

EBR Registry Number: XA03E0006**Type of Notice:** Information**Ministry:** Environment**Status of Notice:** Information**Date Information Notice Posted:** 2003/03/25

INFORMATION NOTICE

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Title :

Proposed Drinking Water Testing Services Regulation made under the Safe Drinking Water Act, 2002

General Reason for Notice:

This notice is for your information. The Environmental Bill of Rights does not require this notice to be placed on the Environmental Registry, however, section 6 of the Act does allow the Environmental Registry to be used to share information about the environment with the public.

Further Specific Explanation:

This notice pertains to a proposed regulation to be made under the Safe Drinking Water Act, 2002 which would set out the licencing requirements for laboratories providing drinking water testing services. It must be posted as an information notice because the Safe Drinking Water Act has not yet been prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993.

The purpose of this posting is to: (i) notify the public and stakeholders about the proposed regulation; (ii) obtain comments on the proposed regulation ; and (iii) obtain comments on two proposed Ministry documents that are referenced in the proposed regulation, entitled "Protocol of Accepted Drinking Water Testing Methods", and " Practices for the Collection and Handling of Drinking Water Samples". All documents for comment are attached to this posting.

Short Description:

The Safe Drinking Water Act (SDWA) requires laboratories providing a drinking water testing service to be accredited and licenced. This proposed regulation made under the SDWA would set out the licencing requirements in a number of areas including:

- Application process for licences;
- Conditions to be met by laboratories outside Ontario seeking to test Ontario drinking water;
- Licence expiry and renewal;
- Licence certificate;
- Conditions of holding a licence;

- Drinking water tests not subject to licencing;
 - Acceptable drinking water testing protocols;
 - Record keeping and reporting of test results
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The proposed regulation would require:

- Mandatory licencing requirements for all analytical labs (private, municipal, provincial) in order to test drinking water
- A five-year renewal period for licences
- October 1, 2003 deadline for obtaining a licence
- August 1, 2003 deadline for submitting a licence application to ensure a laboratory may continue testing drinking water after October 1, 2003
- Out-of-province laboratories would need to meet the equivalent requirements as Ontario laboratories (e.g. inspections)
- Certain tests can be conducted on-site at a drinking water system by qualified persons or continuous monitoring equipment without a licence (for non-health and operational parameters only)
- Laboratories to maintain records for drinking water tests for 5 years
- Conditions on a licence re: subcontracting, procedures for handling and labeling samples, protocols for accepting drinking water samples

Two documents are referenced in the draft regulation. The "Protocol of Accepted Drinking Water Testing Methods" document provides guidance on acceptable lab practices, instrumentation, and quality control and assurance requirements. The "Practices for the Collection and Handling of Drinking Water Samples" document provides guidance on appropriate sample containers, storage times and conditions, and accompanying sample documentation.

It is proposed that the regulation would come into force in Spring 2003. At that time, the relevant sections of the Safe Drinking Water Act, 2002 would need to be proclaimed for this regulation to come into force.

This proposed regulation and attached documents will support the implementation of two recommendations from Commissioner O'Connor's Part Two Report.

Classes of licences and associated fees are not part of the regulation, and will be established through a Minister's order. The classes envisioned for the laboratory licences are: microbiological, organic chemical, inorganic chemical, radioanalytical, and physical/other.

Other Public Consultation:

The Ministry has consulted on this issue through the Safe Drinking Water Act, 2002 consultation process. In addition, Ontario analytical laboratories have been consulted on an ongoing basis prior to the development of the regulation, and will also be formally consulted during the 30 day posting period

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Additional material in support of this notice is available by clicking the following hyperlink(s):

http://www.ene.gov.on.ca/envision/env_reg/er/documents/2003/XA03E0006-protocol.pdf
http://www.ene.gov.on.ca/envision/env_reg/er/documents/2003/XA03E0006-Practices.pdf
http://www.ene.gov.on.ca/envision/env_reg/er/documents/2003/XA03E0006-regulation.pdf