

SAFE DRINKING WATER FOR ALL:

a status update on
Walkerton's legacy,
20 years after release of
Inquiry Reports

Executive Summary



Canadian
Environmental Law
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“The Walkerton experience warns us that we may have become victims of our own success, taking for granted our drinking water’s safety. The keynote in the future should be vigilance. **We should never be complacent about drinking water safety.**”

-The Honourable Dennis R O'Connor
(Report of the Walkerton Inquiry, Part 2)

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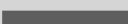


In 2000, seven people died and over 2300 people became ill after the water supply in Walkerton, Ontario became contaminated with *E. coli*. The tragedy in Walkerton was followed by a provincial inquiry by Justice O'Connor to investigate the cause of the contamination in Walkerton and the state of drinking water protection in Ontario. In the reports that resulted from this Inquiry, Justice O'Connor made 121 recommendations to strengthen drinking water protection in Ontario.

Twenty years after the release of the two Reports of the Walkerton Inquiry, Canadian Environmental Law Association (CELA) assessed the status of the 121 recommendations made by Justice O'Connor. *Safe Drinking Water for All: a status update on Walkerton's legacy, 20 years after release of Inquiry Reports* evaluates whether the 121 recommendations continue to be implemented effectively or if there have been any failures to meet the original objectives. Access to clean drinking water is fundamental to individuals' well-being, making it imperative that implementation is regularly assessed and closely monitored.

In Chapter 1, *Safe Drinking Water for All* provides detailed background on the Walkerton Inquiry and associated Reports in Chapter 1. Justice O'Connor recommended a multi-barrier approach to drinking water protection that could deliver water to consumers with a level of risk that is so negligible that a reasonable and informed person would feel safe drinking it. Having multiple barriers ensures that a failure in any given barrier will not cause a failure of the entire system. The barriers in this approach are source water protection, water treatment, distribution system, monitoring, and response to adverse monitoring results.

After the Reports were issued in early 2002, the Ontario government took significant steps to implement the multi-barrier approach and made important improvements to drinking water protection in the province. In Chapter 2, *Safe Drinking Water for All* provides an overview of how drinking water protection is currently regulated in Ontario.

Chapter 3 evaluates the status of the implementation of the recommendations for each of the barriers of the multi-barrier approach and Chapter 4 explores how the current drinking water protection framework applies differently to various segments of Ontario’s population. Throughout Chapters 3 and 4 of *Safe Drinking Water for All*, implementation of the 121 recommendations is assigned one of the following scores:

Complete 	Indicates the recommendation has been implemented and is functioning as envisioned by Justice O’Connor.
Needs Improvement 	Indicates that, although efforts have been made, they fall short of fulfilling the recommendation or are not sufficient in practice.
Incomplete 	Indicates that the recommendation has yet to be implemented.
Not applicable 	Indicates that the recommendation is no longer relevant. For example, because its goal was achieved through a different means.
Unavailable 	Indicates that the scope of the recommendation is unclear or information on its implementation is not available or publicly accessible.
Further Investigation 	Indicates more follow-up is necessary.

Overall, the picture in Ontario is one of continued success in drinking water protection. Sixty-five (65) of Justice O'Connor's 121 recommendations have been considered complete and continue to be effectively implemented. There are 3 recommendations that are no longer applicable because they were rendered moot or their goal was addressed through a means different than that described in the recommendation. There are 10 recommendations for which the status could not be confirmed due to lack of publicly accessible information and 9 that will require further investigation before determining status. There are 29 recommendations that need improvement and 5 for which no work has been done (marked incomplete). Alarming, 6 of the 25 recommendations from Part 2 that are scored "need improvement" relate to small systems and Indigenous communities, leaving these populations vulnerable to risks posed by unsafe drinking water. Further, 2 of the 5 recommendations from Part 2 that are scored "incomplete" are related to Indigenous communities, which Justice O'Connor recognized are provided "some of the poorest quality water in the province." (*Report of the Walkerton Inquiry, Part 2, p 486*)

While about 80 percent of the provincial population receives their drinking water from municipal water systems, which are closely regulated, other parts of the population—mainly small and remote communities, Indigenous communities, and those who obtain their water from private wells—do not receive these protections. This bifurcated approach is inequitable, unacceptable, and endangers the health of excluded populations.

The findings in *Safe Drinking Water for All* reiterate the concern expressed by CELA and others, including the Auditor General of Ontario and the former Environmental Commission of Ontario, in the years since the Inquiry, that not all residents of Ontario are protected by the existing legal framework. The gaps in drinking water protection found in *Safe Drinking Water for All* once again underscore the importance of maintaining constant vigilance with regards to drinking water safety—as Justice O'Connor emphasized twenty years ago.