



ENGAGEMENT SESSION ON THE DEVELOPMENT OF
A PROPOSED FEDERAL LEGISLATIVE FRAMEWORK FOR
DRINKING WATER AND WASTEWATER IN
FIRST NATION COMMUNITIES

SUMMARY REPORT – BRITISH COLUMBIA REGION (VICTORIA)

**Prepared by Laura Mitchell and Laura Edgar
Institute On Governance
March 10, 2009**



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FIRST NATION COMMUNITIES**

Location: Victoria, British Columbia

Date: March 10, 2009

Opening Prayer & Introduction:

Participants were welcomed by the Elder Elmer George from Songhees First Nation. Elder George led the opening prayer.

Laura Edgar, facilitator, followed the opening prayer by introducing the session objectives, which were outline in the agenda. See Appendix 2 for a copy of the agenda.

Session Objectives

- To discuss with First Nations and regional First Nation organizations a proposed federal legislative framework for drinking water and wastewater in First Nation communities
- To better understand the possible impacts of developing federal regulations that are comparable to provincial or territorial regulatory regimes but are adapted to meet the needs of First Nation communities.
- To discuss and compare compliance options

Following the introduction of the objectives, she asked all participants to introduce themselves. For a full list of participants see Appendix 1.

Laura then turned the floor over to Karl Carisse from INAC.

Opening Remarks:

Karl Carisse, INAC, first thanked everyone for their attendance and the Elder for the opening prayer. He spoke about the overall goal of the day which was to listen and report back to the Minister regarding the views of the participants. Although the session was closed, anyone can send in submissions to the Minister by April 17th.

He then presented on the overall process, purpose and objectives for the Engagement Sessions, including the need for a ‘made in the British Columbia’ solution that addresses its particular needs and issues. In terms of context, the provision of safe drinking water and the effective treatment of wastewater are critical to ensuring the health and safety of

First Nations and the protection of source water on First Nations land. A legislative framework for water and wastewater in First Nation communities will help provide the same level of protection for water in First Nation communities as enjoyed by other Canadian communities. The sessions are being held to discuss the proposed legislative framework, the reports of which will be provided to the Minister. There is a regulatory gap that needs to be addressed.

Karl next described some previous non-legislative water initiatives and protocols, as well as some relevant studies. Non-legislative water initiatives have included the First Nations Water Management Strategy (2003), the Plan of Action for Drinking Water on Reserve (2008) and the First Nations Water and Wastewater Action Plan (2008). Current non-legislative protocols and guidelines include the *Protocol for Safe Drinking Water for First Nations Communities* and Health Canada's *Guidelines for Canadian Drinking Water Quality*.

In terms of studies, the Report of the Commissioner of the Environment and Sustainable Development (Office of the Auditor General, 2005) observed that First Nations drinking water regimes were operating under a 'regulatory gap' and that funding arrangements and administrative guidelines lacked important elements of a safe water management regime. The report recommended the development and implementation of a regulatory regime for drinking water on First Nations reserves comparable to those of provinces. Next, the Expert Panel on Safe Drinking Water for First Nations (2006) was established to examine options for a regulatory framework. The process included a series of public hearings across Canada and the Panel received written submissions from First Nations and other stakeholders. The Panel determined that there were three viable options for the establishment of a regulatory framework: (1) Parliament could enact a new statute referencing existing provincial regulatory regimes; (2) Parliament could enact uniform federal standards and requirements; or, (3) First Nations could develop a basis of customary law that could then be enacted in a new federal statute. Finally, the Senate Report on Safe Drinking Water for First Nations (2007) recommended: (1) a national assessment of water systems on reserve; and, (2) that Indian and Northern Affairs Canada undertake a comprehensive consultation process with First Nations regarding legislative options.

Karl next spoke to the need for a legislative framework. Currently there is no legislation governing drinking water in First Nations communities. While the *Protocol for Safe Drinking Water for First Nation Communities* sets out clear standards for the design, operation and maintenance of drinking water systems, there is no legislative base to ensure compliance. In terms of wastewater, Environment Canada has been consulting on a framework for new wastewater effluent regulations under the existing authority of the *Fisheries Act*. However, these regulations would not deal with important aspects of wastewater treatment such as the design and commissioning of plants or the certification of operators.

Karl then offered a brief overview of the process so far; in the spring and summer of 2008 INAC and Health Canada officials met with regional First Nation organizations,

and provincial and territorial organizations to share information. Following the positive feedback and participation at these meetings, engagement sessions with all First Nations, regional First Nation Organizations and provincial/territorial officials were scheduled for winter of 2009.

The presentation highlighted the purpose of these sessions. First, the sessions are to provide First Nations with an opportunity to discuss and provide comments on the federal government's proposed option of reproducing provincial/territorial regulations and adapting them, as required, to meet the needs of First Nations communities. This does not mean that jurisdiction would rest with the province. Rather, the idea is to draw and base legislation and regulations for First Nations on laws and regulations that currently exist in provinces and territories, adapted to meet the First Nations context.

Second, the sessions will allow the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians to receive input from First Nations, regional First Nation organizations and provincial/territorial officials on how best to address the regulatory gap. In addition, Regional Impact Analyses are being undertaken concurrently. These impact analyses will examine the implications of basing federal regulations on existing provincial/territorial regulations, suitably adapted for First Nation communities. Karl noted that the proposed legislation will be 'enabling' legislation; it will not have much detail, but will give authority to move forward with the development of regulations. Later, with regulations, there will be a lot more detail. Further engagement will be required at that time.

Participants in the Engagement Sessions will receive a report on their water engagement session, a wrap up report of all of the engagement sessions, the impact analysis developed for their region and a wrap up report of all of the impact analyses.

The presentation concluded with an outline of the proposed legislative and regulatory process. Karl reiterated the need to further engage with First Nation communities on the development of regulations, assuming that legislation is developed and passed by Parliament. The Engagement sessions will deal with access to safe drinking water, which is different from the Aboriginal and/or Treaty Rights to water. INAC recognizes that claims to Aboriginal and/or treaty rights to water may need to be addressed at a later date in a different forum.

Following the presentation, participants posed questions and made comments, leading to the following comments from participants and points of clarification from INAC officials.

Comments from participants:

General Comments

- Funding was raised as an issue by many in the group. Regulations would require great changes to systems, and these would be costly. Currently, First Nations systems do not have the financial capacity to implement these changes.

- Participants were concerned that the legislation would lead to a “one size fits all” approach within BC. This approach would not be practical considering the diversity of communities in BC, as well as size and geography consideration.
- Both the presentation delivered by INAC and copies of the provincial regulations were requested by participants.

Consultative Process and Regulations

- One participant asked questions about the process for making recommendations to the Minister, specifically regarding how the recommendations would be developed and if First Nations would have the opportunity to comment before the report goes to the Minister.
- One participant inquired about the absence of municipal representation at the meetings. A municipal presence would be especially important for those communities who already have agreements in place with municipalities.
- A member of the group asked for an example of how regulations would be written with respect to ground water or aquifers.
- The issue of chlorine in water treatment systems was raised by some participants. These participants were concerned that legislation would require that chlorine be used in systems, which was not acceptable to their communities.

Points of Clarification from Officials

Consultative Process and Regulations

- Generally communities have agreed that regulation is important and the current regulatory gap is an issue. However, the question of how regulations should be established is complicated. Currently, there is not always a sense of confidence in the safety of drinking water in communities. Regulations would hopefully help to change that.
- The Department will submit summaries of each session to the Minister, as well as an overall summary report. The department’s recommendations will not be fully considered and finalized until the final session has been held.
- Dealing with source water is not an easy task. It may require examining the design of treatment plants or operator training. In this case, it may be preferable to first look at what exists in the provincial regulations and then expand on those regulations. First Nation communities will likely choose to keep regulations that deal with technology and safety be consistent with those that exist in the province. However, regulations which deal with source water would be more adaptable and could incorporate traditional knowledge as well as other cultural aspects into the regulations.
- There is a recognized need to find a BC-specific solution. In today’s session the goal is to establish if there is support for developing a regulatory framework, without examining the detail that would be required in regulations. If the group reaches a consensus that the regulatory gaps should be filled, then communities and the government will move forward to create the legislation and consequently undertake further consultation on regulations to get a sense of what is appropriate for communities.

- By taking a provincial approach, the regulations can be tailored to deal with variances in BC. It is possible to develop regulations that would apply to communities based on size; there could be one set of regulations for smaller communities and separate regulations for larger communities. Some regulations will apply regardless of the size of the community. For example, any plant should have a certified operator.
- With respect to the issue of chlorination, legislation would not deal with details of that nature. The legislation would be enabling and would allow the government and First Nation communities to begin discussions about developing regulations. Most regulations do incorporate chlorination. Regulations are meant to protect health and safety. Any piped system would very likely require chlorine to promote health and safety.
- Invitations were sent to all First Nations for a technician and someone from leadership to attend the session. Tribal councils and regional technical groups were also invited. INAC invited the provinces to be a part of the sessions as well. INAC met with the provinces in May. The province could be involved with or contracted to help provide enforcement, training, analysis of system's capacity and support with shared water distribution systems and source water protection.

Enforcement, Funding and Capacity Building

- Once regulations have been established, it will be important to examine how the regulations will apply in communities and who will undertake enforcement. There are several enforcement options. The federal government could contract the province if all parties are willing; the province is already engaged in regulation off-reserve. Conversely, enforcement could be done by a federal body or a First Nations body. There is also the possibility of involving creating within the province staffed by First Nations people. Such an option could help build capacity in communities.
- Funding has been an issue that has been discussed at every session. INAC is aware that there is a need for increased funding in communities across Canada. The engineering assessment being undertaken will look at systems, measuring them against the *Protocol*. The assessment will also look at the resources that would be required to implement regulations similar to provincial regulations, should that be the preferred option endorsed by communities. The assessment will provide an estimate of what is needed for communities which will then be presented to the Minister and Cabinet to find and secure additional funding.
- The government is not implementing regulations so that communities will fail to be compliant. There will have to be a transition period as well as funding in place so that systems can meet any new regulations. Both the engineering assessments and the development of regulations will take time. Further, in discussions with provincial enforcement bodies, it is clear that provincial bodies do not issue many fines. The idea is to ensure that systems do not get to the point of fines or non-compliance because it also means that systems are at risk or are producing unsafe water. The department wants to work with communities and operators to ensure systems never get to that point.

- INAC has been using the Department of Fisheries and Oceans (DFO) 1976 effluent guidelines as the level of service standard in communities so changes required under any new DFO regulations should not be too dramatic. If the DFO regulations are passed, they will apply both on and off reserve.

Information

- Provincial regulations can be accessed from the provincial website. The website also lists contact people. The department can provide the contact list for provincial regulations as well.
- The INAC presentation will be available on the website. The site will also host the impact analysis contact information for each region. The contact in BC region is Ron Green.

Session One: Proposed Federal Legislation

Principal Discussion Questions:

- Will a regulatory regime for drinking water and wastewater, developed through federal legislation, improve the health and safety of First Nation residents and better protect the environment? If not, what is your preferred solution?
- Assuming federal legislation is adopted, should it contain the sixteen elements proposed by the Expert Panel?

The facilitator broke the participants up into groups to discuss the session’s questions. Highlights of the group presentation and the subsequent discussion follows:

Comments from Participants

General Comments

- All of the groups agreed that regulations were necessary to address the current gap for First Nations. However, there was no consensus about how best to address the gap. Many groups expressed concerns that the regulations would be “one size fits all” which would not work for British Columbia.
- The variation in the size and remoteness of communities came up multiple times. Operating standards and certification was something that participants felt would have to be adapted to address the differences in communities which range from very small communities in remote locations to larger communities very close to municipal systems.
- Participants raised concerns about the lack of time they had to prepare for the session. Many participants had only received the package a few days before the scheduled session. One participant asked that information be sent out to operators specifically.

- The water containers in band offices should also be tested and switched out on a regular basis. Over time these containers can also become contaminated and pose a risk to the community.

Capacity Building and Funding

- Operator certification was something that one group raised specifically. Certification was something that the groups felt was important, but there were concerns about how certification would be established. Because the needs will be so different in communities, the group was concerned about how one standard could reasonably apply to all communities. Retention of trained operators was also a point of discussion for participants, especially the resources necessary to pay operators comparable wages.
- Funding was raised as an issue. First Nation communities would have to agree to every element proposed with regulations and funding would have to be available for communities to make those regulations attainable before there would be support for the regulations.
- One group wanted more training from the circuit rider trainers.

Regulations

- Element 14 (third party audits) was discussed by one group. The group questioned who the third party would be and if that party would be in addition to the province.
- Some participants expressly stated that they would not endorse legislation or regulations that forced the use of chlorine in systems.
- Many wanted a plan in place to protect the source water before regulations were in place, as well as a clearer understanding of the regulation around procurement.

Compliance

- Compliance and appeals mechanisms would need to be well defined within the regulations. There would need to be increased clarity as to who could initiate the appeals process. Clearly defined roles and responsibilities factor heavily into an effective compliance program.

Consultative Process

- One group felt that if Chiefs had been in attendance they would have taken issue with the process. At an AFN meeting the Chiefs had passed a resolution that there should be full consultation and that all First Nations should be given the opportunity to examine all of the options proposed by the expert panel.
- The fact that only one session was held on Vancouver Island was a point of concern for participants. They felt that the Victoria session should have been held further north or there should have been other engagement sessions on the island. Either might have helped increase representation.

Points of Clarification from INAC Officials

- The government has had sessions where there has been good turn-out. The invitations went out in late January asking for attendance from a member of leadership and an operator from each community. Locations were decided by tribal councils and the AFN, who also helped to get the word out. The government understands that attendance at these sessions is not easy and that people are busy. This session is one step of many. The comments made at the session will be recorded and in the future the government will do all it can to get more people at the table to discuss regulations. If First Nations decide to move forward it will be in partnership. All of the information gathered at these BC sessions will be distributed to all BC First Nation communities, including the session report and the impact analysis summary report.
- INAC is not opposed to those attending today's session sharing information with their Chiefs and asking them to attend the session in Vancouver. However it would be important to talk to the organizers in Vancouver and ensure that there is space at the session.

Session Two: Developing Federal Regulations comparable to Provincial/Territorial Regulatory Regimes

Principal Discussion Questions:

- Assuming a transition period of several years, what are the pros and cons of basing federal regulations on provincial/territorial regulations, suitably adapted to meet First Nation needs?
- How should federal regulations be developed so that provincial standards are suitably adapted and the capacity needs of First Nations met?

Laura Edgar provided a brief presentation on the rationale for the preferred option as outlined in the Discussion Paper. Providing a similar legislative environment region by region:

- is fair
- Provides the opportunity for collaboration
 - Training opportunities
 - Hiring contractors
 - Sharing of systems
- Provides a common base to evaluate effectiveness
- Allows for a 'made in BC' solution

Laura also provided a brief overview of a typical legislative and regulatory process, which includes legislation being passed by Parliament, then the development of regulations (and often associated standards) and approval by Cabinet. Then other standards, policies and procedures are developed and implemented by the regulator.

One participant asked a question about how a decision could be made regarding provincial regulations when there was not a good understanding in the group of what the provincial regulations are? In response, the facilitator and Karl clarified that today was not about deciding what the regulations should be, but instead looking at how to go about establishing regulations (i.e. by looking at what exists in the provinces currently, by creating regulations within the community or by creating national standards).

Following this brief presentation, Laura broke the participants up into groups to discuss the preferred option and the process for moving forward. Below are the comments generated by participants.

Comments from Participants

The participants identified the following pros with respect to the legislation:

- Regulations could be tailor-made to suit BC communities,
- A national framework may be too onerous to establish, whereas provincial regulations are already in place,
- There are MTSA's which are productive and already in place, and
- Following provincial regulations would help reduce duplication of service.

The participants identified the following cons with respect to the legislation:

- Regulations are another way of telling First Nation people what to do,
- There is a need for funding and capacity building at the provincial level.

One group also discussed a national framework and the potential pros and cons associated with such an approach. A national framework would use the baseline information gathered during the assessments to accommodate nation-wide concerns. It could have a First Nation commission to enforce legislation and it would help ensure that the same standard applied in all communities since there is currently some discrepancy between provincial standards. When addressing cons for a national approach, participants felt that the approach could be time consuming. Additionally, many communities already have agreements within the province and legislation already exists in municipalities which could be complicated by a national approach.

When asked about the best process for developing regulations the group discussed the following:

- All of the groups felt the development of regulations should be done in collaboration with First Nation communities. The process should be flexible enough to reflect the needs of individual First Nations communities. Some groups felt that a neutral third party should be involved to help mediate the process.
- Engagement should happen in all communities. Participants expressed particular concern that communities in the Northern part of the island be engaged. Holding sessions in a place like Nanaimo would help get more participation. Another participant asked that someone be sent with the engineers who will be going out to every community for the impact analysis. The person sent with the engineers

could be tasked with meeting Chief and council to help facilitate aspects of the engagement. This would help ensure that every community participates in the process.

- Capacity building was identified as essential to help First Nation communities participate in the process.
- Technical people, from the communities, should be involved in developing regulations. Those same technical people should also be used to educate Chief and council throughout the process. Multiple participants expressed the need to impart Chief and council with an understanding of the regulatory process.
- One participant further elaborated on the process for engaging First Nations with respect to regulations. Once the legislation has been passed the department will go back out to communities to consult. What is critical is to make sure that there are adequate resources in the communities so that First Nations can engage with their people to help make decisions and get input. If it is possible, the department should go to every community and consult with them. If this is conducted province by province, this will be a big job.

Points of Clarification from INAC Officials

- The department is asking questions to get opinions from First Nations communities. If the feedback from these sessions is that engagement should occur by going out to each community that is the recommendation the department will put forward to the Minister. However, it is unlikely that the department has the resources to go out to each of the 633 communities in Canada. That said, the department will continue to engage by bringing people to meetings to consult. Unlike the Saskatchewan situation, there is no single body that represents all of the communities in BC. The use of tribal councils to act as representatives for all the communities in BC may be the best way to undertake this process.
- The national framework is an option if there is support for such an option. However, under national legislation the 200 communities in BC will constitute only one third of the First Nations in Canada and will only have one third of the voice. If the approach is tailored by province, each nation within a province will have a greater voice.
- The department is aware that if the legislation goes forward, funding may be required for economic and legal analysis. Funding will be provided to ensure systems can achieve compliance if regulations are put in place. For smaller communities the department is also aware of the need for funding to ensure communities can travel and participate in consultation.
- Regulations could take quite a few years. It is possible that it will be five or six years before every community in the country is under enforceable regulations.
- The question today is whether the department, in partnership with communities, should move forward with legislation. If the message from the Chiefs is “no”, that communities are satisfied with and are content to continue using the *Protocol* that message will be communicated through the session reports to the Minister. It is important that the department reflect back what is said here, with the understanding that implementation will take time. The department does not have the resource capacity to undertake such changes in every province at the same

time. What is likely is that implementation of legislation and consultation regarding regulations will be conducted in a few provinces at a time. However, capacity building can start in every province much more quickly.

Session 3: Compliance Options

Principal Discussion Question:

What are the principal compliance options under federal legislation and what is your preferred approach?

Laura Edgar began this session by outlining possible compliance options described in the Discussion Paper and the elements of a sound compliance program.

Compliance means conforming with legislation and regulations. For water, there are usually two regulatory agencies: an environment department and medical officers of health.

A sound compliance program consists of:

- Promotion activities (public awareness, technical assistance)
- Inspections
- A progressive series of enforcement responses
- Process for follow up
- Penalties
- Redress mechanisms

Options described in the Discussion Paper include:

1. An independent First Nation organization
2. Contracting with the province/territory (to include a possible First Nation unit)
3. Federal Government organization(s)
4. A combination of the above

Following a brief presentation on compliance options, the facilitator had the participants go over the discussion questions and proposed compliance options. Highlights of the discussion are summarized below.

Comments from Participants

- All of the groups felt that the First Nations regulatory body was a worthwhile option. One group felt that initially the province should undertake compliance, with the understanding that such a role would be transitioned to a First Nation organization as capacity increased within communities. Another group wanted regional water commissions, led by First Nations people but also incorporating representatives from Health Canada and INAC, to help carry out the enforcement. This group suggested as many as three commissions designated to Vancouver

Island. Regional organizations were favoured by the group as being better able to address regional needs.

- A First Nations body would require funding and time to be established. Compliance could not be achieved immediately and could take up to ten years. The variation in communities in terms of their size and capacity was also discussed by participants as a potential barrier to successful compliance.
- Compliance should be addressed carefully and patiently. Because so many systems require significant funding to achieve the proposed standards, enforcement may be counterproductive. Systems cannot be found non-compliant and be asked to change if they lack the resources to make those changes; compliance will require funding.
- One group raised questions about how monitoring and enforcement of individual wells owned by the home owner would work. There was also concern about how non-compliant systems would be addressed.
- There also needs to be commitment within First Nations communities to a long term plan for dealing with water systems. Operators and engineers need to demonstrate sustained commitment to a community but the funding also needs to be in place to ensure competitive salaries for these individuals.

Comments from INAC Officials

- INAC is currently looking at a policy for wells and septic systems which would hopefully help to clarify some of the issues around roles and responsibility as well as compliance for such systems. The department is also aware that some communities will reject chlorination if that is incorporated as a regulation.
- The engineering assessment will allow for baseline data to be collected. The assessment will establish how current systems are functioning in communities and the resources required to address the needs within systems should legislation be implemented. The department is aware of the infrastructure gap on reserve and the assessment should provide a fuller understanding of that gap.
- There is some funding available through First Nations Water and Wastewater Action Plan (FNWWAP) which can be used for capacity building. The engineering assessment should provide some concrete information about the capacity issues and will help to make a case for increased funding to be targeted for these issues.

Conclusions, Next Steps & Closing Prayer

Laura thanked everyone for their participation. She again highlighted the email sign-up sheet being circulated and encouraged all participants to sign it. The email list will be used to help circulated the session report.

Karl Carisse from INAC thanked everyone for participating and engaging. He highlighted the need for engagement to provide legitimacy to the process. The impact analysis will also contribute to the process. He indicated that if the current engagement process leads to legislation, then there will be further engagement related to regulations. In closing, he again thanked the Elder for opening the session.

Appendix 1: List of Participants

Name	Community/Organization
Elder Elmer George	Songhees FN
Tricia Thomas	Halalt FN
Terry Alfred	Namgis FN
Marian Atkinson	Campbell River Band
Emily Shirley	Ucluelet FN
Ray Reynolds	Tsawataiheuk (Kingcome)
Maryann Sam	Tsawout FN
Brian Kelly	WeWaiKai Nation
Irving Leblanc	AFN
Wayne Cook	Namgis FN
Aaron Hamilton	Hupacasath FN
Dale Peelu	Kwakiutl FN
Bob Swain	Gwa'sala-Nakwaxda'xw FN
Allan Tweedie	Quatsino FN
Davidson Dick	Pauquachin
Ken Gillis	HC
Garry Gee	INAC – BC
Geoff Kendell	INAC – BC
Karl Carisse	INAC – HQ
Susan Burgess	INAC – DLSU
Andria Sherstone	FNIHB – HC
David Smith	INAC – HQ
Jamie Lafontaine	FNIHB – HC
Peter Ward	Ron Green / INAC
Laura Edgar	IOG
Laura Mitchell	IOG

Appendix 2: Agenda

AGENDA

ENGAGEMENT SESSIONS ON THE DEVELOPMENT OF A PROPOSED FEDERAL LEGISLATIVE FRAMEWORK FOR DRINKING WATER AND WASTEWATER IN FIRST NATION COMMUNITIES

Session Objectives

- To discuss with First Nations and regional First Nation organizations a proposed federal legislative framework for drinking water and wastewater in First Nation communities.
- To better understand the possible impacts of basing federal regulations on provincial/territorial regulations, suitably modified to meet the needs of First Nation communities.
- To discuss and compare compliance options.

8:00 – 9:00	Registration & Continental Breakfast
9:00 – 9:15	Opening Prayer & Introductions <ul style="list-style-type: none">▪ meeting objectives & agenda - facilitator
9:15 – 10:15	Opening Remarks & Context <ul style="list-style-type: none">▪ Regional First Nation representative▪ Karl Carisse, INAC
10:15 – 10:30	<i>Health Break</i>
10:30 – 12:00	Session #1: Proposed Federal Legislation <ul style="list-style-type: none">▪ small group discussions & plenary
12:00 – 1:00	<i>Lunch</i>
1:00 – 2:30	Session #2: Basing Federal Regulations on Provincial/Territorial Regulations <ul style="list-style-type: none">▪ small group discussions & plenary
2:30 – 2:45	<i>Health Break</i>
2:45 – 4:15	Session #3: Compliance Options <ul style="list-style-type: none">▪ presentation & plenary
4:15 – 4:30	Conclusions, Next Steps & Closing Prayer

PRINCIPAL QUESTIONS FOR EACH SESSION

Session #1:

Proposed Federal Legislation

Will a regulatory regime for drinking water and wastewater, developed through federal legislation, improve the health and safety of First Nation residents and better protect the environment? If not, what is your preferred solution?

Are the elements in the Discussion Paper, as proposed by the Expert Panel, the appropriate ones to include in federal legislation?

Session #2:

Basing Federal Regulations on Provincial/Territorial Regulations, with modifications to meet the needs of First Nation communities

Assuming a transition period of several years, what are the pros and cons of basing federal regulations on provincial regulations, suitably modified, to meet the needs of First Nation communities?

How should federal regulations be developed so that provincial regulations are suitably modified and the capacity needs of First Nations met?

Session #3:

Compliance Options

What are the principal compliance options under federal legislation and what is your preferred approach (the Discussion Paper outlines several possible options)?