

## DECISION SUMMARY

**Issue:** Request a review of an existing Act and regulation, namely: *Safe Drinking Water Act, 2002* (SDWA), and Ontario Regulation 169/03 (Drinking Water Quality Standards)

### **Preliminary Review Decision**

I have considered your Application for Review (Application) to determine whether the public interest warrants a review of the matters raised in your Application, in accordance with section 67 of the EBR. I have determined that the public interest does not warrant a review of the matters raised in your application. I have summarized my rationale for making this determination below.

### **Background**

#### ***Summary of the Request***

You requested the province address the issue of lead in drinking water by taking the following actions:

- Making the Ontario drinking water quality standard for lead consistent with the Health Canada Guideline of 5 micrograms per litre ( $\mu\text{g/L}$ )
- Requiring the mapping of Lead Service Lines (LSLs) in Ontario
- Requiring the replacement of LSLs within 10 years
- Providing provincial grant programs for interim measures
- Supporting lead service line replacement initiatives, especially for low-income owners and tenants
- Collaborating with First Nations to identify and replace all lead service lines connections on-reserve by 2030.

#### ***Outcome of Preliminary Review***

Section 67 (1) of the EBR requires the Minister to consider applications for review in a preliminary way to determine whether the public interest warrants a review of matters raised in the Application. Section 67 (2) of the EBR lists factors that the Minister *may* consider when making this determination.

### **Summary of decision**

My determination was made in consideration of the following:

- Ontario has the most stringent provincial testing regime in Canada for testing lead in drinking water. Ontario's Lead Action Plan, in place since 2007, requires municipalities, school boards and owners of private schools and child care centres to test drinking water for lead and take corrective actions when lead is detected above the standard:

- Ontario Regulation 170/03, made under the Safe Drinking Water Act, creates robust sampling, testing, and reporting requirements for lead for drinking water systems regulated under the SDWA. Lead level exceedances above 10 µg/L trigger mandatory reporting and corrective action requirements and may be the subject of additional orders or other compliance and enforcement measures.
- Ontario Regulation 243/07, made under the SDWA, creates flushing, sampling, and testing requirements for schools and child care centres, and lead level exceedances above 10 µg/L trigger mandatory reporting and corrective action requirements, and may be the subject of additional orders or other compliance and enforcement measures.
- Ontario has made significant progress in reducing lead in drinking water.
  - Treated water from drinking water systems rarely exceeds the Ontario drinking water standard for lead.
  - Blood lead levels of Canadians have declined by over 70% in the past 40 years due to ongoing action to reduce lead exposure from all sources
  - Drinking water generally accounts for a small fraction of total lead exposure for most people.
  - Lead pipes were banned from use in new construction in 1975 and the Ontario Building Code has prohibited the use of more than 8% lead in solder and fittings since 1989. This was further refined in 2014 to require lead-free solder and fittings.
- Municipalities that identified high levels of lead in their communities were required to develop a lead reduction strategy per the requirements of Ontario Regulation 170/03.
  - Ontario works with the municipalities on the development of their lead reduction strategies and assesses whether the approved strategies are being implemented to help reduce levels of lead in drinking water.
  - 21 Ontario municipalities have implemented lead reduction strategies which are comprised of one or more tactics including chemical corrosion control, upgrades to a treatment plant, replacement of lead service lines, and public education to encourage homeowners to replace lead fixtures.
  - Other municipalities have proactively undertaken work to reduce lead in their communities.
- Ontario has given municipalities flexibility in how they address lead reduction in their communities. The cost to replace all lead services line will be significant and could take away from competing priorities such as critical infrastructure replacements and cybersecurity upgrades.
  - Municipalities that have implemented corrosion control have already invested significant funds into lead reduction.
- Considering existing monitoring and mitigation protocols, the removal of lead service lines and reducing the standard to 5 ug/L would not likely result in a noticeable health benefit to children or other Ontarians.
  - Impacts on health at these levels of exposure are subtle and may only be detected within a very large population.

- Requiring homeowners to replace their portion of the pipe would impose significant costs on homeowners and the cost may not be worth the minimal benefits.
  - Lead service line replacement is an expensive activity and can range from \$3,000-\$11,000 per service line, based on individual site conditions and the length of service line to be replaced, excluding costs of restoring landscaping and replacing trees, etc.
  - Service line replacement has been shown to be disruptive, impacting landscaping, requiring removal of mature trees, etc.

### ***Conclusion***

After careful consideration of the information available and the requirements of the EBR, the ministry has determined that the public interest does not warrant a review of matters raised in this Application for Review.