



*A Review of the Engagement Sessions
for the*
**Federal Action Plan on
Safe Drinking Water
for First Nations**

Position Statement

April 14, 2009



Saddle Lake Alberta, picture courtesy of the Safe Drinking Water Foundation
I've never seen a water supply in such poor shape! The lake is covered with bluegreens, which make mats in nearshore areas. Yet this is a drinking water supply for several thousand First Nations people! This is a story that city people need to hear and see. They cannot imagine that we have water problems of this magnitude in Alberta.

-- Dr. David Schindler

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Executive Summary

Safe drinking water is an urgent issue for First Nations. The Safe Drinking Water Foundation (SDWF)'s Advanced Aboriginal Water Treatment Team (AAWTT) conducted a review of the recent federal engagement sessions and concludes that Indian and Northern Affairs Canada (INAC) has not been meeting its obligations to provide safe drinking water.

INAC paid for the Expert Panel assessment of First Nations Drinking Water in 2006¹, and then announced that it would hold two-day **consultation sessions** to obtain input from First Nations on the *Federal Action Plan on Safe Drinking Water for First Nations*. Eventually, in 2009, INAC invited First Nations to participate in single-day **engagement sessions**. These invitations were problematic because First Nations communities did not receive adequate notice to attend, and the timing of the sessions overlapped with critical annual budgeting events², which prevented many leaders from attending. The facilitators provided misleading or incomplete information to participants, and government voices tended to dominate the conversations, advocating for a particular goal: having water quality on reserves be subject to variations of less strict provincial guidelines³ instead of the *Guidelines for Canadian Drinking Water Quality*, thereby abdicating its fiduciary responsibility and liability for First Nations drinking water quality.

In the spring of 2007, the federal government transferred responsibility and liability for drinking water to the Chief and Council of each First Nation by changing the small print of contribution agreements. Each community is required to sign and accept the contribution agreement before funds for any service can flow from INAC to the community for that fiscal year. A few bands that tried to refuse signing the agreements had funds withheld for housing, education, health services, or for water projects; these bands eventually signed the contribution agreements. Today, many First Nation leaders remain unaware of this change. Some communities have successfully rejected it, however, by way of Band Council Resolutions (BCRs).⁴ These BCRs have reversed the onus for responsibility and liability for water quality back to INAC by stating that they reject such responsibility until their respective communities have water treatment systems

¹ Expert panel report can be found at: www.safewater.org/policy/first-nations-drinking-water-report-library.html

² Annual financial budget submissions (requests for funding) are due in March.

³ The term '**guideline**' refers to maximum desirable amount of a substance or compound per volume unit of water. Guidelines are not legally enforceable. Once guidelines are enshrined in law, then they are legally enforceable and become drinking water '**standards**'. While provinces may refer to water quality *regulations*, unless these are legally enforceable and acted upon, they remain the equivalent of *guidelines*. As the SDWF is not aware of any province legally enforcing regulations, to eliminate confusion, all reference in this paper is to 'provincial guidelines'.

⁴ For examples, see www.safewater.org/PDFS/Policy/BCRs.pdf

that are capable of consistently producing safe drinking water that meets all parameters of the *Guidelines for Canadian Drinking Water Quality*.

The SDWF's AAWTT feels that Chiefs should further reinforce existing Assembly of First Nations (AFN) Resolutions and Initiatives by declaring at a national level that:

1. Responsibility and liability for providing safe drinking water should be passed back to INAC until such a time as communities have water treatment plants that can, at a minimum, consistently meet all 56 health parameters of the *Guidelines for Canadian Drinking Water Quality*, but preferably meet or exceed European Union (EU) or United States (U.S.) Regulations. A time frame should be given to INAC to comply with this standard (perhaps two years).
2. All First Nations people living on reserves have a right to safe drinking water, whether in wells, cisterns or distribution lines, and this responsibility must also be carried by INAC and accomplished within the same time frame.
3. In keeping with AFN resolutions, an independent First Nation Water Commission should be established and should include water keepers to act as protectors or guardians of First Nations water quality. These guardians must have the authority to actively participate in all First Nation project meetings with INAC and/or Health Canada (HC) and to hold INAC and HC accountable for acting in the best interests of the First Nations people.

Introduction

Following the *Report of the Expert Panel on Safe Drinking Water for First Nations* in 2006,⁵ the federal department of Indian and Northern Affairs Canada (INAC) announced that it would be holding two-day **consultation sessions** across the country in order to obtain input from First Nation leaders for the proposed development of a *Federal Action Plan on Safe Drinking Water for First Nations*. Throughout 2007, month after month, INAC insisted that sessions would take place during the following month, citing a potential upcoming election as the reason for the delay. In January 2009, after years of having promised opportunities for Aboriginal input, INAC released information on single-day **engagement sessions** and published a discussion paper entitled, *Engagement Sessions on the Development of a Proposed Legislative Framework for Drinking Water and Wastewater in First Nation Communities*.⁶

The session coordinators repeatedly referred to millions of dollars being spent on First Nation drinking water. The SDWF is concerned that too many communities are like Driftpile First Nation in Alberta, where INAC has spent over \$7 million on a water treatment plant since 2006, and still the community of less than 900 people encounter treatment process problems daily which make it very difficult for their water keepers to produce quality water. In the view of SDWF, INAC announcements of millions of dollars in expenditures do not necessarily result in First Nations having safe drinking water.

The SDWF's AAWTT feels that INAC's engagement sessions and attempts to deal with First Nations drinking water quality are utterly inadequate, do not offer opportunity for meaningful consultation, diminish First Nation Treaty Rights, and attempt to absolve INAC of its fiduciary responsibility. The SDWF's position in this respect will be explained below.

AAWTT Position on Federal Engagement Sessions

- **Participant expectations not met**

The SDWF estimates that over \$1 million has been spent on engagement sessions alone.

Those who were able to attend the engagement sessions expected:

- a. That they could contribute to the development of the *Federal Action Plan on Safe Drinking Water for First Nations*; and,
- b. That they would receive accurate and complete information in order to make well-founded decisions.

⁵ Volume 1 can be found at: www.safewater.org/PDFS/reportlibrary/P3_EP_2006_V1.pdf, and Volume 2 is available at: www.safewater.org/PDFS/reportlibrary/P4_EP_2006_V2.pdf.

⁶ This document is available online at: www.ainc-inac.gc.ca/enr/wtr/h2o/dsp/index-eng.asp.

It is the opinion of the SDWF's AAWTT that these participant expectations were not met, and that the sessions were simply a means to 'sell' the concept of provincial guidelines⁷. Rather than seeking professional advice and listening to what First Nations persons had to say, the coordinators of the so-called 'engagement sessions' completely ignored First Nations' basic human right to safe drinking water and, in so doing, failed to respect the inherent rights of all First Nations to the spiritual connections that the First peoples of Great Turtle Island have always shared with Canada's waters.

The SDWF's AAWTT believes that under the present *Protocol for First Nation Drinking Water*,⁸ designated Water Treatment Operators are potential scapegoats for any community that may experience serious problems, even though the Water Treatment Operator has little ability to control or influence the quality of drinking water that is produced. In fact, SDWF scientists estimate that the majority of Water Treatment Operators are doing excellent work with systems that cannot possibly produce truly safe drinking water.

1. The problem of downloading responsibility and, more importantly, liability for drinking water from the federal government to First Nation community leaders.

After failing to pass on responsibility and liability to all communities through contribution agreements in 2007, INAC is now advocating that First Nations drinking water quality fall under the jurisdiction of provincial water quality guidelines, which are, in most provinces, less stringent than the federal guidelines. This change would potentially weaken the collective bargaining and national treaty rights of the First Nation people.

2. Few First Nation voices were heard at the engagement sessions, but enough were present that INAC is able to claim they were 'engaged'.

Many First Nations in Manitoba, Saskatchewan and Alberta did not receive their engagement session invitation packages in sufficient time for people to attend the sessions. For example, George Gordon First Nation received its package on January 25th at noon when the engagement session was taking place the following day in Saskatoon, three hours away.

When the Saskatoon engagement session began, approximately 25% of the participants were from federal or provincial government departments; the SDWF believes that this ratio of representation was not in the best interests of First Nation leaders.

Due to the short notice given for the sessions, many participants had to leave throughout the day, and by 1:00 p.m. the percentage of government participants increased to an estimated

⁷ The term '**guideline**' refers to maximum desirable amount of a substance or compound per volume unit of water. Guidelines are not legally enforceable. Once guidelines are enshrined in law, then they are legally enforceable and become drinking water '**standards**'. While provinces may refer to water quality *regulations*, unless these are legally enforceable and acted upon, they remain the equivalent of *guidelines*. As the SDWF is not aware of any province having the means to legally enforce so-called regulations, all reference in this paper is to 'provincial guidelines'.

⁸ This document is available online at: <http://www.ainc-inac.gc.ca/enr/wtr/pubs/sdw/sdw-eng.asp>.

40%. Moreover, these civil servants from INAC, Health Canada, Environment Canada, the Federal Department of Justice, the provincial Ministry of the Environment, etc., often spoke *on behalf of* the First Nation groups into which they were divided. In fact, at the final group presentation in Saskatoon, a Health Canada representative stood up and joked: “Everyone has left my table so I can say whatever I want.” She was *not* First Nations, her comments did *not* reflect the interests of any First Nation, and her statement was *not* funny.

3. Civil servants dominated conversations in each discussion group, offered incomplete and inaccurate information, and failed to relay First Nations’ concerns to the larger audience. INAC’s official report omitted all of this.

The idea of consultation is to ask for professional advice, presumably with the intent to consider it in subsequent decision processes.⁹ Had the government representatives present been able to offer accurate professional advice on First Nations drinking water quality, their attendance might have been justified. In one group, however, an Environmental Health Officer was asked what tests he conducted on community water quality in his jurisdiction. “Lots of tests,” he replied. When asked for specific details, he admitted, “I don’t know”. This exchange was omitted from the INAC official report.¹⁰ Only points discussed by the larger group were mentioned in the INAC report. The inaccurate answers and incorrect information were not documented, nor were many of the issues raised at the small group level.

4. There is a jurisdictional quagmire: Neither INAC or HC appears to share data or be capable of determining the efficiency of water treatment systems. In addition to this problem, both HC and INAC are responsible to self-regulate the guidelines they select.

INAC has full financial control over how and to whom money is allocated, what projects and proposals are approved, and which communities are deemed to be high vs. low risk. Despite this control, INAC is only responsible for *distributed* drinking water on reserves – *not* for cisterns or wells — and is only required to test source waters. HC (HC) is responsible for the quality of all drinking water on reserves, and tests only treated waters. INAC and HC do not appear to share data for source and treated waters and, as such, are unable to make sound decisions on effective treatment processes, though INAC has a fiduciary responsibility to provide safe drinking water to First Nations.

⁹ According to the *Oxford Pocket Dictionary of Current English*. (2009), Retrieved March 24, 2009 from: www.encyclopedia.com/doc/1O999-consult.html **con·sult** / kən'səlt/ • v. [tr.] seek information or advice from (someone with expertise in a particular area): *you should consult a financial advisor*. ■ have discussions or confer with (someone), typically before undertaking a course of action: *patients are entitled to be consulted about their treatment* | [intr.] *they've got to consult with their board of directors*. ■ refer for information to (a book, watch, etc.) in order to ascertain something.

¹⁰ The INAC official report, *Engagement Session on the Development of a Proposed Federal Legislative Framework for Drinking Water and Wastewater in First Nation Communities: Summary Report – Saskatchewan Region*, is available online at: www.safewater.org/PDFS/reportlibrary/Engagementsessionondevtproposedfedlegframewkdwandwwfn.pdf

Currently, Canada does not have legally enforceable federal regulations for water quality. INAC and HC are both self-regulated departments, and are therefore in a conflict of interest situation when it comes to protecting the people they are meant to serve. As a result, neither INAC nor HC are able to present open and unbiased information to participants at engagement sessions.

According to the hundreds of First Nation communities that have sought help and advice from the SDWF, INAC has not allowed First Nation leaders an opportunity to influence decisions about allocations of funds. Were INAC to allow First Nation leaders to have this input, however, SDWF is not aware of any First Nation leaders who have the technical expertise, resources, or information required to make good decisions, nor the funding to hire a professional to act in their best interests. Just recently, the Saddle Lake Cree Nation was given INAC's permission to hire an engineer to represent the community's best interests and to oversee all engineering contracts for its water treatment project; to the best of SDWF knowledge, this is the first instance of such an arrangement.

Typically, engineers' proposals for water treatment projects make no mention of the quality of water they can produce, and merely reflect on previous conventional systems they have built – systems that have often not been capable of producing safe drinking water. Engineers retained by INAC have not been required to guarantee that the water treatment plants they construct will meet the *Guidelines for Canadian Drinking Water Quality*. Many treatment plants, though brand new, have no hope of ever meeting these guidelines. In fact, INAC is presently assigning contracts to engineers when SDWF scientists have fully explained to both INAC and the engineers that the system they are building cannot possibly produce safe drinking water. Notwithstanding any qualitative deficiencies in the end product, INAC's only criteria for building a water treatment system in Saskatchewan is still an 'engineering stamp'. To the best of SDWF's knowledge, and in discussion with the Ontario Society of Professional Engineers, engineers have also not been given the opportunity to advise INAC on the most effective systems for different source waters, as INAC is only interested in requesting bids for, and purchasing, specific conventional water treatment systems that are chosen based on the cheapest bid.

Moreover, HC only routinely tests for five out of 56 health parameters (free and total chlorine, nitrates, e-coli and coliforms) outlined in the *Guidelines for Canadian Drinking Water Quality*¹¹, essentially only using approximately ten percent of the guidelines as criteria for determining the effectiveness of water treatment plants. Ironically, only chlorine is required to maintain levels of these enumerated compounds within the guidelines (except for nitrates), not a water treatment plant. Health Canada has not adequately monitored treated water to determine whether it is safe, high-risk, medium-risk or low-risk. International scientists, including drinking water quality expert Dr. Hans Peterson and microbiologist Dr. Colin Fricker,¹² believe that the

¹¹ Health Canada routinely tests for nitrates, e-coli, total coliforms, free & total chlorine, 5/56 parameters

¹² Dr. Fricker's biography is available on SDWF's website at: http://www.safewater.org/board-of-directors-bios#colin_fricker, article published in Canadian Water Treatment national magazine, [A Framework for Safe Drinking Water: Using science over politics in the search for safe water solutions](http://www.safewater.org/PDFS/waternewsmagazines/cwtnovdecframeworkforsafedinkingwater.pdf), can be found at: <http://www.safewater.org/PDFS/waternewsmagazines/cwtnovdecframeworkforsafedinkingwater.pdf>

majority of First Nation communities' drinking water systems are unable to meet all parameters of the *Guidelines for Canadian Drinking Water Quality*¹³ and should therefore be categorized as 'high risk'. In 2004, at the SDWF international conference, *The Future of Water Quality*, Dr. Fricker clearly stated, "the monitoring you have to do for regulatory compliance does nothing to protect human health".¹⁴

- **Inaccurate and Incomplete Information**

During the Saskatoon engagement session, we witnessed the dissemination of incorrect and incomplete information and noticed that some First Nation participants' comments, if not in line with the status quo, were not relayed to the larger group by the civil servants. Some examples of these instances are listed below.

First Nations participants' comments not shared with the rest of the group:

► **Question:** "Why is this being coordinated by INAC and not by AFN, when AFN is our elected Grand Chief and can lead us to determine what we want?" (Question not relayed to the larger group).

Incorrect information provided in response to First Nations participants' questions:

► **Question:** "What if a community was to reject the responsibility and liability for their drinking water, returning these responsibilities to INAC?"

Answer: (from INAC) "That has never happened; interesting idea."

When a SDWF representative tried to interject and correct INAC's answer, to inform the group that "this *has* happened; communities have done so very successfully by passing Band Council Resolutions (BCRs)," an INAC representative responded: "Be quiet, I can answer for INAC; you are only here to observe. You are not Aboriginal. It is not for you to contribute to discussions."

► **Question:** "What would happen to our legal treaty rights¹⁵ if we accept provincial guidelines?"

Answer: (from INAC) "This will not affect your treaty rights at all." This position was reiterated many times by the representative from the Department of Justice, Paul Saiebi.

In contrast, professional legal advice received by SDWF suggests that accepting provincial guidelines will potentially dilute the treaty rights and fiduciary obligations owed to First Nations by the federal government.

¹³ These Guidelines are available online at: www.hc-sc.gc.ca/ewh-semt/water-eau/drink-potab/guide/index-eng.php.

¹⁴ Dr Fricker's presentation, *Is the Indicator Dead? Microbial Monitoring of Water Supplies* can be found online at: www.safewater.org/gallery/main.php?g2_view=core.DownloadItem&g2_itemId=993&g2_serialNumber=8.

¹⁵ For more information on the Treaty Rights issue, see www.safewater.org/PDFS/publications/UNHumanRightsCommissionSubmission.pdf

The Assembly of First Nations, in their Resolution #15 of 2007, identified the following concern:

Enacting legislation referencing provincial regulations related to water fails to recognize Aboriginal and Treaty rights in water management nor does it respect First Nations' jurisdiction to regulate water in First Nation territories.

► **Question:** "What will happen in communities where we share a water treatment plant with a rural community if we don't accept provincial guidelines?"

Answer: (from INAC) "That will be difficult, as the rural community won't be able to make a higher quality of water for the First Nation." While this answer may be technically correct, the SDWF has yet to find a rural community that would not prefer to have a higher standard of drinking water meeting the Canadian guidelines compared to the more lax¹⁶ provincial guidelines. Desired quality of life for both rural and Aboriginal Canadians in obtaining better drinking water suggests why many First Nation people refer to rural Canadians as "Tomorrow's Indians." The latter individuals often come to the First Nation communities (Yellow Quill, Pasqua, George Gordon, Saddle Lake) to pick up the superior drinking water that is not available in their own communities. This highlights the need for legally-enforceable *national* drinking water *regulations* to benefit all Canadians equally.¹⁷

SDWF believes that rural communities will be quick to implement similar systems in order to obtain the best possible drinking water for their people. This phenomenon is already happening in rural communities surrounding the First Nation communities that now enjoy truly safe drinking water. Why would anyone accept inferior quality water when better quality water is available?

Throughout the Saskatoon session, repeated reference was made to the Expert Panel, although the Expert Panel did not recommend that First Nations be subject to provincial drinking water standards. In fact, Expert Panel Report (Volume 1) clearly states:

Provincial standards are not uniform across the country, and the existing regimes are at seriously different stages of completeness, quality and modernity, as they are mostly the products of historic accretion rather than systemic design.¹⁸

¹⁶ To clarify SDWF's interpretation of, or reference to the term 'lax', we use the word based on three observations: 1.) Even if provinces have created regulations as opposed to guidelines, we have not witnessed them being enforced. 2.) Effective regulation requires an independent regulatory body, such as a First Nation Commission. This does not currently exist. 3.) Certain compounds may be regulated, but may still allow higher levels in that province than under federal guidelines, thereby making the provincial guidelines less strict.

¹⁷ The current *Guidelines for Canadian Drinking Water Quality* are merely suggested standards for water quality that are not regulated, as opposed to regulations which are legally enforceable. Standards are the level or ratio of any compound documented in guidelines and/or regulations.

¹⁸ See note 2 at Volume 1, page 55.

Repeatedly, we heard from INAC that results will take time, that the solution will be a ‘made in Saskatchewan’ system, and that in five or ten years’ time, First Nations will have the ability to establish their own guidelines. We believe that, by failing to confront the existing real and substantial problems, the federal government is not practicing due diligence.

It is not fiscally responsible for each province to spend tax dollars and waste critical time tweaking existing provincial guidelines (for, in some cases, an estimated population of less than 80,000 on-reserve residents) when those funds could be allocated to the implementation of legally enforceable national water quality regulations for all First Nations (an estimated population of over one million). These same standards would ultimately apply to all Canadians.

It is not morally responsible to expect that Canada’s First Nation people— who presently have a right to water quality that meets or exceeds national guidelines — should accept a lesser water quality based on provincial guidelines. While some provinces have water quality standards comparable to the national drinking water guidelines, others, like Saskatchewan, have some of the weakest water quality guidelines of any developed country. Even in Ontario, a province that has enshrined sound water quality regulations, the SDWF is not clear on how or if these regulations are enforced. The different provincial guidelines are simply a patchwork that represents what is politically acceptable in different provinces.

For example, Saskatchewan’s water quality guidelines allow three times more salt than the national guidelines. The acceptable level of Total Dissolved Solids (TDS) in Saskatchewan is 1,500 mg/L, whereas in other provinces and, indeed, in the rest of the developed world it is 500 mg/L (the same as the Canadian Guidelines). The arsenic guideline in Saskatchewan is 0.025 mg/L, while the Canadian Guideline is 0.010 and Health Canada wanted it set to 0.005 mg/L, but several provinces objected. More than ten years ago the level of trihalomethanes (potentially carcinogenic compounds formed during chlorination) were dropped in the federal water quality guidelines from 0.350 mg/L to 0.100 mg/L . Health Canada had proposed a drop to 0.050 mg/L but as once again several provinces complained 0.100 mg/L became the agreed guideline. Indeed, from a chemical point of view, Saskatchewan’s municipalities have some of the poorest quality of distributed drinking water both in Canada and internationally. In addition, the North Battleford Inquiry highlighted where water that met the Saskatchewan and Canadian limited water quality guidelines caused the cryptosporidiosis outbreak, reaffirming the need for EU or U.S. regulations. Adopting Saskatchewan’s Drinking Water Quality Guidelines would mean that INAC would implement water treatment processes that simply are not as effective as others. Unfortunately, this is exactly what INAC is doing in Saskatchewan right now. This reality is especially disconcerting as INAC Saskatchewan is the undisputed leader in water treatment among other provincial INAC agencies. INAC Saskatchewan has been the only provincial body to step outside of traditional INAC discourse by encouraging the application of international technologies to improve drinking water in a number of First Nation communities.

An INAC representative repeatedly stated during the Saskatoon engagement session that First Nation source waters are too difficult to treat in some provinces and therefore cannot produce

a quality of drinking water that can meet higher standards, however, this is not true. Some First Nation communities in Saskatchewan have the most challenging source waters found anywhere in the world, and yet have systems that provide a level of drinking water quality that not only meets Saskatchewan's lax guidelines, but exceeds Canadian and World Health Organization (WHO) guidelines and the more stringent U.S. and EU water quality regulations. In fact, the technology developed at Yellow Quill First Nation in Saskatchewan has now also been implemented by Pasqua and George Gordon First Nations, is in the process of being implemented in other communities, and is now being sought by countries as far away as India and China¹⁹ (home to many poor quality raw water sources that defy conventional treatment).

Government departments, academics, researchers, and community leaders alike have approached SDWF for advice on water problems worldwide, including India and China. The government of India is shutting down water treatment plants because of inadequate disinfection results, yet, while many communities in Canada cannot properly disinfect their water, without regulations and without proper implementation of the full *Guidelines for Canadian Drinking Water Quality*, the Canadian situation is *perceived* to be fine. Our domestic response contrasts sharply with that of the government in India, where it has been admitted that more than 200,000 water treatment plants fail to produce safe drinking water.

SDWF brought to the attention of all participants and session coordinators in Saskatoon that INAC is currently awarding engineering contracts, in Saskatchewan and elsewhere in Canada, for commitments to build systems that both INAC and the engineers know cannot possibly produce drinking water that will meet the *Guidelines for Canadian Drinking Water Quality* from the source waters in question. No-one from INAC or HC disputed this fact!

¹⁹ An example of a letter demonstrating Chinese support for technologies that have been successfully used in Canada can be found online at: www.safewater.org/PDFS/aboutus/Dongbinsupportletterfeb09.pdf.

Conclusion

First Nation communities must demand that INAC fulfill its fiduciary responsibility and, at a minimum, all First Nation water treatment plants must meet current *Guidelines for Canadian Drinking Water Quality*.

AAWTT Solution:

The SDWF's AAWTT feels that Chiefs should further reinforce existing Assembly of First Nation Resolutions²⁰ and Initiatives by declaring at a national level that:

1. Responsibility and liability for providing safe drinking water should be passed back to INAC until such a time as communities have water treatment plants that can, at a minimum, consistently meet all 56 health parameters of the *Guidelines for Canadian Drinking Water Quality*, but preferably meet or exceed EU or U.S. Regulations. A time frame should be given to INAC to comply with this standard (perhaps two years).
2. All First Nations people living on reserves have a right to safe drinking water, whether in wells, cisterns, or distribution lines, and this responsibility must also be carried by INAC and accomplished within the same time frame.
3. In keeping with AFN resolutions, an independent First Nation Water Commission should be established and should include water keepers to act as protectors or guardians of First Nations water quality. These guardians must have the authority to actively participate in all First Nation project meetings with INAC and/or HC and to hold INAC and HC accountable for acting in the best interests of the First Nations people.

The provincial plan being advanced at the engagement sessions will give First Nations more lax water quality guidelines than they presently have, be cost-prohibitive, dilute First Nation Treaty rights, and delay system improvements, with one INAC employee estimating that it will take up to ten years just to implement the more lax provincial guidelines.

The SDWF AAWTT's solution will give First Nations *National Drinking Water Quality Regulations*, an independent body to enforce them, and truly safe drinking water within two years. Communities with poor quality water should have a mechanism to hold the government departments responsible for their water quality accountable.

The AAWTT is eager to endorse the highest possible standards of drinking water for all First Nation communities. We have the knowledge to lead First Nations to achieve this objective in the shortest possible time. It is imperative that First Nation Chiefs, councilors, community

²⁰ Relevant resolutions are included in this document at pages 17, 18, and 19.

members and Water Treatment Operators all commit to making this objective a priority and stand united to achieve safe drinking water. It is also imperative that politicians all work together to ensure that due diligence is applied to protect public health in the best interests of all Canadians.

The SDWF has great concern for the large numbers of First Nation communities that it feels should be on Boil Water Advisories if their waters were accurately analyzed and monitored. We are working diligently to make relevant presentations available via Webinars to educate all Canadians regarding how to determine if drinking water is truly safe, how to monitor source and treated waters to determine effectiveness of treatment systems, how to ensure due diligence at all levels, and how to demand accountability when awarding contracts.²¹

The SDWF has launched a Howard Cardinal Memorial Fellowship in honour of the founding member of the AAWTT, and the AAWTT is leading the development of a *Community Framework for Safe Drinking Water*, which can point all Canadians to the goal of safe drinking water. Until that framework is available, however, Chiefs must take a stand and make our peoples' rights to safe drinking water an immediate reality. Safe drinking water is recognized as a basic human right by the United Nations (UN), even if Canada is the only country on the Human Rights Council to oppose the right to water.

Millions of dollars have been spent on countless reports over the past five years, none of which have recommended a move toward the adoption of provincial guidelines. Many of these reports are available on the SDWF website, www.safewater.org under *Policy – Reports*.



Handwritten signatures of Howard Cardinal, Louis Delor, Thomas Missens, and Robert Pratt are displayed. Below the signatures, the text reads: "Member in spirit, gone but never forgotten."

²¹ For more information about webinars, contact: info@safewater.org

Supporters

We are very pleased that the following individuals and organizations have indicated their support for SDWF's position:



Handwritten signature of Maude Barlow in black ink.

Maude Barlow, Senior Advisor on Water to the President of the United Nations Assembly and Chairperson of Council of Canadians. 613-233-2773 or mbarlow8965@rogers.com



Handwritten signature of Hassan Yussuff in black ink.

Hassan Yussuff, Secretary Treasurer Canadian Labour Congress, contact Karl Flecker, National Director Anti - Racism and Human Rights Dept. 613.526.7406 or kflecker@clc-ctc.ca



Handwritten signature of Tom Goldtooth in black ink.

Tom Goldtooth, Executive Director, Indigenous Environmental Network USA, 218-751-4967 or ien@igc.org



Handwritten signature of Tony Clarke in blue ink.

Tony Clarke is the Executive Director of the Polaris Institute, which works on water justice issues in Canada and internationally, Phone: 613.237.1717 or tclarke@polarisinstitute.org



Handwritten signature of Celeste Côté in black ink.

Celeste Côté, National Water Campaigner, Sierra Club Canada, 613-241-4611 ext. 233

Additional SDWF Resources

The following reports are available on the SDWF website www.safewater.org in the Report Library under the Policy section.²²

Main Reports

- Office of the Auditor General (2005) *Report of the Commissioner of the Environment and Sustainable Development to the House of Commons*, Chapter 5: Drinking Water in First Nations Communities.
- Swain, Harry, Stan Louttit and Steve Hrudehy (2006) *Report of the Expert Panel on Safe Drinking Water for First Nations*, Volume 1, published November 2006 under the authority of the Minister of Indian Affairs and Northern Development.
- Swain, Harry, Stan Louttit and Steve Hrudehy (2006) *Report of the Expert Panel on Safe Drinking Water for First Nations*, Volume 2, published November 2006 under the authority of the Minister of Indian Affairs and Northern Development.
- Standing Senate Committee on Aboriginal Peoples (2007) *Safe Drinking Water for First Nations Communities*, final report published May 2007. Indian and Northern Affairs Canada (2007) *Summative Evaluation of the First Nations Drinking Water Strategy*, prepared by Audit and Evaluation Sector, INAC, and Departmental Performance Measurement and Evaluation Directorate, Health Canada.

Administrative Framework

- Health Canada (2007) *Procedure Manual for Safe Drinking Water in First Nations Communities South of 60°*, Revised in 2007.
- Indian and Northern Affairs Canada (2006) *Protocol for Safe Drinking Water in First Nations Communities*, updated March 21, 2006.
- Health Canada (1996) *Guidelines for Canadian Drinking Water Quality*, 6th edition. Guidelines for several chemical, physical and microbiological parameters are new or have been revised since the publication of the Sixth Edition of the Guidelines for Canadian Drinking Water Quality in 1996. These new and revised guidelines are presented in Table 1, which can be found at: http://www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/2010-sum_guide-res_recom/index-eng.php#a4

Additional Resources

- United Nations Environment Programme, Global Environment Monitoring System (GEMS)/Water Programme (2007) *Global Drinking Water Quality Index Development and Sensitivity Analysis Report*.
- Polaris Institute (2008) *Boiling Point!* Report prepared by the Polaris Institute in collaboration with the Assembly of First Nations and supported by the Canadian Labour Congress.

²² More specifically, here: www.safewater.org/policy/first-nations-drinking-water-report-library.html

- Standing Senate Committee on Aboriginal Peoples (2007) *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, [Issue 15 – May 2, 2007](#); [Issue 16 –May 15, 2007](#); [Issue 16 – May 16, 2007](#).
- Written submissions to the Expert Panel from various authors are also available at www.eps-sdw.gc.ca/inlv/sbms_e.asp, accessed July 07, 2008.

Recommended Reading

What is the Purpose of Drinking Water Quality Guidelines/Regulations?

www.safewater.org/PDFS/PurposeofDrinkingWaterQualityGuidelinesRegulations.pdf

A Framework for safe drinking water – using science over politics in the search for safe water solutions

www.safewater.org/PDFS/waternewsmagazines/cwtnovdecframeworkforsafedinkingwater.pdf

Boiling Point - Polaris Report

www.safewater.org/PDFS/reportlibrary/P31. Polaris_Institute - Boiling_Point.pdf



Safe drinking water is a basic human right recognized by the United Nations (UN). Canada is the only country on the Human Rights Council to oppose the right to water!