



November 22, 2024

Steven Carrasco
Assistant Deputy Minister
Ministry of the Environment, Conservation and Parks
Drinking Water and Environmental Compliance Division

Tyler Schulz
Assistant Auditor General, Commissioner of the Environment

Re: EBR #: 24EBR001.R
Assistant Deputy Minister's Response to EBR Application for Review of the *Safe Drinking Water Act, 2002* and Drinking Water Quality Standards regulation in relation to lead in drinking water

On March 26, 2024, Canadian Environmental Law Association and Ontario Municipal Water Association submitted an application to the Ministry of Environment, Conservation and Parks ("the Ministry") under the *Environmental Bill of Rights* ("EBR"). We requested that the Ministry review the *Safe Drinking Water Act, 2002*, SO 2002, c 32 ("SDWA") and Ontario Drinking Water Quality Standards, O Reg 169/03 to better reflect the harms of lead in drinking water. We received a response from the Ministry on May 27, 2024 declining the request for review.

The application provided information on the deleterious effects of lead on human health and the need for Ontario to strengthen its lead in drinking water standards and policies to protect community members from lead exposure. Despite the Deputy Minister's decision that the public interest did not warrant review of *SDWA* or the regulation, this letter will briefly highlight why the Ministry should be concerned about the safety of its current rules and policies and why they need to be strengthened to protect public health.

Firstly, Ontario lags behind the majority of other Canadian provinces and territories, which have either adopted a lead in drinking water standard of 5 µg/L or which defer to the Federal guideline of 5 µg/L.

Meanwhile, Ontario maintains a standard of 10 µg/L, which increases the likelihood of neurodevelopmental impacts, reproductive issues and impaired kidney function. The Ministry's claim that a 5 µg/L standard "would not likely result in a noticeable health benefit to children or other Ontarians" is not reflective of scientific understanding about the deleterious effects of lead in drinking water. It is also directly contradicted by the finding by Health Canada that efforts should be made to maintain lead levels in drinking water as low as reasonably achievable.¹ In

¹ Health Canada, *Guidelines for Canadian Drinking Water Quality: Guideline Technical Document: Lead*, (March 2019) at 1, online: < <https://www.canada.ca/content/dam/hc-sc/documents/services/publications/healthy->

particular, a lower standard of 5 µg/L would have a significant impact on the blood lead levels of children, the most vulnerable population. Reducing the limit from 10 µg/L to 5 µg/L would lower the geometric mean percentage of children with blood lead levels exceeding 5 µg/dL by 7.2 percentage points (from 9.4% to 2.2%).²

The Ministry also claimed that Ontario has made significant progress on lead in drinking water, with blood lead levels of Canadians declining over 70% in the past 40 years. Although progress has been made, there are no safe levels of lead and there remains a significant health risk for individuals exposed to lead. 29% of tested Ontario schools and childcare centers do not meet Canada's 5 µg/L guideline, meaning tens of thousands of Ontario children are at increased risk of neurodevelopmental impacts.

Although municipalities with high levels of lead have a regulatory requirement to develop a lead reduction strategy, there has been slow and uneven progress across the province to eliminate this health threat. A mandatory provincial requirement to map and remove lead service lines would ensure that progress is made.

Provincial financial assistance is needed to ensure that under-served and under-resourced communities can remove this health threat.

Conclusion

The request sought to review and strengthen Ontario's standards for lead in drinking water, a mandatory requirement to map and remove lead service lines, and funding support for lead service line replacement. These requests are based on the most up-to-date science on lead's impact on human health.

The Ministry's rejection of this request stands in contrast to policies announced this fall by the United States Environmental Protection Agency. The Lead and Copper Rule Improvements will require drinking water systems across the United States to identify and replace lead pipes within 10 years. \$2.6 billion was announced in drinking water infrastructure funding to support lead pipe replacement and inventory projects.³ In making the announcement, the Environmental Protection Agency stated: "The science is clear: Lead is a potent neurotoxin and there is no safe level of lead exposure, particularly for children."⁴

[living/guidelines-canadian-drinking-water-quality-guideline-technical-document-lead/guidance-document/guidance-document.pdf](#)>. ("Guidelines for Canadian Drinking Water Quality")

² Guidelines for Canadian Drinking Water Quality, at 70.

³ United States Environmental Protection Agency, *National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI)*, [EPA-HQ-OW-2022-0801; FRL-5423.2-02-OW] (Pre-Publication Version), (October 7, 2024), online: <https://www.epa.gov/system/files/documents/2024-10/prepublicationfrn_national-primary-drinking-water-regulations-for-lead-and-copper_improvements.pdf>.

⁴ United States Environmental Protection Agency, *Biden-Harris Administration Issues Final Rule Requiring Replacement of Lead Pipes Within 10 Years, Announces Funding to Provide Clean Water to Schools and Homes*, (October 8, 2024), online: <<https://www.epa.gov/newsreleases/biden-harris-administration-issues-final-rule-requiring-replacement-lead-pipes-within>>.

The Canadian Environmental Law Association and the Ontario Municipal Water Association are concerned about the inaccuracies in the Ministry's response to the request for review. We would be pleased to meet to discuss a way forward to address this public health threat.

Sincerely,

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION
ONTARIO MUNICIPAL WATER ASSOCIATION**



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