



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

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Sharon Bailey
Director Ministry of the Environment
Land and Water Policy Branch
135 St. Clair Avenue West, 6th Floor
Toronto, ON
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via fax: 416-314-0461 (original to follow by regular mail)

Dear Ms Bailey,

Re: Lead in Drinking Water

EBR Registry # 010-0743: Measures to Reduce Lead in Drinking Water – Proposal to Amend the Drinking-Water Systems Regulation O. Reg. 170/03

The Canadian Environmental Law Association (CELA) has a long-standing interest in the issue of lead contamination and children's health. We have conducted law reform advocacy and public education on this issue for over twenty years.

As you will know, there are diverse sources of lead in children's environments, particularly indoors where children spend 80 to 90% of their time. While lead exposure has been controlled in gasoline and new paint, it remains a legacy chemical that requires ongoing vigilance about both historical and new exposure sources. This broader context is very important. It is essential to recognize that lead in drinking water is but one of several possible sources of lead exposure for children in Ontario.

Overall, CELA is very supportive of the comprehensive nature of the action plan announced on June 7th. The regulatory package provides a sound indication of the application of post-Walkerton legislative reforms to ensure drinking water safety. Similarly, the extension of the Municipal Drinking Water Licence Program to address the lead problem is appropriate and necessary.

We have reviewed the proposals in the action plan in light of the recommendations contained in the report of the Ontario Drinking Water Advisory Council (ODWAC) entitled, *Review of Drinking Water Corrosion Control Measures and Lead Reduction*.

The ODWAC review is of the Health Canada report on this matter, available on-line at: http://www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/consultation/corrosion/toc-tdm_e.html.

We note that Ontario's action plan includes many of the ODWAC recommendations. However, it stops short of including ODWAC's recommendation about working with the federal government to ban lead in solder and plumbing fixtures. This is an unfortunate omission since new sources of lead continue to arise in consumer products, an area where the federal government is failing to adequately regulate this highly toxic substance.

We also note that Ontario's proposed regulation varies from the ODWAC recommendations with respect to sampling of first flush water. We strongly support the recommendation for sampling of first flush water after a stagnation period of six hours. The ODWAC recommendation of applying a stagnation period of thirty minutes for the sake of "convenience" is not supported by the scientific literature as summarized in the Health Canada report on this matter (section 5.2.2, at: www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/consultation/corrosion/part2_2_e.html#5.2.2).

Ontario's action plan sets an important example for the entire country. In addition to new, unregulated lead sources in consumer products, the problem of lead service lines and old lead-bearing paint is relevant in the older areas of every community in Canada. Ontario's leadership on this issue, particularly with respect to increasing public awareness, can and should be extended to lead in all sources. A child's lead exposure is not partitioned according to regulatory jurisdiction over sources of lead. Neither should such partitioning occur within educational programs about avoiding lead exposure.

The Importance of Education and Awareness about Lead Exposure

For the regulatory proposals to be effective, we consider it essential that the Province ensure implementation of the entire package of regulatory and non-regulatory measures. In particular, the proposals regarding encouragement for public educational activities and providing assistance to low-income parents will be hollow unless their effective implementation is ensured over the long-term.

The timeframe for necessary awareness about lead exposure is not days or weeks but years and decades into the future. At least 25% of children in Canada live in homes that contain old lead-bearing paint. One in five children in Canada lives in poverty. Where conditions of poverty coincide with older housing, it can be difficult to prevent deterioration of paint, resulting in elevated levels of lead in house dust. Unfortunately, older homes with lead-bearing paint can often be the same homes with older water service lines made of lead.

The need for public awareness about flushing of water pipes has arisen in the news media periodically for over 25 years. Each time this issue surfaces, most people express surprise and dismay. It is new information rather than what it should be – common knowledge.

It will remain important for many years into the future that people know about the practice of flushing the first-draw water supply as well as other measures to reduce or

prevent lead exposure. A variety of educational and awareness activities is necessary to reach successive generations of parents and those with varied educational and first-language backgrounds, literacy levels, and socio-economic status. We wish to note particular support to the inclusion in Ontario's proposals to extend financial support for the purchase of water filters to low income households. Educational activities must ensure that eligible parents are aware of such programs. Equally, such programs must ensure necessary training/emphasis in the proper use of filters, ensuring they are regularly changed according to manufacturer directions, as well as ongoing ability to obtain funds to purchase filters on a regular basis.

The recommendations for educational and outreach programs are not specific as to those locations or service providers that should be involved in ensuring that parents are successfully reached with these messages. It would be appropriate to spell out in greater detail the need to involve experts in health promotion within local public health agencies as key players in ensuring the success of such programs. Therein, the outreach tools available can be expanded beyond the suggestion of inserts in utility bills to include prenatal programming, well-baby visits, etc. The proposals can be greatly strengthened by ensuring that the education and outreach activities envisioned in these recommendations occur in a sustained and comprehensive manner across the entire province. The objective should be to ensure that it becomes a routine aspect of the work of service providers who work with parents, prospective parents and young children, to know about lead exposure risks and their reduction/prevention.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in black ink, appearing to read 'Kathleen Cooper', with a stylized flourish at the end.

Kathleen Cooper
Senior Researcher

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