



March 25th 2009

Recommended action on Federal Engagements Sessions for First Nations Drinking Water

The Safe Drinking Water Foundation formed the Advanced Aboriginal Water Treatment Team (AAWTT), which consists of Water Keepers, Councilors, and community leaders from First Nation communities. AAWTT members have all been exposed to poor quality water, but we have stood up to the challenge (scientific and political) and are now at the forefront of producing truly safe drinking water. Our increased knowledge has enabled our communities to make the very best decisions and this is also allowing us to better respond to an increased number of inquiries.

As we sat in the Saskatoon and Edmonton so called “engagement session” on First Nation drinking water, we came to the realization that the AAWTT is becoming more powerful because of what we know. The engagement session is supposed to offer meaningful consultation, but that is not what we witnessed. Instead, the session confirmed the lack of integrity of the federal government’s approach to dealing with water quality on First Nation reserves. The inclusion of fine print in contribution agreements; inadequate notice for the sessions; once couched as consultations and then re-modeled as engagement sessions; stacking the deck at sessions; and tossing the political football between federal and provincial levels of government must no longer be the path taken to solve serious issues such as access to clean drinking water.

Based on our first hand experience, we have seen:

- ▶ At Saddle Lake Cree Nation how Health Canada (HC) refuses to this day to acknowledge that our community should have a Boil Water Advisory, because HC chooses to only look at a few of the 56 health parameters in the Canadian Drinking Water Guidelines.
- ▶ At George Gordon First Nation we experienced over 10 years of engineering contract after engineering contract, hundreds of thousands of dollars were spent on various upgrades and we still could not produce truly safe drinking water.
- ▶ At Yellow Quill we made history, after nine years on a Boil Water Advisory (BWA) we now enjoy drinking water that is probably as good as it gets anywhere in the world.

- ▶ We have helped communities with similar situations to that of Yellow Quill FN who were taking their drinking water from a creek that only ran in the spring when a rural community releases its sewage upstream.
- ▶ At Muskowekan, we helped the Chief to challenge HC and demand accurate analysis of the individual homes' water quality, confirming issues that resulted in water from the taps of more than 90% of tested homes being condemned, not a "BWA" but a "Do not consume" order!
- ▶ We help community members whose Chief and Council receive bottled water while their community is left to struggle with unsafe drinking water.
- ▶ We help increasing numbers of communities when INAC continues building water treatment plants that they (and the engineers) know cannot possibly produce drinking water that meets the Canadian Drinking Water Quality Guidelines.
- ▶ We help the Water Treatment Operators who are the scapegoats when something goes wrong.
- ▶ We help the Chiefs reject the downloading of responsibility via contribution agreements until INAC can guarantee they can produce safe drinking water which meets ALL parameters of the present and future Canadian Drinking Water Guidelines.

Our knowledge is our power!

Under traditional law, women are the Water Keepers. We need a First Nation Water Quality Commission with qualified Water Keepers to act as protectors and guardians of our waters, to sit on every INAC water project team meeting and represent the best interests of our people.

At the Saskatchewan, Ontario and Alberta engagement sessions we witnessed that our people are not given an opportunity for meaningful consultation, and they are not given accurate and complete information. Instead, they are being force fed provincial guidelines as the INAC answer. When information is withheld and/or not presented in an open and unbiased manner, those present cannot possibly make a good decision for their people.

INAC appears to be desperate to unload their fiduciary responsibility, they still have full responsibility for water quality on reserves, and with that comes liability. We strongly recommend a different set of solutions in order to make safe drinking water a reality for our people, as opposed to extending the political circus for a few more years.

AAWTT Solution:

There were no provinces when the Chiefs signed the treaty rights with the crown. Chiefs must further reinforce existing Assembly of First Nation's Resolutions to declare simultaneously at a national level, but also at their community level:

1. Reject the small print of 2007 contribution agreements via Band Council Resolutions to pass responsibility and liability back to INAC to provide safe drinking water to their communities until such a time as they have a water treatment plant which can (at a minimum) consistently meet all 56 health parameters of the Canadian Drinking Water Quality *Guidelines*, but preferably meet or exceed EU or US **Regulations**.

2. That all First Nation people living on a reserve have a right to safe drinking water, whether on wells, cisterns or distribution lines, and that this responsibility must also be met by INAC within the same time frame.
3. Establish an independent First Nation Water Commission with Water Keepers (Ombudspersons) to regulate and hold INAC and HC accountable for acting in the best interests of the First Nations people.

The “provincial plan” being sold by the engagement session will give First Nations more lax water quality guidelines than they presently have, will absolve INAC from liability, will reduce our capacity as Canada’s First Nations and dilute our ability to demand our treaty rights. Water is treaty, treaty is water. As well, the provincial plan will delay system improvements, as one INAC employee estimated “*it will take up to ten years*” just to get the more lax provincial guidelines in place, let alone make any actual upgrades to infrastructure.

The AAWTT was formed in response to First Nation Elders’ desire to respect inherent rights to our spiritual connection to water. By bridging traditional knowledge with sound science we have learned that chemicals (which kill life in water) are not required to produce safe drinking water and instead all forms of life should be respected. Our observations demand that Chiefs across Canada treat the issue of drinking water quality with the time and respect that our people deserve. We continue to raise awareness for all Canadians to demand due diligence be applied now so that all First Nations can turn on the taps to clean, accessible potable water - as any other resident of Canada has a right to expect. We will also be hosting webinars to share our knowledge and try to make sure our people have the information they need to make good decisions. More information regarding our position on the “engagement sessions” can be found at www.safewater.org just go to AAWTT.

Please bring this very crucial issue to the attention of your Chiefs and Councilors, and urge them to make a BCR rejecting their responsibility and liability without delay. Following is a sample BCR for you to adapt to your situation. For more information or to contact a AAWTT members, to register for upcoming Webinars or to ask questions of a SDWF scientist email info@safewater.org or phone 306-934-0389

We are very proud to tell you that our opinion and position of the engagement sessions have been endorsed by:

Maude Barlow, Water Advisor to the United Nations and Executive Director for the Council for Canadians.

Tom Goldtooth, Executive Director, Indigenous Environmental Network USA.

Tony Clarke, Executive Director Polaris Institute

As well as many other organisations



Hawes *Louis Delor* *Thomas Missens* *[Signature]*
[Signature] *Manish Ojha* *[Signature]* *Robert Pratt*
[Signature] *Member in spirit, gone but never forgotten.*

Sample Band Council Resolution

We have in good faith trusted that the federal government has provided us with the tools and resources to produce safe drinking water it has now come to our attention that this is not the case.

Therefore, whereas the federal government has not provided water treatment processes allowing water treatment plant operators in our community the ability to produce safe drinking water, and

Whereas the federal government still has a “mandate” to correct the above.

Be it therefore resolved that:

“Name” First Nation will not be held liable for the quality of our drinking water until such time that we can produce truly safe drinking water for our community. The quality of our water needs to meet the full extent of the Canadian Drinking Water Quality Guidelines as well as disease-causing microbe regulations enshrined in regulations in the United States and Europe, which are expected to be adopted by Canada as well. Raw water and treated water testing needs to be carried out regularly to ensure that the implemented water treatment processes remain effective.

It is our opinion that it is the federal government’s responsibility, as in our hereditary inherent right as a sovereign nation, to find practical and effective water treatment processes using sound science and engineering that can produce drinking water meeting the requirements we have stipulated above. Once such water treatment processes are implemented in our community and we have been provided with sufficient resources, we will be happy to assume responsibility for the safety of our distributed drinking water.