

December 18, 2019

Ministry of the Environment, Conservation and Parks
Environmental Policy Branch
40 St. Clair Avenue West, 10th Floor
Toronto ON M4V 1M2

RE: ERO 019-0913: Proposal to Extend the Current Moratorium on Water Bottling Permits

Dear Shari Sookhoo:

Thank you for the opportunity to comment on the proposed extension to the moratorium on water bottling permits. Access to safe and sustainable water is vital to the health and well-being of Ontarians. Region of Peel staff have reviewed the proposal and, in line with our previous comments provided to EROs 012-8783 and 013-3974, are supportive of the Ministry of the Environment, Conservation and Parks (MECP) proposal to amend the *Taking Groundwater to Produce Bottled Water Regulation (Ontario Regulation 463/16)* to extend the current moratorium for nine-months (ending October 1, 2020).

Extending the moratorium will provide the MECP with the time needed to complete their analysis of the water quantity review and to decide how to best manage groundwater takings in Ontario. This analysis is critical to better understanding water resources in Ontario and the impact that factors such as climate change and population growth may have on this finite resource.

As mentioned in our previous submission to ERO 013-3974, Region of Peel staff have concerns, and associated recommendations, related to water taking in the Province of Ontario. Our recommendations, as noted in the submission we made in 2018 on this topic, are as follows:

1. Recommendation: Make permanent the requirement to conduct a cumulative effects assessment.

Under the *Interim Procedural and Technical Guidance Document for Bottled Water Renewals*, all applications for water bottling must consider the potential for cumulative effects, under current conditions and various climate change or drought scenarios, in the hydrogeological assessment. We recommend that this become a permanent requirement.

2. Recommendation: The moratorium and planned actions to amend Ontario Regulation 463/16 should include water bottling facilities using surface waters.

The moratorium proposed for groundwater bottling should also apply to surface water sources (not including municipal water systems). A holistic view should be taken when assessing water taking within a watershed, since surface water and groundwater are interconnected by the hydrologic cycle. Very little of the groundwater and surface water used to manufacture bottled water is returned to the local watershed. Surface water levels are also subject to variation due to extreme temperatures and/or drought. Adding surface water to the moratorium and planned actions will help to address gaps in the regulatory framework.

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- 3. Recommendation: Improve the regulatory oversight of water bottling facilities that use surface water but do not withdraw more than 50,000 L/day and require that they notify the Canadian Food Inspection Agency (CFIA) and the local public health unit of their intent to operate.**

Water bottling facilities that withdraw less than 50,000 L/day are not required to obtain a Permit to Take Water (PTTW). These facilities are also not required to notify the Canadian Food Inspection Agency (CFIA) or the local public health unit of their intent to operate. This presents a significant challenge in identifying and effectively monitoring and regulating these facilities. The lack of regulatory oversight of these smaller scale water bottling facilities can result in bottled water being produced under unsafe and unsanitary conditions that may compromise public health and safety.

An example that highlights the importance of increased regulatory oversight of smaller scale water bottling facilities is the investigation that the Region of Peel - Public Health conducted on the Caledon Clear Water Corporation (also known as Blue Glass Water) in 2013. This investigation found significant public health concerns related to unsanitary conditions and lack of quality assurance of the water treatment. Water samples from this facility were heavily contaminated with indicator bacteria and deemed unsafe to drink. Peel Public Health issued a health protection order to the premises owner to immediately stop production, processing and distribution of the product, which had been widely distributed in restaurants across Southern Ontario.

To address the critical gap in the regulatory framework, there is a need to increase regulatory oversight (and the resourcing to do so) of water bottling facilities withdrawing less than 50,000 L/day and include a requirement for these smaller scale facilities to notify the appropriate regulatory authorities of their intent to operate. The MECP should also ensure that there are adequate resources in place to implement regulatory oversight in these facilities.

- 4. Recommendation: Water takers should be categorized based on volume of water withdrawn, potential impact on the environment, on groundwater resources, and subject to appropriate criteria in the issuance of Permit to Take Water (PTTW) for water bottling.**

A distinction needs to be made between various categories of water takers based on the volume of water withdrawn, cumulative environmental impact, and effect on the watershed's groundwater resources. For example, water takers for industrial cooling or power generation return the water to the source watershed quickly. In contrast, very little water used to manufacture bottled water or processed beverages is ever returned to the local watershed.

Currently, only water bottling facilities withdrawing more than 50,000 L/day require a PTTW. A thorough review is needed to determine whether the 50,000 L/day threshold is enough to protect and conserve water for future generations or if it should be lowered.

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5. Recommendation: Continue to enforce a mandatory reduction of water taking during drought conditions in the PTTW.

Region of Peel staff support the inclusion of a mandatory reduction of daily average water taking during drought conditions in the PTTWs for water bottlers. We also recommend that the MECP review the mandatory minimum required decrease in the water taking, to determine if these levels are enough, and recommend that the MECP employ measures to prohibit water taking when necessary.

Ontario's Drinking Water Quality Management Standard requires that drinking water system operators consider potential risks and risk mitigation strategies for various threats to the sustainability of the drinking water system, including the risk of climate change (e.g., droughts). It is therefore only fair that the above recommendation is in place for the commercial water bottling industry. Community water use should be prioritized over industry use.

6. Recommendation: Encourage Ontarians to use municipal tap water, where available, as their drinking water source rather than bottled water.

Ontario's municipal drinking water is a safe, free, convenient and environmentally friendly source of water. Municipal water is regulated by the *Safe Drinking Water Act* and undergoes rigorous testing to meet the *Ontario Drinking Water Quality Standards (O. Reg 169/03)*. Region of Peel staff strongly encourage the MECP to increase public trust in Ontario's municipal tap water by promoting provincial efforts to protect Ontario's drinking water. Increasing use of municipal tap water will help to reduce the waste generated by single-use, disposable plastic water bottles, as well as the air pollution and green house gases that are created by distributing water bottles to retail.

We hope that these comments will be helpful as the MECP considers amendments to *Ontario Regulation 463/16*. As stated, Region of Peel staff support the direction proposed by the MECP to evaluate existing rules and policies that govern water taking and further the understanding of our water resources, including sustainability in the face of climate change and population growth. Water is a finite resource that impacts both current and future water users, as well as the environment. As such, water taking should be stringently regulated to help ensure water security and environmental protection for generations to come.

We welcome further discussion as warranted and request that you direct any questions or responses to Nancy Lotecki at 905-791-7800, ext. 2556 or via email at Nancy.Lotecki@peelregion.ca.

Sincerely,



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