

EXECUTIVE SUMMARY



SEEKING WATER JUSTICE:

STRENGTHENING LEGAL PROTECTION
FOR CANADA'S DRINKING WATER

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WATER INJUSTICE – CANADIANS HAVE UNEQUAL ACCESS TO SAFE DRINKING WATER

Canadians do not have equal access to safe drinking water – a basic source of survival.

2010 marks the anniversary of two of the most significant water contamination events in Canada's history:

- 10th anniversary of Walkerton, ON – seven people died and thousands of residents became ill (some permanently) because of *E-coli* contamination of the town's drinking water source.
- 5th anniversary of Kashechewan First Nations, ON – three quarters of the community's members were evacuated when *E-coli* was reported in the drinking water supplies.

While high-profile disasters such as Walkerton are rare occurrences in Canada, they are a tragic reminder of the high cost of failing to protect the water we drink. Despite the lessons of Walkerton and Kashechewan, troubling signs suggest there are still significant risks to Canada's drinking water. For example, in April 2008, the Canadian Medical Association reported that there were 1,776 drinking water advisories in effect across Canada – this is simply unacceptable in a developed country in the 21st Century.

Unequal access to safe drinking water in Canada is particularly evident in Canada's First Nations communities and in rural and remote communities. As of April 30th, 2010, there were 116 First Nations communities across Canada under a Drinking Water Advisory and it is estimated that 20–40% of all rural wells in Canada have nitrate concentrations or coliform bacteria counts in excess of drinking water guidelines and posing threats to health.

A TWO-TIERED SYSTEM: OUR LEGAL RULES FAIL TO ENSURE CONSISTENT DRINKING WATER STANDARDS

Unlike the United States and European Union, we do not have legally binding national standards for drinking water. Instead, we have voluntary national guidelines and provinces establish their

own standards which may or may not meet those guidelines. This leaves significant populations, such as First Nations and rural communities, vulnerable to waterborne diseases, boil water advisories and associated health effects. The patchwork of drinking water laws across the country also means that depending on the province or territory you live in, you may have access to a higher standard of drinking water than your friends or family in another part of the country. In fact, only those living in Alberta, Nova Scotia, Quebec, Ontario and Yukon have governments that have “adopted” the *Guidelines for Canadian Drinking Water Quality*. But not all of those jurisdictions require testing for the full suite of parameters in the Guidelines. Close to half of Canadian jurisdictions lack mandatory testing for chemical contamination of drinking water and over half do not require advanced water treatment for surface water (as is required in the European Union and United States).

CLOSING THE GAPS: RECOMMENDATIONS FOR BUILDING A HEALTH-BASED SAFETY-NET FOR ALL CANADIANS

The full report, *Seeking Water Justice: Strengthening Legal Protection for Canada's Drinking Water*, highlights the need for all levels of government to be involved in the provision of safe drinking water to Canadians. The report identifies gaps in the system and outlines steps for the federal government to take to ensure all Canadians, including First Nations, are legally entitled to a minimum quality of drinking water. These steps include:

1. Legislate Enforceable Drinking Water Protection Across Canada

The federal government should collaborate with provincial, territorial, and Aboriginal governments to assist all parties in adopting legally binding drinking water quality standards (the maximum allowable concentrations of potentially harmful substances in drinking water) in their own legislation within five years. This joint effort will ensure the health and safety of all Aboriginal and non-Aboriginal Canadians despite which province or

territory they live. The federal government could do this by replacing the Canadian Guidelines for Drinking Water Quality with a Safe Drinking Water Act that has health-based long term objectives and legally binding minimum national standards and regulations. The Safe Drinking Water Act would function as a federal safety net and would apply on federal lands and in provinces that did not provide the same level of health protection as the national standards.

2. Enforce World-Class Drinking Water Standards

The federal government should ensure Canadian drinking water standards are equal to or better than the highest standards in other industrialized nations to protect human health and the environment.

3. Provide Resources for Safe Drinking Water on First Nations Reserves

The federal government should take urgent steps to provide resources, support and capacity development required for safe drinking water on federal lands and all First Nations reserves to enable them to implement national standards and regulations. Resources need to be made available for appropriate treatment and distribution, wastewater treatment and collection, source water protection, training and ongoing support of water and wastewater treatment operators. The Government of Canada should work with the Assembly of First Nations and interested parties to develop a First Nations Water Commission – a model the AFN has identified as essential for First Nations-controlled drinking water management. First Nations should be co-authors in developing drinking water legislation that applies to them to ensure it is respectful of their inherent, Aboriginal and treaty rights.

4. Increase the Transparency of Reporting on the State of Drinking Water Systems

Establish consistent and standard reporting mechanisms to increase transparency and track relevant statistics and information about the state of drinking water and wastewater systems through a Federal-Provincial-Territorial body such as the Canadian Drinking Water Committee. This information needs to be made available to the public through an annual report to Parliament.

AN INTERNATIONAL COMPARISON: WHERE CANADA STANDS

According to David Boyd author of *The Water we Drink*, “Canada’s lack of standards is a weakness in protecting the health of Canadians.” The voluntary drinking water guidelines in this country are weaker than legally binding drinking water quality standards in other industrialized nations, including enforceable regulations in the United States and the European Union. The report concluded that Canada’s guidelines were outdated, weaker and more lenient compared to those of our counterparts in Europe and the United States:

- **OUTDATED** – there is an unacceptable backlog of outdated guidelines for physical and chemical parameters due to budget reductions
- **WEAK** – Many of the parameters in the Canadian guidelines are up to 1000 times weaker than at least one of the other corresponding European standards or Australian guidelines.
- **MORE LENIENT** – Canada has weaker MAC (maximum allowable concentration) guidelines than at least one other jurisdiction (European Union, United States or Australia) or the World Health Organization for 53 of the 67 contaminants examined in the study, including microbiological contaminants, chemical contaminants, radiological contaminants, and disinfection byproducts.



Contact Information

Randy Christensen, Ecojustice, rchristensen@ecojustice.ca
Nancy Goucher, Forum for Leadership on Water, nancy@flowcanada.org



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