



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

Press Release - May 24, 2001

Concerned Walkerton Citizens, CELA urge

Provincial Safe Drinking Water Legislation Must be Walkerton's Legacy

Toronto - The Walkerton tragedy demonstrated the need for legislation guaranteeing the right to safe drinking water, the Concerned Walkerton Citizens (CWC) and the Canadian Environmental Law Association (CELA) said today. In one of two papers filed with the Walkerton Inquiry, CWC and CELA call for a *Safe Drinking Water Act*. In a second paper, CELA proposes an *Act to Conserve Ontario Waters*, providing a framework for permanent protection for water sources and resources in the province. Together, these proposals will provide a comprehensive package of legal reforms to protect Ontario's water.

"Tragedy on Tap: Why Ontario Needs a *Safe Drinking Water Act*" argues that a law is needed to remedy many significant gaps in the current drinking water regime in Ontario. *Tragedy on Tap* evaluates Ontario's existing drinking water framework, examines regulatory approaches in other jurisdictions, and provides 16 detailed recommendations for legislative reform in the province.

The Act would guarantee a right to safe water, clarify and specify the roles of those involved in providing safe drinking water, provide an important role and legal remedies for the public, and establish a Drinking Water Commission. The Commission would report to the Ministry of the Environment, and would be responsible for ensuring the law is implemented.

A Drinking Water Commission would have specified responsibilities for; implementing a multi-barrier approach to drinking water safety, a mandatory duty to identify and assess new or emerging threats to drinking water safety, standard setting, policy development, carrying out provincial drinking water inspections and other matters.

Overall responsibility for the drinking water system in Ontario would rest with the Ministry of the Environment, but the new law would provide greater clarity as to the particular responsibilities of municipalities, utilities, health units, medical officers of health and labs (to name a few).

"In preparing this report, we were mindful of Premier Harris's comment to the legislature on May 29, 2000," stated Richard Lindgren, CELA counsel, "in which the Premier stated that,

‘...we have a right to take for granted that when you turn on the tap, what comes out is safe and clean, not contaminated. Parents have a right to take for granted that what they give to their children is life-sustaining, not threatening.’”

“The legacy of the Walkerton tragedy should be the passage of the *Safe Drinking Water Act*,” declared Bruce Davidson, spokesperson for the Concerned Walkerton Citizens. “Had the *Safe Drinking Water Act* been in place in May 2000, I believe that the tragedy would have been far less likely, if not avoided entirely.”

Model Act to Conserve Ontario Waters

The Canadian Environmental Law Association also today released a *Model Act to Conserve Ontario Waters*. This Model Water Bill provides for an integrated approach to water management in the province. It deals with water quantity, conservation, source protection, land use impacts, ecosystem protection and water takings, on a watershed basis.

The Bill provides for management units on a watershed basis. These units would include municipalities, First Nations and Conservation Authorities within, dealing with, or impacting each watershed. It provides for specific, quantifiable and measurable water planning. Another hard lesson learned from Walkerton is that integrated water planning and management is essential for source protection for drinking water.

“The Walkerton Inquiry has heard evidence about the possibility of the groundwater aquifer being contaminated prior to the tragedy. We have no idea in Ontario how much of our groundwater aquifers have been lost to pollution. Yet there continues to be no limit on the number of water taking permits Ontario gives away. There is an urgent and obvious need for an overall and integrated system of water management in Ontario,” stated Sarah Miller, Coordinator with CELA.

“In addition, the lack of an ecosystem, precautionary-based water planning system is apparent in many of the cases for which our clients seek our help,” said Paul Muldoon, Executive Director of the CELA. “The whole water planning and management system needs to be integrated and made for accountable. These two Acts provide the roadmap for this to happen.”

CELA has written to the Ministers of Environment and Natural Resources, and to the opposition critics in those portfolios, asking for all party endorsement of a *Safe Drinking Water Act* based on the principles in the study that CELA has submitted to the Walkerton Inquiry and to endorse the *Act to Conserve Ontario Waters*.

Both projects are also available in full on CELA’s web site at www.cela.ca.

LETTER HEAD

May 23, 2001

Hon. Elizabeth Witmer, Minister of Environment
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Marilyn Churley, NDP Critic, Environment
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Hon. John Snobelin, Minister of Natural Resources
***Queen's Park Address

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Dear Members:

On May 25th, the Canadian Environmental Law Association will be publicly releasing the paper prepared for the Walkerton Inquiry, on behalf of CELA and the Concerned Walkerton Citizens, titled, "Tragedy on Tap: Why Ontario Needs a *Safe Drinking Water Act*, as well as a draft Model Water Bill titled, "An Act to Conserve Ontario Waters" at a press conference to be held at Queen's Park at 10:00 a.m.

We enclose a copy of the executive summary of the paper, *Tragedy on Tap*, along with the model Act to Conserve Ontario Waters and an annotation of same, for each of you with this letter.

The Model Act to Conserve Ontario Waters was undertaken by CELA with a grant from the

Salamander Foundation, commencing a year and a half ago. As we know, the tragic events at Walkerton subsequently occurred and in view of our involvement representing the Concerned Walkerton Citizens at the Inquiry and the focus on the drinking water aspects of water policy, we deferred the release of the Model Act to Conserve Ontario Waters.

We have now not only completed the Model Water Bill, but also, last week, completed and filed with the Walkerton Inquiry the a part II paper *Tragedy on Tap: Why Ontario Needs a Safe Drinking Water Act*.

Both projects are also available in full on our web site at www.cela.ca.

The Model Act to Conserve Ontario Waters provides for an integrated approach to water management in the province. It deals with water quantity, conservation, source protection, land use impacts, ecosystem protection and water takings, on a watershed basis. It provides for management units that would include the municipalities and conservation authorities within, dealing with, or impacting the watershed. It provides for specific, quantifiable and measurable water planning. Integrated water planning and management is also essential for source protection for drinking water.

A Safe Drinking Water Act is essential to bring together the fragmented aspects of our drinking water system in Ontario, and to fill the essential gaps in that system. Among other things it would guarantee a right to safe water, clarify and specify the roles of those involved in providing safe drinking water, provide an important role for the public, and establish a Drinking Water Commission. A Drinking Water Commission would have responsibilities both as to some of the actions mandated by the Act, and for public reporting. The Commission would report to the Ministry of the Environment, and would be responsible to ensure that the provisions of the Act are carried out. Overall responsibility for the drinking water system in Ontario would rest with the Ministry of the Environment, but the particular responsibilities of others such as municipalities, utilities, health units, medical officers of health and labs (to name a few) would be more clear.

We are calling for all three political parties to endorse the Model Water Bill and to endorse the need for a Safe Drinking Water Act based on the principles outlined in our paper.

For more information, please contact CELA at 416-960-2284
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We look forward to your response.

Yours very truly,