

# **DRAFT**

## **THE WALKERTON INQUIRY**

Expert Meeting on:  
**Provincial Regulation of Drinking Water Safety – I**

May 22 - 24, 2001  
Coffee from 09:30  
Meeting 10:00 - 16:00

### **LOCATION**

Day 1 & 2: Ryerson University  
Oakham House  
63 Gould Street  
Toronto

Day 3:  
(if necessary) The Boardroom  
123 Edward Street  
6<sup>th</sup> Floor  
Toronto

Chair: Ronald Foerster

### **AGENDA**

- A. Review of Process and Conduct of the Meeting (Chair)
- B. Introduction of Participants (all)
- C. Review of Scope of the Meeting (Chair)
- D. Operations of the Ministry of Environment
  - (1) Policy and Standard Setting

A discussion of the MOE's role in setting policy and standards in relation to the safety of drinking water. This should cover all areas

of MOE responsibility including source protection, treatment, distribution. Issues to discuss include:

- Does it make sense to keep the MOE as the central ministry with respect to issues dealing with the safety of drinking water?
- Does the MOE have the expertise at its disposal to fulfill the policy/standard setting functions and, if not what is needed to enable it to do so? (Do we now have too many managers and too few experts?)
- If the MOE has primary responsibility, what mechanisms are needed to ensure coordination with other ministries/agencies?
- What is the effect of the Gibbons recommendations on the policy/standard setting functions of the MOE?

(2) Regulation, Inspection and Enforcement

(We will be focussing primarily on treatment and distribution issues. Source protection issues have been dealt with to some extent in a previous experts meeting and will be dealt with again in "Government Responsibility - II" in relation to agriculture and the Planning Act)

(a) Regulation

Focus will be on Permits to Take Water, Certificates of Approval, Licensing/Certification of Operators, Drinking Water Standards, Monitoring Standards, Regulation/Accreditation of Labs. Issues to discuss include:

- Are the current regulations dealing with drinking water safety sufficient? What areas are in need of improvement?
- Do small systems require a different approach than larger systems?
- Should someone regulate private (single family) wells?
- Do we need a Safe Drinking Water Act?

(b) Inspection

In relation to inspection of treatment and distribution systems:

- Is the current inspection program adequate?
- What needs to be done to improve government inspection of treatment and distribution facilities?

(c) Enforcement/Abatement

Again, primarily in relation to treatment and distribution:

- What needs to be done to improve performance in this area?
- How are enforcement and abatement best coordinated?
- Is a self-administered system of operator inspection/certification (eg. with legal liability for negligence) plausible?

(d) General Issues

- Should there be a separate agency, at arms length from government which is responsible for Regulation, Inspection and Enforcement?
- Is the Gibbons Report recommendation of a shift away from "Command and Control" an appropriate recommendation for drinking water safety?
- To what extent is morale within the MOE and issue which inhibits it in the execution of its mandate?

(3) Operational Function

(a) Water Treatment, Distribution, Sewage Treatment

The central issue to be discussed here is whether the Ontario Government should maintain a role (aside from regulation, inspection and enforcement) in the operation of

water treatment, distribution and sewage treatment facilities. Issues here include:

- Is there a need for OCWA or is its function one which can better be served by other entities such as existing larger municipal operators or the private sector? How would the absence of operational expertise affect the provincial government in its ability to fulfil its policy and regulatory functions?
- Assuming a role for OCWA, is it sufficiently removed (at arms length) from government that issues of conflict do not arise? Are there other ways in which OCWA could be improved?
- Information Gathering and Dissemination. Is there a need for more information? Do we require greater (or improved) public access to information?

(b) Labs

- Is there a need for government operated labs?

(4) Financing Function

While financing of water treatment and delivery systems will be the subject of a future experts meeting, it is useful to discuss the current role of the Provincial Government in infrastructure financing issues. While this is currently accomplished outside the MOE, such financing is in relation to capital which is within the mandate of the MOE. Of particular significance is the recent creation of the SuperBuild Corporation as well as recent programs such as OSTAR.

E. Operations of the Ministry of Health

(1) Role of the MOH

Safety of drinking water clearly has a strong public health component. Indeed, it could be argued that it is primarily a public health issue. Yet, the MOH (with the exception of the role of the Health Units) plays a comparatively minor role in regard to the issue of safe drinking water.

- Can a case be made for transferring lead responsibility for drinking water safety from the MOE to the MOH? Does the MOH have too much on its plate already?
- Short of a transfer of 'lead' responsibility, should the MOH's role in respect of policy development and regulation/enforcement be increased? Are any specific areas more important than others? How can increased input from the MOH be accomplished?

(2) Relationship with the MOE

Is the relationship between the MOE and the MOH satisfactory? Is there sufficient opportunity for joint policy development? Are there sufficient mechanisms in place that each knows what the other is doing/expects?

(3) Public Health Units

Focussing on the role of public health units in relation to safe drinking water:

- Is the current Health Unit structure optimal? Is there a case to be made for reorganization to combine smaller units?
- Is there sufficient independence for the Medical Officers of Health?
- Do the Health Units have sufficient tools and resources to fulfill their obligations with respect to safety of drinking water?

Note: Provincial Regulation of Drinking Water II will deal with OMAFRA and The Ministry of Municipal Affairs and Housing (including the Planning Act ).