

Straight **answers**

WELLSAFE / FOBBA BULLETIN

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Water Regs Update: *Looks like status quo for next 4 years*

We've come a long way since the bad old days of Regulation 170, and I give Fred Ruf and his transition team at the Ministry of Health and Long Term Care (MOH) full marks for trying to get it right.

To refresh your memory, the regulation that replaced parts of 170—referred to as O.Reg 252/05—still remains under the jurisdiction of the Ministry of Environment (MOE). It has been announced that the government intends to transfer this to the MOH, but enabling legislation has not yet been passed. It now looks like the process will take longer than originally expected.

Update

On October 28, 2006, Paul McCue of MOH addressed the Annual General Meeting of Ontario Farm & Country Accommodations regarding the transition of the water regulations. In summary, it sounds like it will be “status quo” for the next two to four years. This is both a good-news, bad-news scenario.



The Good News

The good news is that the tone of Paul's presentation, and in fact every contact I have had with the Ministry of Health over the past year, is decidedly promising. Staff is approaching our remaining challenges in a reasonable and realistic way. There is a new sense of affinity that was missing with the MOE. There is a new flexibility—not on the goal of ensuring safe drinking water, but on the way the goal will be achieved. There is a detailed recognition of individual

circumstances, and even a shared sense of humour that underlies how silly some

of the previous rules were. I find all of this highly encouraging.

We need to remember, however, that Fred and Paul and the entire team of public health inspectors and advisors that is working with them, do not make the rules. Those rules will be decided by elected politicians. So on the outstanding issues,

nothing is yet official. You need to be good at reading between the lines.

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The Bad News

The bad news is that if you have good water, it's going to take longer to start resolving the whole mess. You are still governed by whatever Reg. 252 says about your situation. Even after it is officially moved to the Ministry of Health from Environment, *that same regulation will continue to apply. Not until a Public Health Inspector visits your premise and performs a site-specific Risk Assessment might your current situation change.*

Those Risk Assessments were originally scheduled to begin in January 2007. However, given the magnitude of the task at hand, the number of systems affected, and the procedures that still need to be developed, that schedule has now been set back a year. Risk Assessments will not begin until January 2008, at the earliest.

The upside is, it's better to do it right than to do it fast. The downside is that it could take another four years for some low-risk facilities to see relief from the current requirements of 252.

The Process

There's a possibility that Risk Assessments could be delayed even further. The "Health System Improvement Bill" that the transition will be part of is not likely to get to the Legislature before the Winter session of 2007. That happens to coincide with a provincial election next October. If there's anything in the Bill that could upset the 18,000 affected private well owners, expect the political process to push it off the table.

It will take a further two years after Risk Assessment begins for the Ministry to report back to Cabinet on the results of the entire exercise, and recommend possible further changes to the regulation. This puts us well into 2010 and beyond.

Once you do get your Risk Assess-

ment, the procedures that apply to you today could change, depending on the outcome. This might mean reduced (or increased) frequency of testing, installation of treatment for high-risk systems, and so on. If your testing history is good, you will probably get some relief. But until the Risk Assessment is done, you won't know: everything remains exactly as it is today.

Who Pays?

Site-specific risk assessments will be based on a standardized computer model. They will be paid for by the province, NOT by you, the water system owner!

The Consequences

So is all this good or bad? Well, if you're a B&B, it means you are technically required to continue monthly sampling and testing using your nearest private lab at whatever rate they charge. That's not so great if you already have a long history of clean test results, and might reasonably expect to get relief if a risk assessment were performed today.

And because B&Bs are considered to be in one of the lowest risk categories as far as public health is concerned, it could take many years beyond 2008 before they ever see a health inspector. Priority will be given to surface water systems, larger systems, food preparation facilities and systems reporting previous adverse results. B&Bs will be well down the list.

Bed & Breakfasts are currently defined by the ministry as commercial establishments, and in my view, this needs to change. Under the regulation, they are considered "Public Access Facilities" along with hotels and restaurants, when in fact access is entirely permission-based. Front doors are locked. When a guest comes to the door, they knock. Living space is shared with the resident homeowners. There is

absolutely no "Public Access" to the "facilities" in an owner-occupied Bed and Breakfast.

I've been quite critical of the way this process has been managed in the past. And while this delay is inconvenient, it shouldn't colour the good things that are being done by Health Ministry staff. The thing we still need to focus on is making sure the reality of our individual situations reaches their political masters. There is some discussion that Health Units themselves may be redefined and possibly decommissioned for the purposes of water testing right across the board. This would affect all rural residents in Ontario. I will try to monitor and report on this situation as it evolves.

For the Record

The Federation of Ontario Bed and Breakfast Accommodation (FOBBA), defines a Bed and Breakfast as follows:

"An owner-occupied private residential dwelling that is the owners principal residence and in which the owner has control of the environment. It provides temporary accommodation not exceeding 28 consecutive days, and amenities and services auxiliary to guest accommodation including the preparation and service of breakfast for an all inclusive fee."

Private residences are entitled to test their drinking water through the local public health unit. In the meantime, the MOE regulation continues to say you must test your water (in the months you are open), at a private lab.

Test your water regularly. Keep copies of all your results. You'll need them some day, even if it takes another four years.

Hopefully common sense will prevail.