

September 4, 2001

The Walkerton Inquiry
180 Dundas Street West
Toronto, Ontario
M5G 1Z8

Attention: Justice Dennis R. O'Connor

Re: Public Hearing 7 – Management of Water Providers

Dear Justice O'Connor:

Professional Engineers Ontario (PEO) requests the opportunity to participate in Public Hearing No. 7 – *Management of Water Providers* on September 20, 2001.

As you are aware, PEO regulates the practice of professional engineering in Ontario under the authority of the *Professional Engineers Act* (RSO 1990, Chapter P. 28). By virtue of being licensed under provincial legislation, professional engineers are accountable to the provincial government and people of Ontario. They are required to meet standards of training and experience; to conform to a code of ethics and standards of professional conduct; and to be subject to a complaints and discipline process.

The provision of safe drinking water normally involves the design, management and operation of engineered infrastructure. While the design of infrastructure is well understood to be the practice of professional engineering, the role of professional engineers in the management and operation of this engineered infrastructure is not always clear. The practice of using professional engineers for management and operations varies greatly across the province.

PEO believes that an appropriate role for professional engineers within the management of water providers needs to be clearly defined and regulated. By clarifying the authority and mandate of professional engineers in water resources management and in water supply, PEO can more effectively regulate the practice of professional engineering.

To this end, PEO made five specific recommendations to Part II of the Inquiry in its written submission entitled *The Roles and Responsibilities of Professional Engineers in the Provision of Safe Drinking Water* (April 2001).

PEO's Recommendations to the Walkerton Commission:

1. *Refine the Definition of Engineering in Regards to Safe Drinking Water*

The provincial government and affected stakeholders should work with PEO to define specific activities and areas of practice that constitute the practice or professional engineering within the meaning and spirit of the Professional Engineers Act. This should include considering whether current activities and regulations are consistent with PEO's statutory mandate, specifically with respect to the evaluation of water supplies and the design of treatment and distribution systems.

2. *Increase Professional Engineers' Participation in Waterworks Operations and Management*

PEO recommends that participation of professional engineers in the operation and management of water treatment works be defined and identified in order to provide greater accountability, based on engineers' duty to the public welfare.

The Inquiry should recommend the provincial government identify appropriate situations or circumstances where professional engineers should be required to supervise and be responsible and accountable for the management and operations of engineered infrastructure, including water works and water systems.

3. *Specify Roles of Engineers through Demand-side Legislation*

To ensure a higher level of accountability in the quality of Ontario's drinking water, the provincial government should use regulations to clearly define roles and responsibilities for professional engineers in all aspects of drinking water supply, including design and construction, operation and water resource management. Such demand-side legislation should reflect the outcome of Recommendations number 1 and 2.

4. *Strengthen Provincial Regulation of Water Systems*

The Minister of the Environment should use section 5 under the Ontario Water Resources Act (OWRA) to appoint qualified professional engineers as directors for the purposes of issuing director's orders, director's reports, certificates of approval and other instruments prescribed under the OWRA.

Directors should support municipal engineers and/or their engineering consultants that exercise their duty to report risks to public health and safety related to drinking water using section 62 of the OWRA.

5. *Clarify and Enhance Duty to Report*

The Attorney General should amend the Professional Engineers Act to clarify engineers' obligations to report and provide a measure of protection for those who exercise them.

PEO believes that for this concept to be effective the engineer must be indemnified and protected from reprisal as a result of public notification of such conditions. In this way, the engineer would be provided with protection similar to that clearly defined in the Occupational Health and Safety Act, under which an individual has the right to refuse work without fear of reprisal by the employer.

Representatives of PEO would also be prepared to speak to any other aspects of the PEO submission as required by the Inquiry.

Thank you for the opportunity to participate.

Yours truly

PROFESSIONAL ENGINEERS ONTARIO

ORIGINAL SIGNED BY G.G. STERLING

G. Gordon Sterling, P. Eng.
President

Cc: Hon. David Young, Attorney General of Ontario
Hon. Elizabeth Witmer, Minister of the Environment