

Why We Need an Independent National Regulator for First Nations Drinking Water

In 2007 INAC devolved responsibility for water quality to Chief and Council in an unpublicized, unannounced change to First Nations funding agreements. While First Nations' Chiefs and Councils were given sole responsibility for the quality of drinking water, they were denied any voice or decision making powers regarding how their drinking water was produced. Indian and Northern Affairs Canada (INAC) still retained the power to decide on funding arrangements, what type of treatment and facility would be appropriate, who would be contracted to build, what kind of training operators would receive, and how quality of water would be measured.

Giving responsibility entirely to First Nations would be great IF they also had the power to make decisions in their best interests and IF their present water treatment systems were capable of producing truly safe drinking water. Unfortunately SDWF scientists estimate the greater majority of communities' water treatment systems are not capable of producing drinking water which meets all 56 health parameters of the Canadian drinking Water Quality guidelines. **Considering the recent release of federal government reports in 2005 and 2006 condemning INAC's slow progress in improving First Nations communities access to clean water, the 2007 shift in responsibility essentially passed INAC's and Health Canada's failures into the hands of First Nations communities with little to no warning!**

Because there is no federal or national regulation for the treatment of water on First Nations reserves, the federal agencies involved, INAC and Health Canada, "use funding arrangements with First Nations and administrative documents as the means to set and enforce requirements for water quality and safety." In a 2005 Report from the Auditor General, investigators found that "important elements covered in most provincial regulatory regimes are missing in the guidelines and funding arrangements.."

INAC representatives are not required to consult with any community members, nor are they required to consult with any scientific or technical professionals when deciding which treatment process or facility type would best suit the community's water needs. Building contractors may advocate using a sole type of facility for a wide range of locations because it is less costly to construct multiples of the same facility, but they do not appreciate the great costs this can incur with regards to human safety. Different regions have a variety of water compositions, which can greatly affect the effectiveness of certain treatment processes.

Current water guidelines specify 56 parameters for which water should be tested for, INAC and Health Canada commonly measure only 5, and out of the remaining untested 51, at least 40 can be potentially dangerous for humans. By allowing INAC and Health Canada to define their own parameters and report on their own progress, there is a considerable risk of these organizations manipulating data in order to favorably represent their work.

These gaps in reporting and responsibility are consistent throughout Canada, in reviews sent to Parliament, INAC continue to report an increase in the access to safe water, although no data or information is publicly available to support such claims. What won't be mentioned is that this increase only applies to those homes connected to piped systems and excludes all those using non piped systems or individual wells, often decided and funded by INAC!

The 2005 report also found that Health Canada “has no statutory or regulatory based enforcement or inspection powers for water quality on reserves. ...department staff are not legally empowered to ensure that all the required tests are carried out” It is unrealistic to expect agencies to provide clear unbiased evaluations of service. This is especially compounded when internal funding and external standing in the political arena depends on the favorable nature of such evaluations. What this does give rise to is the manipulation of statistics and findings to favorably represent a situation which is at best abysmal.

What is glaringly obvious is the desperate need for national regulations to be enforced and reviewed by an independent agent with no reason to manipulate or mislead, and whose only charge is to ensure the consistent delivery of safe drinking water to all First Nation communities. The current system of checks and balances provides no incentives for INAC or Health Canada to make meaningful improvements to First Nations communities’ water as a majority of INAC spending goes to non First Nations participants in the water treatment processes. **The history of First Nations drinking water makes it obvious that large amounts of money are ineffective for implementing change without investing in improved technologies and effective water treatment systems to produce a water quality which meets or exceeds the most stringent of all International Regulations**

The Safe Drinking Water Foundation believes we need an independent national regulator to guarantee safe drinking water for all First Nation people. SDWF is working hard to make this a reality. We would like to hear your concerns and suggestions, you are welcome to send information to us anonymously and we guarantee we will respect your privacy. If you’re interested, please return the attached survey and a member of SDWF’s Advanced Aboriginal Water Treatment Team will be happy to call you.

This article includes information from two government reports; Office of the Auditor General. 2005. Report of the Commissioner of the Environment and Sustainable Development, Section 5.25 and the Report of the Expert Panel on Safe Drinking Water for First Nations, Vol. 1. If you’re interested in the facts and figures in this article, you can find references and more information on our website www.safewater.org under “Policy”.