



**Legislative Assembly
of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 5 November 2002

Mardi 5 novembre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 5 November 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 5 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

SAFE DRINKING WATER ACT, 2002

LOI DE 2002 SUR LA SALUBRITÉ
DE L'EAU POTABLE

Resuming the debate adjourned on November 4, 2002, on the motion for second reading of Bill 195, An Act respecting safe drinking water / Projet de loi 195, Loi ayant trait à la salubrité de l'eau potable.

The Deputy Speaker (Mr Bert Johnson): The Chair recognizes the chief government whip from Northumberland.

Hon Doug Galt (Minister without Portfolio): I ask for unanimous consent that on Bill 195 this evening each party be given a maximum of 20 minutes for debate. There would be no questions and answers and that would be called a sessional day.

The Deputy Speaker: Is there consent? Agreed?

Mr Peter Kormos (Niagara Centre): If I may, Speaker, with no further business called and the House to adjourn upon the completion of that hour.

The Deputy Speaker: With that addition at the end of the request, is it agreed? It is agreed.

We are looking for debate. I'm looking to my left to the third party.

Mr David Christopherson (Hamilton West): I appreciate the opportunity to speak to Bill 195. What I find quite remarkable about this is that to listen to the government members, you'd swear clean water and the environment were the most important issues the government could ever have in front of them.

I see one of the members on the backbenches nodding their head up and down, "yep, yep, yep." That must have been what they were told in caucus. I'll cut this member a lot of slack. He hasn't been here all that long. He's probably still the newest member—not to identify anybody, AL.

The fact of the matter is that for all their bragging about what they're doing in this bill, this is still the government of Walkerton. This is still the government that Justice O'Connor said was at least in part responsible for seven people dying and over 2,000 being seriously ill, and some of those people are going to face health conditions for the rest of their lives.

I have to tell you that this did not come as a huge shock, certainly to us in the NDP. Take a look at the debates from the early days of this government. Take a look at what we said about what will happen if you cut the budget of the Ministry of the Environment by 50%. Take a look at what we said will happen to the Ministry of the Environment and the environment in general in this province if you eliminate one third of the staff. How can any of you in good conscience stand up and say you're the party of clean water when you're the government that carved up the Ministry of the Environment? Why did you do it? To put it into other people programs or protections? No, to pay for your tax cuts. That's what's borderline obscene about this.

I have a great deal of room to acknowledge that there are good things in this bill, and there are. It's not nearly what it should be or could be, but none of what's in this bill, in my opinion, justifies a single government member standing up and bragging about anything to do with the environment. You marched in there, lockstep, in June 1995 and the only thing that mattered was finding the money to pay for your tax cuts.

The Ministry of the Environment was like the Holy Grail of targets because a lot of your friends didn't like the Ministry of the Environment. They didn't like the requirements and regulations and, yes, the red tape that was in place in the Ministry of the Environment. Why? Obviously there's nothing secret about this and there's nothing that difficult to figure out. When people are investing and building things, and they spend a lot of money and time, the last thing they want to run into is some bureaucrat from the government saying, "You can't do this," or, "If you do this, it's going to cost you this amount of money," or, "You're going to have to change your plans." Who wants that, particularly if you've put an awful lot of your own personal money on the line for a development project? Totally understandable. That doesn't make them a bad human being, at least not in my books. They're doing what this system tells them they should do, especially under this government.

1850

But we have a responsibility to look at issues beyond making a buck. The responsibility of the government of Ontario in concert with the federal government and the municipal government is, yes, to provide an environment where those who want to invest that money can do so, and want to and will make a profit—not a problem—but it is the responsibility of each of those governments to

protect the citizens so that in the mad dash to make a buck some innocent child doesn't get hurt.

I, for one, have never been able to understand how this government and how some—or many, most, all, I don't know—of their members can separate being supportive of the police, being supportive of firefighters, but somehow when it comes to the environment, that's not a public safety issue. Go make that speech in Walkerton. Go up there and make a speech that says, "Environmental protection really isn't as important as police or fire." You can't make that speech.

If the government of the day does not rise to the responsibilities that are bestowed upon them, who's going to do it? There's nowhere else to go. The rest of the system out there is designed to make money, and we've all benefited from that in terms of the quality of life, the standard of life. You look over the course of history. There's lots that I hope gets improved over the years and I hope this isn't the end of the road, but make no mistake, it does work. But there's nobody else out there investing money and making a profit in saving lives. That's what you elect an MPP for; that's why you elect an MP or a city councillor or a reeve or a mayor or, ultimately, a Premier. You not only let the people of Ontario down, you did it by design.

Simply, I couldn't go on as an elected person if I believed that the other side of the House, as much as I may disagree with them on so many issues, any of them, went to bed at night and said, "I was prepared to make a trade-off of a few lives for the amount of investment the province would see." I refuse to believe there is anybody that could get elected to this place and that's the way they actually saw the world.

But make no mistake, you were told what some of the implications were and you chose to look the other way. Those of you in decision-making positions and the rest of you just followed the leader. There are lots of examples in history where, after the fact, people said, "Why did you blindly follow? Why didn't you ask questions? Why didn't you do something?" Yet to the best of my knowledge there's not one member of the Ontario government caucus who spoke out against the cuts to the Ministry of the Environment and said they shouldn't happen.

The provincial medical officer of health was in the cabinet room, and testified at the O'Connor inquiry that while he was briefing the Premier of Ontario on the implications of the kinds of cuts to the ministry that they were proposing, that Premier turned his back on him. You had no right to do that. You had no right and you still have no right to do that.

And now there are seven people dead.

When you read about some of the health conditions that some of the people in that area are going to have to live through—we're talking of hundreds of people. In a lot of cases, we're talking about children who have had permanent organ damage.

This is not just opposition rhetoric. The inquiry was very clear: your cuts were in part responsible for what happened at Walkerton. The very least you could have

done was bring in a bill that was as good as the one Marilyn Churley brought in. I don't care where you sit in this place, you've got to have respect for somebody like Marilyn, who takes an issue like the environment and, from the day she was a community activist right through to her time at the cabinet table—and I can give personal testimony; I was at the cabinet table with her—dedicated whatever political responsibility and political authority she could muster to the cause of the environment. That's the kind of person who brought in Bill 3. I know the politics that went on, some of it very disappointing, I want to say, and to the relief of some, I will not go into details. But the politics around what happened are pretty shameful. At the end of the day, that bill should have moved forward, and if there were amendments to be made, they should have been made at committee. But that bill was stronger than the one we have here.

I've got to tell you, it's easier for a government to bring in a new bill that doesn't contain some of the clauses they want to avoid, as opposed to going in and taking Ms Churley's bill and moving amendments to take things out, but that's the effect of what's happened. This is not the bill it could have been. I will say again, and as my time unwinds I will try to remember to say before I sit down, that there are some good things in here. The bill, in and of itself, is not a bad bill, as many are that come from the government benches, but it should be so much more.

At the very least, why aren't you putting back in place some things that made a difference? For example, there was a program in this province in place when this government took over called the leaking underground storage tanks, interestingly called LUST, but those were the toughest regulations in North America. And do you know what it was about? It was about holding tanks in the ground: gas, oil, other chemicals, other by-products that are buried in the ground and then just buried over and sometimes asphalted over, and then ultimately just abandoned by someone who sells the property. I represent an older community that's affected by this in a big way, and do you know what's really scary? We don't even know where all these tanks are, let alone what to do with the ones we find. Here was a huge environmental issue, because the chemicals in these tanks, the substances, would leak into the ground and ultimately into our groundwater.

Is it any surprise that it was Marilyn Churley who brought that forward? It dealt with clean water. That makes sense. I can tell you, if you're sitting in Sudbury, Windsor, Hamilton, Toronto, any of the larger, older, established communities, particularly those that have had a large manufacturing sector, if you're looking at that kind of program from where I'm looking at it in Hamilton, this is a very good thing, because it's a program and it's money to help do something about human-made danger to our clean water supply.

You killed it. You killed the program. Don't look at me like that; I'm not making this up. The program was there. It did good. Your government came into power and killed it. It's that straight-up, and if anybody wants to

argue differently, go for it. You're up after me. It's the leaking underground storage tanks. Somebody stand up and tell me during your time, which is coming very shortly, that I'm wrong, or point out to me where you replaced it with something that's equal—equal.

That's not the only example. CURB, Clean Up Rural Beaches; this one should really hit home. It was a whole program to work with farmers to keep manure away from the water supply. Does that start to ring a bell, folks? Does that start to ring a bell about what happened in Walkerton?

Interjection.

Mr Christopherson: I hear the Minister of Agriculture mumbling something. If you've got something to say, I'd love to hear it. But as far as I know, that program provided education, money and assistance for some of the very factors that created and caused Walkerton. Your government killed it because you needed the bucks. You needed the bucks to go from environmental protection into money spent on tax gifts, which is what they were and what the remain—gifts.

1900

Let's not forget, as we head into the election period, this is the same government that changed the laws—unilaterally, for the first time in the history of this place—for funding our election campaigns. No other government has changed those laws without the agreement of all three parties. You changed that too. You brought in a unilateral law that changed how elections are funded. Boy oh boy, you start to connect the dots.

You can now give 50% more money to a political party than you could before. I'm not sure how much that helps a steelworker who, at best, maybe can scrape together 100 or 200 bucks to contribute to a campaign, if they're politically aware and active. I'm not sure how much that change will affect them. But, boy, it's going to change a whole lot of huge corporations that are giving thousands, multiple thousands. Those are the folks who got the benefit of Ontarians losing key environmental protections that you killed in order to save the money and put it over here in the "Tax Gift for our Friends" column.

Why doesn't this new law say that Ontarians have a right to clean water? That's another question I would pose when the government members get up to speak. Let's not forget this is the same government that stood up and talked about rights for innocent victims of crime, only to roll in their government lawyers to argue against two Ontario women who wanted their rights upheld, the rights they were told they had by this government. You were real keen to throw around rights and pretend to give people things then. Why isn't there a simple clause that says, "Ontarians have a right to expect their government to provide them with clean water"?

A government might argue, "It could tie our hands. It might force us to spend money we don't want to spend or money we've decided to give in yet more tax cuts." Maybe. Do you know what? If you're into a down cycle in the economy, it can be that dollars are tough and, heaven forbid, you might have to go into a deficit

position for a year or two if it means maintaining the programs, staff and the checks and balances that make sure you can turn on the tap and get a drink of water and you don't have to worry about handing it to your child and giving them a fatal glass of poison.

It's a trade-off we make when we give assurances and guarantees. In the absence of those guarantees, I say people have a right to question how much commitment this government really has toward clean drinking water versus how much of it is a need to get over a political problem. Because I don't hear the government announcing that they're going to put back some of the money—let alone all of it—they took out of the Ministry of the Environment, or hire back some of those very people that this government fired. There have been a few selected announcements along the way. I remember current and previous ministers of the environment giving the odd announcement here and there. But that's not the same at all as dealing with the Ministry of the Environment the same as you would, or anyone else would, the Ministry of Public Safety and Security.

So I come back to where I began. It's not a bad bill. It's not nearly as good as it should be. This government has no right to brag about anything in here that is of benefit, because I don't think they've adequately accepted their responsibilities for what happened at Walkerton. I think every government member who speaks to this should have just a little bit of shame at the fact that it was on your watch that seven people died, that it was under your watch that half the budget was slashed and a third of the people who worked in the Ministry of the Environment, professionals whose career commitment was to protect the air we breathe, the ground underneath us and, yes, the water we drink.

More needs to be done. More people like Marilyn Churley should be listened to with respect, and what she has to say should be made into law. Then we'll be doing something about water in this province.

Mr AL McDonald (Nipissing): I take pleasure in joining the debate on the Safe Drinking Water Act. I listened very closely to the member from Hamilton West, whose party was in government from 1990 to 1995. I also went through a by-election not that long ago, six months ago, where the candidates I faced blamed me personally for Walkerton, which I guess is politics, which I think is being played here today and which I don't really care for. The fact remains that when they were in power, not once did they come to the city of North Bay and say, "Put in a water filtration plant." Not once. By the grace of God, nothing happened in my area.

I remember running in the municipal campaign, and one of the main platforms I ran on was safe drinking water. It was one of the platforms I truly believed in. I find it offensive that members across are pointing their fingers at me directly and stating that somehow it was my responsibility, which is outrageous, because I took the stance right from day one.

Unfortunately some people died in Walkerton, and I don't think we should be playing politics with that. Our

thoughts are with those people. There was a problem. Things happened. Now we have to take the steps to make sure this never happens again, and this is where I believe this new drinking water act will come into play. I believe it will be the toughest Safe Drinking Water Act in the world.

I listened to the member from Hamilton West say that in principle this is a good bill. Obviously he will state there should be changes and amendments, as they did when they fully supported the red light cameras and when they fully supported “pull to the left.” They’re playing politics with certain bills that I think should just have unanimous consent to go through the House so we could debate this bill. Shame on both parties across for trying to tie up the time in this Legislature on two bills that don’t really have as much importance as safe drinking water. I want to make that very clear. As the member from Nipissing, I want to be very clear that this is very important.

Mr Richard Patten (Ottawa Centre): Get off your high horse.

Mr McDonald: I listen to the different members across who are heckling. That’s just the way this House is. Obviously they don’t have respect for my opinion. And that’s OK; I listen to that every day. But this is an important act. We’re committed to ensuring that Ontario has and enforces the best and toughest clean water policies in the world.

In part two of the report of the Walkerton inquiry—and the member from Hamilton West will know this—Commissioner O’Connor was firm about Ontario’s need for legislation that would ensure the safety of our drinking water. This proposed bill supports delivery of 50 of the 93 recommendations in part two of that report. For the purposes of this discussion, though, I will focus my comments on the compliance and enforcement provisions in the proposed bill.

1910

A key priority of this government is to include the public in the decision-making process. To this end, our objective is to implement all—that is, all—the recommendations of the O’Connor report as clear evidence of this commitment. We are unwavering and committed to setting and enforcing tough environmental standards.

A number of recommendations related to compliance and enforcement are nested within recommendation 67—I don’t know if all the members across know what recommendation 67 is; I see them looking it up in their books—of the proposed Safe Drinking Water Act.

In addition, Commissioner O’Connor made the following recommendations:

“Recommendation 72: The provincial government should create an office of Chief Inspector–Drinking Water Systems;

“Recommendation 73: Inspectors should be required to have the same or higher qualifications as the operators of the systems they inspect and should receive special training in inspections;

“Recommendation 74: The Ministry of the Environment should increase its commitment to the use of mandatory abatement;

“Recommendation 75: The Ministry of the Environment should increase its commitment to strict enforcement of all regulations and provisions related to the safety of drinking water;

“Recommendation 76: The Ministry of the Environment should initiate a process whereby the public can require the investigations and enforcement branch to investigate alleged violations of drinking water provisions.”

The bill would modernize and strengthen the laws that protect the quality of our environment. What we propose is to strengthen compliance and enforcement provisions, and we will create this new position of chief inspector. We are prepared to take a tough stance and give our chief inspector the tools he or she needs to enforce the Safe Drinking Water Act.

The duties of the chief inspector are defined in the proposed act. We believe these duties provide the chief inspector with the level of authority he or she needs to effectively fulfill his or her obligations. For example, the chief inspector shall provide advice and recommendations to the content of the ministry’s inspection policy and be responsible for implementing the policy; be responsible for developing and updating the inspection protocol; be responsible for developing, updating and implementing the inspection training program; monitor the overall frequency and adequacy of inspections; report to the public about the overall performance of Ontario’s water supply systems and inspections programs; and finally, perform any other duty as may be prescribed by this legislation.

Specific compliance and enforcement provisions would also include the following: systems with deficiencies must have a follow-up inspection within one year; the minister shall have explicit authority to issue directives on inspection policies and protocols; the Ministry of the Environment will also train inspectors to ensure that they have the same or higher level of qualifications of the systems they inspect; as well, they will receive special training in inspections; and we will also establish clear procedures for addressing requests from the public for the investigation of alleged offences.

In addition to being guided by Commissioner O’Connor’s report, the proposed compliance and enforcement provisions are already based on a strong foundation. In the report *Managing the Environment, A Review of Best Practices*, we have outlined a framework for this government to move forward with a vision that will enable the Ministry of the Environment to carry out its core business of environmental protection more effectively.

The bill is very consistent. It’s based on the premise that in order to ensure sound environmental stewardship, Ontario must have clear laws, stringent regulations and tough standards in place. It also sets the stage to move beyond what is required by law and adopt an ethic of continuous improvement.

There are also several compliance and enforcement provisions of the proposed bill that build on the Environmental Protection Act and the Ontario Water Resources Act. These provisions include—and I'll name a few of them—inspections powers similar to the powers in the Environmental Protection Act and the Ontario Water Resources Act such as entry to dwellings, seizures and use of force; new powers for provincial officers to inspect labs that test drinking water; director's and minister's orders to deal with drinking water health hazards; orders to decommission or replace systems; the appointment of an interim operating authority or proven alternative service delivery.

The member from Hamilton West will know that this is consistent with the proposed fines in Ms Churley's private member's bill, but we're going to increase the fines from \$6 million to \$7 million. We've listened to the advice of the member from Toronto-Danforth, who put these amendments in. This government listened and put them into the bill. As well, the proposed bill includes other powers that are needed for the effective functioning of this bill.

Mr Speaker, I'd like to share some of my time with my seatmate, the MPP from Niagara Falls. He firmly believes in this bill and wanted to say a few words as well.

The Deputy Speaker: In this debate, we will go in rotation. When your turn comes, I'll come back. The Chair recognizes the member for Ottawa Centre.

Mr Patten: I'm very pleased to be able to add my comments on this bill. I suppose in many ways the word on the street is that this is a good start. More than likely you will see a unanimity of voting, but that doesn't mean there is necessarily unanimity on all aspects. Part of that is because of the worry and concern people have about many things this bill doesn't deal with. To be fair, in some senses it doesn't attempt to deal with some areas, but it does beg questions on some fairly important issues.

In fact, the bill says the act recognizes that "the people of Ontario are entitled to expect their drinking water to be safe," and provides for the "protection of human health and the prevention of drinking water health hazards through the control and regulation of drinking water systems and drinking water testing." Then the act identifies the Minister of the Environment as the minister responsible "for overseeing the regulation of safe drinking water in Ontario and ... for the administration of this Act."

That is good. I'm delighted to see the Ministry of the Environment resume its rightful place in playing that kind of role in Ontario, as it used to. This will require, of course, that the ministry is somewhat fortified in a manner compatible with the responsibilities it has to undertake in terms of monitoring, inspection etc, lest we forget.

I don't want to be too dramatic on this, but I do want to remind all of us that we are here because of a very tragic situation and indeed the government has responded accordingly. But you know, as I look back—and I have sort of the summary of the Walkerton Inquiry report.

There's a summary of part one of the report of the Honourable Dennis R. O'Connor, who I think did an extraordinary job in his analysis and in the report he provided, and all sides seem to concur.

1920

We know the tragedy of the people who died and the number of people who became ill at that time.

"The primary, if not the only, source of the contamination was manure that had been spread on a farm near well 5." Many of us know that. "The outbreak would have been prevented by the use of continuous chlorine residual and turbidity monitors at well 5."

"The MOE's inspections program should have detected the Walkerton" situation and their "improper treatment and monitoring practices and ensured that those practices were corrected...."

"The provincial government's budget reduction led to the discontinuation of government laboratory testing services for municipalities in 1996. In implementing this decision, the government should have enacted a regulation mandating that testing laboratories immediately and directly notify both the MOE and the medical officer of health about adverse results. Had the government done this, a boil water advisory would have been issued, thereby preventing hundreds of illnesses.

"The provincial government's budget reductions made it less likely that the MOE," the Ministry of the Environment, "would have identified both the need for continuous monitors ... and the improper operational practices...."

I won't go any further on that, but I say this because the Minister of the Environment, in his leadoff to the introduction of this bill for second reading, seemed to imply that the Koebel brothers were really the problem. While everyone would agree that there is obviously culpability at that stage, I think we would all agree that indeed you have to have a provincial system that is good enough to pick up weaknesses, failures and faults, fault lines, in that system.

It has been brought up a number of times about the circumstances in which the ministry was not able to fulfill that overseeing function. In all fairness, much of what we're dealing with now, other governments did not deal with, so this is not totally, 100% the fault of this particular government. However, some culpability and responsibility should be acknowledged. The big question now is, what are we doing?

This bill will be supported. Does it cover the nature of the issues that have been identified? Indeed, I do not feel that it has.

I would like to refer to some of the deficiencies in this bill at this point. The first thing that we would say is that we support it, but the areas that were raised by Justice O'Connor which specifically prohibit municipalities from selling off their water and sewer systems to the private sector, provide some form of financial support for water and sewage infrastructure for smaller communities, and ensure that higher water rates do not become a burden to low-income families—these were areas that were identified by Justice O'Connor as being concerns. It is my

feeling, and I think it is shared, that this legislation does not specifically deal with some of this.

The government could come back and say we could make amendments. Great, we could. We could do some of this by regulation, we could do some of this by programmatic, we could do some of this through other means: through the Municipal Act and funding to municipalities in terms of their infrastructure etc. But this bill does not deal directly with that particular issue.

In terms of government funding, Justice O'Connor said, "The provincial government should ensure that programs relating to the safety of drinking water are adequately funded." He made specific warnings that the Conservative government's municipal downloading may make it impossible for municipalities to pay for water and sewer infrastructure. "The financing of water systems does not occur in isolation of other pressures on municipal budgets. In light of recent restructuring in the municipal sector, especially the transfer of additional open-ended social service costs ... to municipalities in 1998, there is currently some uncertainty about the ability of municipalities to finance all the programs they are responsible for, including water services.... I encourage the province to publicly review the program responsibilities and fiscal capabilities of municipalities in light of recent restructuring to ensure that the financial pressures on municipalities do not crowd out the adequate financing of water systems."

I don't think he could be much clearer. We know there is a cost to this. The question would be, who carries the burden? The cost will relate, of course, to the certification of organizations that may participate in monitoring—laboratories that may be private, people who are running these laboratories, public officials who are on this etc—and the establishment in the bill of operating an advisory council on standards. We're talking, in each of these, hundreds of thousands of dollars. Increasing financial support for the Ministry of the Environment water sciences and standards function, a particular unit of that ministry: again, perhaps up to \$1 million. Licensing and periodic inspection of environmental laboratories that offer drinking water testing: half a million dollars etc.

These will all add up, it's estimated, at least from the Walkerton report, to over \$65 million. My feeling is that would be a good deal, and if it can all be done for that amount of money, we should take it and run. I suspect it will be a great deal more than that, perhaps twice as much.

In terms of the bill, the Ontario Medical Association suggests that the bill should not be delivered without laying the essential foundation of source protection first. This will come up again and again and again as I make some of my points. When Commissioner O'Connor tabled his groundbreaking report in May, he stressed that the key to avoiding drinking water contamination was protecting drinking water sources. We are very concerned that a key recommendation like this is missing from this current proposal. Not only does the Ontario

Medical Association cite that but, indeed, Commissioner Gordon Miller, our Environmental Commissioner, said that Ontario's drinking water source may be "in worse shape than ever," and that the Harris-Eves government decision to close over 60% of Ontario's drinking water source monitoring stations has severely hampered the government's ability to monitor and protect Ontario's source of water.

These are credible sources. We're not talking about someone who hasn't thought this through. We're talking about the Ontario Medical Association; we're talking about our commissioner of the environment. They calculate very carefully their statements when they are interviewed, and they do not make these statements lightly. These things need to be taken with the utmost gravity of concern.

I'm not going to go through all of the parts of the bill that are outlined—I only have a short period of time—but one part is that the legislation creates the new post of chief inspector for drinking water systems. The responsibilities are not yet defined; that would be crucial. But new compliance and enforcement provisions, including systems with deficiencies, must have a follow-up inspection within one year etc. Perhaps; we will see. That may be a good way to move.

The Ministry of the Environment will be required to develop and issue an annual statement of Ontario's drinking water and report to the Legislature. That will be interesting to see and to compare with two other reports, the report from the Environmental Commissioner and also the report from the Provincial Auditor. These are persons who are supposed to be apolitical, and I believe they are. They're there for the people and they're there to report to the Legislature, which means all the people of Ontario indirectly.

1930

I would like to share, as part of the last area, what people are saying out there. Safe water: who's going to pay for this? The system needs a complete overhaul and cost runs could go to \$40 billion. This is an article by Ian Urquhart:

"... the recommendations cover just the tip of the iceberg of the water problem facing Ontario. The report of the inquiry, headed by Mr Justice Dennis O'Connor, estimated the cost" of implementation is somewhere in the neighbourhood of \$100 million to \$280 million.

He goes on: "Some municipal water systems, Thunder Bay's and North Bay's, for example"—the member from North Bay area isn't here at the moment—"are just plain deficient, with inadequate filtration mechanisms for towns their size. Others have not been properly maintained over the years, which means there is a backlog of repair work. And still others, such as Toronto's, are just plain ancient, with pipes more than 50 years old that are in need of replacement."

He goes on to say, "This is not the fault of the current Conservative regime Rather, it is a problem that the Tories inherited from past governments, provincial and municipal, which too often took water for granted."

I hope you accept my comments in that light. I'm not laying the blame at your feet for everything. I'm saying you have to accept some responsibility and now be tough on putting in some stringent legislation that will get the job done.

He goes on to say that the environment minister says the government is awaiting a report that has been commissioned by SuperBuild. We're certainly going to need the help, as was pointed out by our member for Hamilton Centre, who said if the federal government can come through with infrastructure funds this can go a long way to making sure that we shore up our infrastructure, which certainly has been neglected for many years.

From the National Post:

"Municipal leaders in Ontario say the province's tough new safe drinking water regime is having major unintended consequences, including soaring water prices in some locales, a boom in well drilling by homeowners"—interestingly—"desperate to avoid costly water testing regulations and decisions by municipal councillors to quit politics because of personal liability concerns

"Municipal officials say tough regulations ... have forced many people to abandon small communal water systems in favour of new wells. 'The local well drillers, they can't keep up,' Duane Rivett, the water system operator for the Huron county township of Ashfield-Colborne-Wawanosh said in an interview. Mr Rivett said the 100 homeowners in Dungannon, where he lives, were recently told the local owner of two wells in the village would no longer be responsible for supplying water because of costly testing and treatment requirements.

"While residents could have opted to drill their own individual wells, they instead decided to pay the cost of drilling a new community well and building a distribution system at a cost of nearly \$1 million

"AMO's executive director, Pat Vanini, said there are also widespread concerns about the 'standard of care' provisions in the Safe Drinking Water Act, which suggest municipal councillors have a duty to take all reasonable steps to prevent any users of the system from being exposed to unreasonable health risks." This is the one where councillors are getting a little bit nervous about the liabilities they have as councillors when most of them, as you well know, do this job part-time and for less than \$7,000 or \$8,000 a year and a heck of a lot of time away from family.

The Hamilton Spectator:

"It's peculiar, and seems at odds with Premier Ernie Eves's political instincts, that his government is moving at such glacial speed"—I love that term—"to implement the necessary measures to ensure that Walkerton does not happen again.

"The Safe Drinking Water Act introduced ... this week doesn't offer that protection. It is focused on water inspection, laboratory licensing and new standards and certification for the testing and treatment process and the people in it. It does not address contamination of the water supply at source.

"The new legislation, not to put too fine a point on it, deals with finding a problem after it is in the system, when what is at least equally needed is a way to stop the problem in the first place.

"Walkerton happened because the watershed was not adequately protected. Cattle manure ran into a well, and the two hapless Koebel brothers who ran the water plant falsified records. There were no safeguards against that sort of irresponsibility

"Two and a half years after Walkerton and 10 months after O'Connor delivered his first recommendation, the government is 'setting up an advisory committee' that will 'develop a framework ... ' .

"Those are not phrases to inspire confidence in prompt action." So says Robert Howard from the Spectator.

The Deputy Speaker: Member from Mississauga South, come to order.

Mr Patten: The Globe and Mail: "They have not provided watershed protection in this bill." This goes on and on.

One of the areas that is important to consider in terms of our aquifer and our water sources of rivers and streams is what indeed is being put on our farmers' fields. I have great worries. I saw a program the other night that talked about the pass-through of our antibiotics and drugs from human consumption and birth control pills etc causing deformities in a lot of reptiles and frogs and this sort of thing. We don't know what goes through that, and the quality of testing is going to be absolutely crucial when we look at what it is. I fear that we are not actually testing the very things that are going to be fundamental to our health and causing some of the cancerous diseases that we find in our community.

Having said that, this start is a good one and I feel that we will have support for this as we move along.

The Deputy Speaker: Further debate. The Chair recognizes the member for Mississauga South.

Mrs Margaret Marland (Mississauga South): This is the member for Simcoe-Grey, Mr Speaker.

The Deputy Speaker: If you are standing and talking, I assume you are part of the debate.

The Chair recognizes the member for Niagara Falls.

Mr Bart Maves (Niagara Falls): It's a pleasure for me to join tonight's debate on the Safe Drinking Water Act. This bill, of course, is one of the key recommendations from Justice O'Connor's report. He calls for the province to bring in a Safe Drinking Water Act.

I want to, at the beginning, congratulate the minister for the bill. I know how hard he has worked on it. I'm told by his PA that he has worked very hard on the bill, and his staff has also helped quite a bit. I know that he's had a tough grilling from members of his own caucus on the contents of the bill. That grilling came from a variety of different angles on the bill.

There are a couple of sections of the bill that I want to focus on in my comments tonight. The first one will be the licensing and accreditation of labs that perform drinking water testing. In the Walkerton example—because we're here implementing the Walkerton report

recommendations—the municipality had contracted with a private lab to do the water sample testing. In fact it was the NDP in the early 90s who decided that using private sector labs to do the testing was a proper and appropriate vehicle. I agree with that. There are a lot of qualified and good labs out there that can do these tests, and it didn't make any sense not to allow them to do water testing. So that's something that I agree with the NDP on: that that was a smart move to allow private labs to do water testing. In this instance, as I said, it was a private lab that did the testing and found the problem with the water. They did find the problem with the water. In that instance they reported their finding to the person who contracted with them to do the tests: the utility in Walkerton. Unfortunately, the report stopped there, and that had terrible ramifications.

Under NDP and Liberal guidelines, when a test came in for water that was bad, there was no requirement at the time for the lab that found the bad water to report that to the medical officer of health or to report that to the Ministry of the Environment. That was the regime we inherited. What we did after this unfortunate incident occurred was change regulations so that now indeed a private lab that does find a water sample with bad water, tainted water, must report it to the Ministry of the Environment and to the medical officer of health, as well as the utility that contracts with them.

1940

A key component in this is that any lab that does this work will now have to go through a licensing and accreditation process if they are going to be allowed to perform drinking water testing. Again, labs are allowed to do the work. A lot of them were good and qualified and in this case they did find it, but we now are introducing a licensing and accreditation of the laboratory process, and it will be a continual accreditation process.

The next thing I want to talk about is the certification and training of operators of water systems in this act. In 1989, I believe it was, the Liberal government of the day decided to do a voluntary training of people who operated the municipal water systems—a voluntary training. Some did it, and many didn't. There was nothing that compelled them to do that.

In 1993, the NDP decided that they were going to require the operators of these municipal water systems to be certified and trained. However, they grandfathered those existing people who worked at those facilities, and that included the Koebel brothers. Clearly, they did not get any certification or training. It was very clear in the report and then throughout the entire inquiry that their training was negligible, that they didn't know what they were doing. They said themselves on a lot of occasions that they didn't know what they were doing. It's regrettable that anyone was grandfathered at the time. This bill seeks to make sure that everyone who operates a water system now will have the proper certification and the proper training. I think, obviously, that is clearly the right step.

In everyone's defence all around the room, as you can see, there were guidelines in place from other governments, the grandfathering was done by other governments, and Walkerton occurred when this government was in office. But all that aside, as the minister said in his opening speech, even if the Koebel brothers in Walkerton hadn't been grandfathered, no one would have expected them to knowingly, willingly and wantonly falsify water quality reports. To try to address that, this bill adds a statutory standard of care for municipalities when they are overseeing the operation of their utilities.

The municipalities are clearly responsible for overseeing the activities of the people they hire to look after their water systems. The municipalities are subject in this bill to huge fines if they don't do that job appropriately: a \$6-million fine for a first conviction and a \$10-million fine for a second conviction. Someone who willingly, knowingly submits false reports is something that obviously can't be tolerated, so there's a new onus, a new standard of care for municipalities who operate these facilities. I think that that also is a very important component of this bill.

A couple of other parts of the bill that I think are important. Mr Bradley from St Catharines and I have talked about this the past few nights while in this place: the new position of chief inspector. The chief inspector will report to the minister and the minister will make that report public. The member from St Catharines asked about that several times. I would say that we've already hired 51 certification inspectors. Also, there's an annual report that the Minister of the Environment will now be required to submit to the Legislature on the status and quality of Ontarians' drinking water. All of those, I think, are very important points.

The member from St Catharines was concerned about who was going to hear from the chief inspector and how the minister was going to be responsible to the Legislature. That is going to be done through his State of Ontario's Drinking Water Report, which he's required to do annually.

The gentleman opposite, Mr Patten, used the words "glacial speed" to describe how the province is moving forward on legislation in this area of water quality. I take exception to that and so do some other people. I'm going to read from the Guelph Mercury:

"City waterworks superintendent Peter Busatto said the legislation raises the bar. 'It goes way beyond any legislation I'm aware of in Canada and the United States.'

"The legislation got high marks from retired University of Guelph water resources engineering professor Hugh Whitely. 'It is definitely a good move to recognize requirements for the various steps in delivering safe water,' said Whitely, particularly pleased with the licensing and certification ideas."

Also, from Broadcast News is this quote: "A Vancouver Island MP is calling for national drinking water standards, based on the findings of the Walkerton inquiry. Alliance MP Keith Martin, a medical doctor, calls

the Ontario report a useful document. He says the Ontario government took a leadership role by adopting its recommendations.”

Many of those commentators—Alliance MP Keith Martin everyone knows as a doctor, Hugh Whitely from the University of Guelph and Peter Busatto, who is a city waterworks superintendent and familiar with these processes—have congratulated us for actually raising the

bar and being ahead of anyone in either Canada or the United States on this issue. For that I congratulate my minister. I will indeed support the bill.

The Deputy Speaker: Pursuant to the agreement earlier this evening, this House stands adjourned until 1:30 pm tomorrow.

The House adjourned at 1947.

CONTENTS

Tuesday 5 November 2002

SECOND READINGS

Safe Drinking Water Act, 2002,

Bill 195, *Mr Stockwell*

Mr Christopherson 2845

Mr McDonald..... 2847

Mr Patten..... 2849

Mr Maves 2851

Debate deemed adjourned 2853

TABLE DES MATIÈRES

Mardi 5 novembre 2002

DEUXIÈME LECTURE

Loi de 2002 sur la salubrité

de l'eau potable,

projet de loi 195, *M. Stockwell*

Débat présumé ajourné..... 2853