

February 19, 2026

The Honourable Minister Mandy Gull-Masty
Minister of Indigenous Services
House of Commons
Ottawa, ON
K1A 0A6

Re: Integral role of source water protection for First Nations drinking water legislation

Dear Minister Gull-Masty,

We are writing to you in relation to the anticipated reintroduction of legislation for the protection of First Nations drinking water.

In particular, we wish to reiterate the integral role of source water protection for First Nations drinking water systems in such a legislative framework.

Bill C-61, as introduced in 2023, lays out a long-overdue strategy for addressing inequitable access to safe treated drinking water on First Nations. The Bill received support from many First Nations, environmental organizations, and provincial and territorial authorities, who view it as a promising framework for addressing this public health crisis in an effective, enforceable, and sovereignty-respecting way.

One of the key strengths of Bill C-61 is the emphasis on a multi-barrier approach to safe drinking water. The first and perhaps most important of these barriers is the protection of source water.

Contamination or depletion of a drinking water source can be extremely difficult, if not impossible to remedy. It can cause the loss of a supply due to either very high costs for treatment and or lack of practical measures for treatment. It is far less expensive to keep contaminants out of drinking water than it ever is to attempt to remediate a ground or surface drinking water source after it has become contaminated.

Existing legislation in Ontario and elsewhere across the country already accounts for the fact that water does not recognize political boundaries. Collaboration across jurisdictions is already a key pillar of Ontario's drinking water protection system after being stressed as an integral part of the multi-barrier approach in documents like the Report on the Walkerton Inquiry and reports from the Source Water Implementation Committee.

The process of developing the framework in Ontario, for example, included diverse economic sectors, and Indigenous partners. It was recognized that cooperative approaches are essential to providing safe drinking water for all.

Canadian Environmental Law Association

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At present, the ongoing lack of support and structure for the full participation of First Nations in source water protection is an impediment to the effectiveness of the multi-barrier approach, and a solution is long overdue. As Justice O'Connor noted in the Walkerton Inquiry, First Nations communities are as deserving of safe drinking water as any other community in the country.

To reintroduce Bill C-61 without the source protection provisions would not only significantly decrease the effectiveness of the legislation but be a direct contradiction of the federal government's recently reiterated commitment to creating space for Indigenous authorities in environmental decision making.

CELA calls on the Government of Canada to reintroduce a Bill akin to Bill C-61 in the last sitting, in the form it was reported out of Committee it without changes.

We look forward to your response.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in black ink, appearing to read 'T. McClenaghan', written over a faint rectangular box.

Theresa McClenaghan
Executive Director

cc. Kathleen Padulo,
Chiefs of Ontario