



In 1999 SDWF determined that a boil water advisory implemented in 1995 at Yellow Quill could not be lifted with the existing water treatment process and existing source water. The Integrated Biological and Reverse Osmosis Treatment system (IBROM) was developed and implemented full-scale in December 2003.



Credit: Hans Peterson

# The Long Road to **Safe Drinking Water** in **First Nations Communities**

Delayed government position statement could hamper consultations this fall.

By *Sven Peterson*

**N**ow that summer has wrapped up, we should be reaching a milestone in the long road toward providing safe drinking water in First Nations communities. Consultations between the federal government and First Nations leaders are expected to begin in the coming months to discuss regulatory options for ensuring the provision of safe drinking water to First Nations communities throughout Canada.

In 2006 an expert panel was commissioned by Indian and Northern Affairs Canada (INAC) to provide regulatory options for remedying this situation. They provided three basic possibilities:

- parliament could enact a new statute setting out uniform federal standards and requirements;
- parliament could enact a new statute referencing existing provincial regulatory regimes; or,
- First Nations could develop a basis of customary law that would then be enshrined in a new federal statute.

It was expected the government would release a position paper in June/July of 2008, which would lay out what they believe to be the most workable regulatory solution. Here we are in September, and this position paper has yet to be released. This delay can only serve to hamper the effectiveness of the consultations.

An issue that has emerged in almost every report on the regulatory possibilities, and will doubtlessly be contentious as we move into the consultations, is funding. As the expert panel stated explicitly, "the federal government has never provided enough funding to First Nations to ensure that the quantity and quality of their water systems was comparable to that of off-reserve communities." In fact, INAC officials have acknowledged their estimates for the five-year capital plan for investment in water and wastewater systems in 2002 to 2007 fell short by 30 to 50 per cent.

Do we know how bad the drinking water situation in First Nations communities is? Water system performance is not measured consistently across provinces and no data has been available to make such an assessment. First Nations water systems are routinely tested only for a small sub-set of the Canadian drinking water quality guidelines, focusing on chlorine and coliforms, which cannot be used to evaluate

drinking water safety or process efficiency.

All the same, an internal evaluation found that Health Canada did not test almost half of communities for trihalomethanes every three months and 23 per cent were not tested for other chemical contaminants every year. INAC's annual engineering assessments are also not comprehensive enough to properly evaluate water systems or determine whether equipment is performing properly.

Current performance indicators focus on a risk index that shows whether certain procedures are followed rather than testing actual water quality, and the lack of publicly available water quality data makes it impossible to determine whether boil water advisories are needed in more communities. Annual inspections of water systems are not comprehensive enough to identify problems. Furthermore, there is no public information about whether water systems meet standards or how much money has been spent in each community.

In addition to water system design and water quality monitoring, there are other challenges that are not addressed by the current system. In reviews sent to parliament, INAC has reported increases in the access to safe water for First Nations communities. While it has been virtually impossible to verify this, what is clear is this increase only applies to those homes connected to piped systems. Any non-piped systems or individual wells, even if installed and/or commissioned by INAC, are considered the sole responsibility of the landowner.

Simply put, without reliable and comprehensive information about water quality, there is no clear picture of the scale of the challenges facing First Nations communities. We need to keep this in mind as we move forward, not only because it needs to be resolved to ensure that adequate funding is supplied, but also to remind us that the current system is broken. Fixing this will require closing the funding gap and this needs to go hand-in-hand with a more effective regulatory regime, otherwise it will just be money down the drain yet again. **W**



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