



Ontario Public Health Association
l'Association pour la santé publique de l'Ontario
Established/Établi 1949

The mission of OPHA is to provide leadership on issues affecting the public's health and to strengthen the impact of people who are active in public and community health throughout Ontario.

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Charitable Registration
Number 11924 8771 RR0001

November 28, 2002

To: Ms. Anna Kime
Manager, Water Policy Branch
Ministry of the Environment

Re: EBR Registry Number AA02E0002
Proposed Safe Drinking Water Act

Dear Madam:

In response to the EBR posting of the proposed *Safe Drinking Water Act*, please consider the following comments.

The Ontario Public Health Association (OPHA) represents the interests of more than 3,000 community and public health practitioners across Ontario. The mission of OPHA is to strengthen the impact of people who are active in community and public health in Ontario.

We generally endorse the principles of the *Safe Drinking Water Act* as the measures advocated will serve to further enhance drinking water protection for the residents of Ontario. We are, however, concerned that the Act seems to apply only to regulated municipal drinking water or regulated non-municipal drinking water systems. The Act is silent on measures to safeguard smaller drinking water supplies, many of which are of interest to Peel Public Health and other health units across Ontario (i.e. restaurants, camp grounds, trailer parks, bottled water sources, and private well water supplies). The *Safe Drinking Water Act*, or other appropriate legislation, should include these types of water supplies to protect public health. We encourage the government to work closely with the Ministry of Health to enact legislation concerning unregulated small water supplies.

We note that the statement by the Minister of the Environment introducing the *Safe Drinking Water Act* to the Ontario Legislature makes reference to an Advisory Committee being created to develop a framework to implement Commissioner O'Connor's recommendations on water source protection. We feel strongly that the public health community should be represented on this Committee and urge the Minister to appoint a public health representative.

We also feel that more needs to be done to protect drinking water

sources. Source protection was a central focus of the Walkerton Inquiry and is a proactive means of safeguarding the quality of raw drinking water.

We note that section 4 of the *Safe Drinking Water Act* proposes that the Minister establish an "Advisory Council on Drinking - Water Quality and Testing Standards". We encourage the Minister to also consider appointing a public health representative on this Council. Recommendations concerning standards for drinking water safety are based on the protection of human health and should incorporate a multi-media risk-based approach to standard setting.

Section 10 under the General Requirements "Potable Water" may also have implications found in sections under the Health Protection and Promotion Act, i.e. section 20 does this now mean that private wells or other small water systems must meet the prescribed drinking water quality standards for large municipal systems.

The *Safe Drinking Water Act* provides the authority for the Ministry of the Environment to take action on "drinking water health hazards". The term "health hazard" is also found in the Health Protection and Promotion Act, and the definition in each Act is very similar. Decisions concerning health hazards have traditionally been the responsibility of the local medical officer of health. While we fully support action to mitigate human health hazards associated with drinking water, we are concerned that dual responsibility may result in unnecessary redundancy and confusion, possibly resulting in inaction.

For example, section 105 of the *Safe Drinking Water Act* empowers a Ministry Director to issue an order for an imminent drinking water health hazard, requiring the owner or operating authority to notify the users of the system of the order. The responsibility to issue drinking water orders or advisories on public water supplies currently rests with the local medical officer of health. At the very least, clear definition of roles and responsibilities in respect of municipal drinking water protection and protection of public health is required.

Section 106 of the *Safe Drinking Water Act* provides a Ministry Director with the authority to appoint an interim operating authority or person to take control of a drinking water system in the case of an emergency. We suggest that this section should be strengthened by including the medical officer of health in his role of protecting public health during emergency situations.

Section 112 permits the medical officer of health to notify the MOE Director that a deficient drinking water system can continue to supply water for domestic purposes other than human consumption or food preparation. The application of this section needs to be very clearly defined. We are generally not supportive of both potable and non-potable water supplies due to the risk of cross-contamination.

With respect to appeals regarding a decision of a Director, section 127, subsection 3, should include notification of the medical officer of health if a stay is granted. If a stay would endanger, or likely endanger, public health then the medical officer of health should be notified.

Section 167 of the *Safe Drinking Water Act* proposes an amendment to the *Health Protection and Promotion Act* to include a requirement for Boards of Health to fill vacant medical officer of health vacancies in an expedient manner. This amendment is consistent with Walkerton Inquiry recommendations and will assist in protecting public health in the Province of Ontario.

The Ministry of Health and Long-Term Care is currently reviewing its Safe Water Mandatory Program. It will be important that this program complements the proposed *Safe Water Protection Act*. We encourage the Minister to work closely with the Ministry of Health and Long-Term Care in the interest of protection of human health and water health hazards.

In closing, let me express our appreciation for the opportunity to present the ideas of OPHA re: the proposed legislation. Please feel free to contact us should you require further input.

Yours truly,

Connie Uetrecht,
President