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INSPIRING CHANGE

DELIVERED VIA EMAIL

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May 31, 2018

Re: Request for Amendment to Provincial Water Quality Objective for E.coli to be posted to the environmental registry for public comment

We request that the Ministry of Health and Long-Term Care (“MOHLTC”) post its amendment to the threshold values for E.coli used to assess recreational water quality for public comment on the environmental registry.

Provincial Water Quality Objective for E.coli in Recreational Waters

The MOHLTC has changed the threshold values used to assess recreational water quality in its *Operational Approaches for Recreational Water Guidelines, 2018*. The new standard adopts the *Guidelines for Canadian Recreational Water Quality, 2012* recommended freshwater criteria: a geometric mean concentration (minimum of five samples) of ≤ 200 E. coli / 100 mL, and a single-sample maximum concentration of ≤ 400 E. coli / 100 mL.¹ The current Ontario standard is ≤ 100 E. coli / 100 mL as a geometric mean for both aquatic life and recreation as provided by the *Water Management: Policies, Guidelines, Provincial Water Quality Objectives*.²

¹ Ministry of Health and Long-Term Care, *Operational Approaches for Recreational Water Guideline, 2018*, January 1, 2018 (“Operational Approaches”), p 7.

² Ministry of Environment and Energy, *Water Management: Policies, Guidelines, Provincial Water Quality Objectives*, Table 2 – Table of PWQOs and Interim PWQOs.

There was no public consultation about this significant change to the recreational water quality standard.

The water quality standard is designed to protect public health and the environment. The primary purpose of the MOHLTC's recreational water quality protocol and its *Operational Approaches for Recreational Water Quality Guidelines, 2018* is to assist in the prevention and reduction of water-borne illness and injury related to recreational water use at public beaches and waterfront recreational camps by providing direction to boards of health on the delivery of local, comprehensive recreational water programs.³

A change to the standard may have impacts on public health and the environment. Those impacts should be transparently considered and studied. Moreover, it is unclear whether the previous standard of ≤ 100 E. coli/ 100 mL as a geometric mean remains applicable for the protection of aquatic life.

Ontario's environment ministry conducted an extensive scientific review to establish the Ontario microbiological standards for recreational water in 1984 and concluded that E.coli was an appropriate indicator of the risk of gastroenteric disease for bathers.⁴ In our view, any deviation from the Ontario standard requires an updated scientific review and a consideration of the public health implications of a new standard to ensure that recreational swimmers are being protected from risk.

Environmental Bill of Rights

Contrary to Part II of the *Environmental Bill of Rights, 1993*, SO 1993, c 28 ("*EBR*"), the MOHLTC did not seek any public input before making this change to the recreational water standard.⁵ Subsection 15(1) of the *EBR* provides that a policy that could have a significant impact on the environment should be posted for comment on the environmental registry. Section 2 of O. Reg 73/94 establishes that the participation rights provided by the *EBR* apply to policy proposals by the MOHLTC.

Conclusion

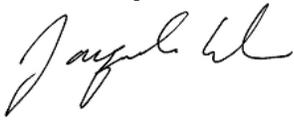
The *EBR* is a key piece of environmental legislation because it enables environmental protection, transparency, and public participation in environmentally significant decision-making. Ontario's recreational water quality standard is designed to protect public health and the environment, and aquatic life, and a change to the standard could have public health and environmental implications. A public comment process must be conducted before a new standard is implemented and would allow the public to take part in an important discussion about recreational water safety. We look forward to engaging in the public review process.

³ *Operational Approaches*, p 3

⁴ Ministry of the Environment, Hazardous Contaminants and Standards Branch, *Scientific Criteria for Microbiological Standards for Recreational Water*, 1984.

⁵ *Environmental Bill of Rights, 1993*, SO 1993, c 28 ("*EBR*"), s 3

Yours truly,



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