hopeful observation is that there is at least one, and sometimes several, provinces where each of the individual aspects of drinking water protection is done well. Combining the best examples from across Canada together into one system would provide world-class drinking water protection. The challenge of ensuring safe drinking water may seem daunting, but we believe it is achievable.



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## NATIONAL DRINKING WATER REPORT CARD – GRADES

Jurisdiction	Comments (source protection comments not included)	2001	2006
Alberta	<b>GOOD:</b> treatment standards; contaminant standards; accredited labs for water quality testing; operator certification. <b>NEEDS IMPROVEMENT:</b> testing. <b>LACKING:</b> public reporting.	B	B
British Columbia	<b>GOOD:</b> accredited labs for water quality testing; operator certification. <b>NEEDS IMPROVEMENT:</b> treatment standards; contaminant standards; testing; public reporting.	D	C+
Manitoba	<b>GOOD:</b> accredited labs for water quality testing; operator certification; public reporting (planned). <b>NEEDS IMPROVEMENT:</b> treatment standards; contaminant standards; testing.	C-	C+
Newfoundland	<b>GOOD:</b> testing; government tests water quality; public reporting. <b>NEEDS IMPROVEMENT:</b> treatment standards; contaminant standards. <b>LACKING:</b> operator certification.	D	C-
New Brunswick	<b>GOOD:</b> accredited labs for water quality testing. <b>NEEDS IMPROVEMENT:</b> treatment standards; testing. <b>LACKING:</b> contaminant standards; water treatment system design regulation; operator certification; public reporting.	C-	D
NW Territories	<b>GOOD:</b> contaminant standards; testing; accredited labs for water quality testing; public reporting. <b>NEEDS IMPROVEMENT:</b> treatment standards. <b>LACKING:</b> operator certification.	C	C+
Nova Scotia	<b>GOOD:</b> treatment standards; contaminant standards; testing; accredited labs for water quality testing; operator certification. <b>LACKING:</b> public reporting.	B-	B
Nunavut	<b>GOOD:</b> contaminant standards; accredited labs for water quality testing. <b>NEEDS IMPROVEMENT:</b> treatment standards; testing. <b>LACKING:</b> operator certification; public reporting.	C	C
Ontario	<b>GOOD:</b> treatment standards; contaminant standards; testing; accredited labs for water quality testing; operator certification; public reporting.	B	A -
PEI	<b>GOOD:</b> testing; accredited labs for water quality testing; operator certification. <b>NEEDS IMPROVEMENT:</b> public reporting (but plans in works). <b>LACKING:</b> treatment standards; contaminant standards.	F	C-
Quebec	<b>GOOD:</b> treatment standards; contaminant standards; testing; accredited labs for water quality testing; operator certification. <b>NEEDS IMPROVEMENT:</b> public reporting (reports at the regional level only).	B	B+
Saskatchewan	<b>GOOD:</b> accredited labs for water quality testing; operator certification; public reporting. <b>NEEDS IMPROVEMENT:</b> treatment standards contaminant standards; testing.	C	B-
Yukon <sup>†</sup>	<b>GOOD:</b> contaminant standards; testing; accredited labs for water quality testing; operator certification. <b>NEEDS IMPROVEMENT:</b> treatment standards <b>LACKING:</b> public reporting.	D-	C- <sup>††</sup>
Federal Government	<b>NEEDS IMPROVEMENT:</b> evaluation and regulation of chemicals; formulation of standards for guidelines. <b>LACKING:</b> First Nations drinking water safety; binding minimum drinking water standards; recognition of a right to clean drinking water; tracking national drinking water data, trends and best practices.	Not graded	F

Note: <sup>†</sup>Based on detailed proposed legislation. <sup>††</sup>Will be higher if reforms are implemented.