



June 27, 2017

To: The Standing Committee on Transportation, Infrastructure and Communities

RE: Private member's Motion M-69 Concerning Lead In Drinking Water

As the voice of the water and wastewater utilities in Canada, CWWA is pleased to support this Private Members Motion, M-69, from MP Bob Bratina concerning lead in our drinking water. We fully support an in depth study to determine the scope of the problem, the challenges that communities face and the role that the federal level of government could play.

We welcome the federal government's participation in addressing this challenge, as the solution lies in a cooperative effort of the federal and provincial governments, regional health units, the local municipal service and the individual property owners. The federal government lays out formal guidelines which the provincial governments adapt or adopt into legislation. It then becomes the municipal utility's role to react and establish the programs to provide safe drinking water in compliance with the legislation. But in the case of lead, much of what we need to deal with lies on private property, out of the authority of the municipal utility or local council.

At this same time, we are responding to proposed changes to National Drinking Water Guidelines from Health Canada and the Canadian Drinking Water Committee. The revised guideline proposes to change from a maximum acceptable concentration (MAC) of 10 micrograms per litre (MAC of 10 ug/L) to a MAC of 5 ug/L; accompanied by a significant change in sampling protocols. This is a dramatic change for many municipalities to implement.

As water professionals, we support the long term goals of reducing lead levels to as low as reasonably achievable (ALARA) or eliminating lead in a water system entirely, where possible. Although CWWA appreciates the science-based targets being set, we are concerned that many utilities will not be able to meet the lowered MAC level without significant time, investment, and in some cases, appropriate authority to act on private property. (Some jurisdictions restrict municipal utilities from working on or contributing funds on private property.)

Once the new Health Canada (HC) guidelines for lead are approved, Canada will likely have the strictest lead-in-water compliance target in the world. Although these are technically voluntary guidelines, they almost instantaneously become compliance targets by our members and provincial governments. Of equal importance, they are often perceived as regulatory requirements by the media and the general public. The reduced MAC's and the changes to sampling methodology will make many of our water utilities non-compliant overnight.

CWWA is very concerned about how all this will be viewed by the public, how it will affect the public's level of trust in their local government and how it will affect the public's confidence in the safety of their water. We understand the alarm that the Flint, Michigan situation has created, and appreciate the renewed focus on this important issue. However, CWWA also wants to assure Canadians that this is not the situation here in Canada and that Canadian municipalities are addressing the issue of lead.

As the regulations and guidance requirements are different in each province and territory, a federal level study would help in understanding those differences and provide a better sense of where we are nationally from a health perspective or threat. Lead is also a very system-specific challenge. We would hope that this study would also bring to light the multitude of challenges facing communities in their efforts to address lead. We would support a process to properly inventory the lead services and occurrences. A framework for figuring out the occurrence of lead in each community is a prerequisite to a more stringent guideline.

We can identify some of those challenges now. Of course time and costs are significant factors. Just meeting the new MAC guideline will require water utilities to initially focus on controlling corrosion within the distribution and plumbing systems and it may require removal of lead-containing components, such as lead service lines, from these systems. How aggressive we are in removing lead components from the system almost entirely depends on the ability of the community to finance removal and replacement.

Canadian municipalities are already struggling to address their aging infrastructure challenges with a disproportionate level of taxation and financing. Communities have become reliant on provincial and federal funding to address infrastructure renewal, and this requirement for lead reduction/removal is no different. We are encouraged by the infrastructure funding being provided by the federal government, and hopefully matched by all provincial/territorial governments. Perhaps lead reduction/removal could be identified as a priority within the funding program.

Even with all the funding we could ask for, we are further challenged by the public-private nature of water delivery systems. While the main water lines of the distribution system run through municipally-owned lands (under roads), the individual service lines, or laterals, to each home and business run from municipal property into and across private property, be it residential, commercial/industrial or institutional. Lead components can extend into and through private homes and buildings. However, municipalities are limited as to what level of activity they can undertake on private property. Homeowners certainly have rights and obligations while municipal corporations are often blocked, by legislation, from expending municipal finances on private property.

To illustrate, these public-private challenges, I will describe just two scenarios as follows:

Scenario 1 – the municipality is rebuilding a road and takes the opportunity to remove all lead components from their municipal lines. They approach all property owners to take advantage of this opportunity to replace their service line. This can be a significant financial cost and stressful disturbance for some, so even with municipal support (financial and logistical) many homeowners have refused to replace their service line. Some municipalities have programs to replace the service line to the property line, but recent studies strongly suggest this could disturb the lead in the remaining line and thus be worse than leaving the old line intact.

Scenario 2 – we make it a requirement that property owners must remove lead service lines at the time the property is sold. However, this is far more costly for municipalities to address one service line at a time, and requires multiple road cuts that damage the community's sidewalks and road paving efforts.

We would hope that a national study of this problem will look at homeowner responsibilities and encourage a cooperative approach. This may require consideration of financial assistance to homeowners and municipalities and consider issues of legal authority for local utilities to work with property owners.

This is an important issue concerning the safety of drinking water for Canadians and their faith in their local water supply. CWWA not only supports a national study of this situation but commits to assist however possible.

Sincerely,

Robert Haller

Robert Haller
CWWA Executive Director

c.c. Bob Bratina, MP
Francis Scarpaleggia, MP
Brock Carlton, FCM
Bernadette Conant, CWN