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Mr. Lloyd St. Amand

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• (0900)

[English]

The Chair (Mr. Lloyd St. Amand (Brant, Lib.)): Ladies and gentlemen, I will call the meeting to order. It's nine o'clock, if not one or two minutes after, and the witnesses for this morning are before us.

Firstly, thanks very much to the presenters for appearing before us this morning. As I indicated briefly to Ms. Gélinas, typically we would have a 10- or 15-minute presentation by yourselves, uninterrupted, following which we would commence a round of questions that I will essentially moderate.

Simply put, Ms. Gélinas and others, if you wish to introduce yourselves and advise us as to your status, then please present.

[Translation]

Ms. Johanne Gélinas (Commissioner of the Environment and Sustainable Development, Office of the Auditor General of Canada): Thank you very much, Mr. Chairman.

Good morning, members of the committee.

Thank you for this opportunity to present the results, this morning, of chapter 5 of my September 2005 report, "Drinking Water in First Nations Communities."

With me this morning are Jerome Berthelette, the principal, and André Côté, the director on this audit.

The audit examined whether programs and funding from Indian and Northern Affairs Canada and Health Canada have helped first nations communities provide residents with access to safe drinking water. We also examined how well the First Nations Water Management Strategy is being implemented. This five-year strategy was introduced in 2003 to substantially improve the quality and safety of drinking water on reserves.

In a country like ours, we all assume that the water we drink is of high quality. But the truth is, Mr. Chairman, that in some areas where the federal government has responsibilities, not all Canadians can be sure that drinking water is safe. This includes the nearly half-million Canadians living in first nations communities.

[English]

In these communities, Indian and Northern Affairs Canada and Health Canada are the two main departments involved in providing drinking water.

INAC covers the full cost of designing, constructing, and repairing water systems and 80% of the system's operation and

maintenance costs. The department also covers the cost of operators' training. Health Canada funds first nations to monitor and test tap water to determine whether it is safe for drinking.

According to INAC and Health Canada, first nations are responsible for ensuring that water systems are planned, designed, constructed, and operated in accordance with the terms and conditions of their funding agreements. Under these arrangements, first nations are also responsible for the day-to-day operation of their drinking water systems, including water testing.

Mr. Chairman, the government has known for years about the problems with drinking water on reserves. In 2001, based on an on-site assessment of water systems, INAC found that three-quarters of the water systems posed a significant risk to the safety of the drinking water. Despite the hundreds of millions in federal funds invested to improve drinking water on reserves, a significant proportion of drinking water systems continue to deliver water the quality or safety of which is at risk. While access to drinking water has improved, there is still substantial risk that the drinking water could be unsafe or of poor quality. We found that many of the reasons for this situation are systemic.

Mr. Chairman, when it comes to the safety of their drinking water, residents of first nations communities do not benefit from a level of protection comparable to that of people who live off reserve. This is due in large part to the fact that, unlike other communities, there are no laws and regulations governing the provision of drinking water in first nations.

INAC and Health Canada attempt to ensure access to safe drinking water in first nations communities through their policies, administrative guidelines, and funding arrangements with first nations. However, we found that this approach means that important elements necessary for providing safe drinking water are missing. For example, there is no approval and licensing process for water treatment plants, no ongoing monitoring, no compliance and enforcement mechanisms, and no public reporting requirements. Further, no one is legally empowered to answer that all the required tests for drinking water are carried out.

We found that INAC has no comprehensive list of codes and standards applicable to the design or construction of water systems. This weakness can have consequences for the quality and safety of drinking water. Faulty design or construction can result in risks to operator safety, inability to meet water quality objectives, or inability to produce the expected quantity of water.

We found that INAC's program to support and develop first nations' capacity to provide safe drinking water is limited and that the technical support is fragmented. In 2001, 10% of the operators of first nations systems met the certification requirements for their specific province. In 2005 that number had increased to almost 40%. However, provincial requirements are becoming more stringent, and many of the first nations operators have difficulty meeting the education and experience requirements.

In our view, there is a high probability that INAC's goal of having all operators certified to the level that is appropriate for the complexity of their plan or else having all operators directly supervised by a certified operator by 2006 will not be met.

In addition, on-site hands-on support is not available to all communities and is not mandatory. We also found that a significant amount of the trainer's time is spent resolving technical problems rather than providing training.

● (0905)

[Translation]

The Health Canada files we examined indicate that regular testing of drinking water is not carried out in most first nations communities. The lack of tests severely limits the ability of Health Canada and First Nations to detect water problems and to deal with them. In addition, Health Canada has no comprehensive plan to achieve its objective of meeting the testing frequency set out in the Guidelines for Canadian Drinking Water Quality, by 2008.

Finally, we found that Parliament is not adequately informed about the drinking water situation on reserves. For instance, Indian and Northern Affairs Canada needs to identify the number of systems meeting the applicable standards and report this to Parliament. Both departments have agreed to provide Parliament with better information beginning with the 2006-2007 fiscal year.

We believe that unless strong action is taken, it is unlikely that the funding, including the \$600 million being invested in the First Nations Water Management Strategy, will result in safer drinking water in the future. We made key recommendations to Indian and Northern Affairs Canada and Health Canada to overcome the systemic problems in cooperation with first nations.

In our view, until a regulatory regime comparable with that in provinces is in place, Indian and Northern Affairs Canada and Health Canada cannot ensure continuing access to safe drinking water on reserves. As a minimum, this regime should deal with roles and responsibilities, water quality requirements, technical requirements, certification of systems and operators, compliance and enforcement and public reporting. Indian and Northern Affairs Canada and Health Canada have not made a commitment to implement this recommendation but agreed to explore with first nations the options and the feasibility of regulations. Both departments agreed fully with our other recommendations.

In conclusion, Mr. Chairman, I would like to acknowledge the input we received from the first nations in this audit. Although we do not audit first nations communities, we seek their views and take them into account during our audits. This input is extremely helpful. Mr. Chairman, that concludes my opening statement. My colleagues and I would be pleased to answer any questions members may have. Thank you.

● (0910)

[English]

The Chair: Thank you, Ms. Gélinas.

We will commence with our first round of questioning.

Mr. Mills, please.

Mr. Bob Mills (Red Deer, CPC): Thank you very much.

Thank you, Ms. Gélinas. I always appreciate your comments. Of course, I've been listening to them for a number of years on the environment committee, and each year I believe the reports become more damning, not only of first nations but across the board. That's why we rate 28th out of 30 countries in the OECD. I think you point out a lot of the reasons why.

This week we had a briefing from the department that's responsible for water. They said that the off-reserve water is about the same as the on-reserve water—in other words, about 10% boil water warnings. They used figures like this: the off-reserve in B.C. has 450 boil water warnings; Ontario has 770; Newfoundland has 100. In an industrialized country like Canada, I think boil water warnings are shocking just in themselves.

I wonder if you would agree that reserve and off-reserve are about equal in terms of percentages.

Ms. Johanne Gélinas: We haven't looked at the situation off reserve, Mr. Chair, but we came to the conclusion that Canadians living on reserve do not benefit from the same level of safety when it comes to water. So you have an answer there.

I might also add that with respect to boil water advisories, we have cases where this has been in place for more than a year. We have to look at the difference with the on-reserves.

Perhaps my colleague would like to add a little bit more on that.

Mr. Jerome Berthelette (Principal, Office of the Auditor General of Canada): I would just add that, as the commissioner has stated, the fundamental difference between what goes on on reserve and what goes on off reserve is that in the off-reserve situation, the boil water advisories are part of the regulatory legislative framework in place. And because there's a regulatory and legislative framework in place, the response to the boil water advisories is different from what happens on reserve.

Without the regulatory framework on reserve, as the commissioner has said, we end up with situations where we have boil water advisories in place for more than one year, and in some cases for a few years. From our point of view, that's not acceptable, and the recommendation for the legislation and regulation is aimed at trying to ensure that the safety of the water is paramount.

• (0915)

Mr. Bob Mills: The other thing I tried to understand was that in the last five years, \$1.6 billion has been allocated over five years for on-reserve water treatment, improving training, and so on. That compared to off reserve...of course, it doesn't compare.

This year, the FCM has \$300 million to spread over all infrastructure, not just water. Of course, that's for thousands and thousands of water treatment plants across this country.

When we've spent \$1.6 billion on water alone, I don't understand why we haven't shown dramatic improvement. I know you've outlined all of the problems, but how can we spend that much money and not get any return from that investment?

Ms. Johanne Gélinas: Mr. Chair, I'll come back to this amount and clarify what it is used for. Basically that money is used to build sewage treatment plants and water treatment plants. We don't have the exact figures on how it splits between the two, but we are assuming that for water treatment plants it's more than 60%.

We have said in the chapter that the number of systems built over the last year has increased significantly. So a lot of the money goes there, and we have evidence that the money is used to build those systems. Having said that, when it comes to the maintenance and operation of those systems, then it's a split, with 80% coming from the federal government and 20% provided by the communities themselves. We don't know exactly how the money is used there, because that's the prerogative of the first nations communities. But certainly for the money that was put in to build the systems—water and sewage treatment plants—the money went there and the program is moving ahead.

So why are we still facing those water quality issues? I have said in the report that basically the capacity is not there to maintain the system and there's no water testing. At some point, when the communities or Health Canada test the water, they sometimes face a huge problem that could have been prevented beforehand, but the work was not done as planned or according to the requirement in the funding agreement.

Mr. Bob Mills: I guess the whole issue of accountability, then, comes up in terms of value for dollars and in protecting people.

Often we hear about the source water problems and installations occurring where you have sewage outlets above the intake of water. Obviously that would seem to be a common-sense engineering

problem, in that you wouldn't do that sort of thing, yet we hear about that over and over again where source water seems to be totally separate from sewage release into rivers, lakes, etc.

How widespread is that? It seems like that's what we always hear when we have a problem, but how does that end up happening?

Ms. Johanne Gélinas: We have seen some examples of situations that we can question in terms of the location of the plant and the design of the plant, but I don't think it's spread across communities.

Jerome or André, would you like to give figures for that?

Mr. André Côté (Director, Office of the Auditor General of Canada): No, we haven't checked on how widespread that is. We looked at a limited number of cases and saw a couple of examples of what you mentioned, where the location of the intake was questionable. Generally speaking, though, we noted that there were deficiencies in the design and in the construction at times at the plants we looked at, but it's difficult to tell how widespread those deficiencies were.

Mr. Bob Mills: The training of operators seems to also be a key issue. We hear about the training programs, how they're trying to upgrade those, and so on. Again, that seems to be a problem, in that sometimes the people named to be trained may not necessarily be the ones who can carry on the long-term maintenance of the plant. Is there a solution to that problem?

Ms. Johanne Gélinas: We have proposed one option to analyze, and I will ask Jerome to get into the details of that.

• (0920)

Mr. Jerome Berthelette: At present, there's a circuit-rider training program in place in most of the regions. It provides training to the operators in the water treatment plants, and it does so for a period from a few months to a couple of years. As we noted in the material, though, the training isn't available to all communities and it's not compulsory. That's one part.

There's a second part, which is that the operators are to be trained to the level of their plant, and they are to be trained according to provincial requirements and meet provincial certification requirements.

Part of the problem the communities and the operators are facing is that those requirements are increasingly more difficult, and it is becoming more difficult for the operators to meet those certification requirements. So the commissioner has recommended that the Indian affairs department work with the first nations to put in place an institution or institutions that would be devoted to trying to develop the capacity of the first nations operators to maintain and operate the systems and to ensure they're prepared to pass the certification requirements.

In the instance when a community is unable to have an operator who is certified, the institution or institutions might also be able to provide assistance to the community by offering services to actually operate the plants until a certified operator is trained and able to do so. In addition, this institution or institutions could provide ongoing assistance to the operators even after they have been certified.

One thing we've noticed is that often these operators are isolated. They don't have a system to rely on that can provide them the support they need on a day-to-day basis. What we're suggesting, or what the commissioner has suggested, is that an institution or institutions be put in place that can do that for them.

The Chair: Thank you, Mr. Mills.

Mr. Cleary, please.

[*Translation*]

Mr. Bernard Cleary (Louis-Saint-Laurent, BQ): Thank you, Mr. Chairman.

Ms. Gélinas, thank you for coming to discuss this issue with us today. I have been appalled since I first learned of this issue. I am shocked every time I see a government like the Government of Canada tolerating such an important and extensive problem. Almost 75 per cent of aboriginal communities are at risk. This is cause for serious concern.

A few weeks ago, I had the opportunity to see the same major water problem in my riding, in Mashteuiatsh, Lac-Saint-Jean, despite my having thought that this was a modern community. My conclusion is that this is a pervasive problem.

Now is not the time to give the captain's cabin a paint job, but rather to save the boat. The boat is sinking. You have told us that clearly and honestly, but no one is listening. It's all very well to argue costliness and lack of skilled people, but we, the aboriginal groups, feel that responsibility lies with the fiduciary. If there are incompetent people in the communities, then let's get rid of them. If band councils are not capable of protecting their people, then let's do something. This does not make any sense.

It is no longer acceptable to attempt to blame the aboriginal groups. It is no longer the time to point the finger at others, it is time to do something to protect these people.

Are you able to put pressure on the government in order to make it live up to its responsibilities regarding an unacceptable situation?

Ms. Johanne Gélinas: It is not my responsibility to put pressure on the government. I'm pleased to be before this committee, because I feel that it has an important role to play once we, from the Office of the Auditor General, present you with the facts—indisputable facts from many points of view. We can back up every fact we are presenting to this committee.

That is also why we felt comfortable stating clearly in our audit report that this was a shared responsibility. All three levels are responsible: Indian and Northern Affairs Canada and Health Canada have their share of responsibility. Health Canada plays the role of public health agency for aboriginal reserves. Its role is fairly clear. The responsibility for maintenance is delegated to the first nations. When there are no regulations and when the policy does not clearly spell out what each and every party's obligations are, then the ball

can easily be thrown—as is currently happening—in the other party's court. It's a matter of saying that it is not our responsibility, the money was transferred, and it's the responsibility of the first nations.

If there were regulations, as there are in the provinces, that clearly spelled out expectations, penalties, consequences, and responsibilities for each party, then more pressure could be put on the various stakeholders in order to ensure that each one was playing its role. This does not seem to be the case at this point in time. That is why we have made a recommendation on that matter.

● (0925)

Mr. Bernard Cleary: If you have come before us with this issue, it's because you're hoping that we will take it up—as is our role—and that we will see it through. You haven't come here for nothing or simply for the purpose of informing us. You have come to tell us that we are also responsible and we have to do our job.

I am hereby announcing, and I am announcing this to the committee, that we will do our job. We will table a motion that will lay the blame at the feet of those who are responsible or those who have a certain amount of responsibility. In my view, this reaches as far as the aboriginal authorities.

Ms. Johanne Gélinas: I would like to add something, Mr. Chairman. Earlier, Mr. Mills was referring to the relationship between the Commissioner of the Environment and the Standing Committee on the Environment and Sustainable Development of the House. The fact is that I have always been of the view that parliamentary committees had a huge responsibility.

We have established a relationship with other committees that enables us to require the departments involved—Indian and Northern Affairs Canada and Health Canada in this case—to come forward every six months. At that time, they have to table a report on the progress made with respect to the recommendations and their commitments.

I am the Commissioner of the Environment, and I have been working with the House Committee for five years. I can tell you that there is a tremendous difference when a parliamentary committee asks to report periodically to the departments involved in an audit such as the one we conducted.

Mr. Bernard Cleary: Thank you.

[*English*]

The Chair: You have another minute, Mr. Cleary, if you wish to utilize it.

[*Translation*]

Mr. Bernard Cleary: What do you think governments' priorities should be?

Ms. Johanne Gélinas: Mr. Chairman, in my presentation I mentioned how important it was to assess the current situation in order to measure the progress that is made. Auditors often raise this problem. No measurements are taken in the field. As a result, we cannot assess the progress made by the government with respect to some of its commitments.

Of course, there are priorities. You know better than I that there are problems with respect to water quality, housing, and education in first nations communities. There is a whole host of priorities. Clearly, water is an extremely important issue. Water is a source of life. Earlier, you said that in a country like Canada we should ensure that everyone has good quality drinking water. We therefore must ensure compliance with the procedures set up by the departments. We must follow up on water quality and ensure that maintenance programs are respected. All of this is clearly set out in the agreements negotiated between the governments and the first nations, but there is no follow-up. All the links in the chain are present, but they are all weak. The fact is that the water quality is poor. We must strengthen each of the links in the chain. We must also provide follow-up and supervision to determine whether all the stakeholders are meeting their responsibilities. I think that is the most urgent thing.

• (0930)

[English]

The Chair: Thank you, Madame Gélinas, Mr. Cleary.

Mr. Martin.

Mr. Pat Martin (Winnipeg Centre, NDP): Thank you, Mr. Chair.

I'm very sorry to have come in late. I won't try to catch up too quickly, other than perhaps to pick up on Mr. Cleary's point and what little I heard of that exchange. I think it's an excellent idea for us to perhaps ask you to report regularly to this committee, in a way similar to the way in which you report to the environment committee, I understand, with a status report or a progress report on the operations and functions of your office, but also as it pertains to the drinking water issue.

If there's any upside to the terrible situation in the communities in northern Ontario that have been the focus lately, it has helped to draw attention to provinces like my own. I believe there are 48 boil water orders currently in effect on reserves in Manitoba.

If there was regular communication between this committee and your office, I would ask what that would be like and what sort of input you would want or need. What help could we be to you as a committee to continue with that work and to have you report back to us?

Ms. Johanne Gélinas: Mr. Chairman, just to avoid any confusion, I'm not the one who should report back to you on progress, because I do not represent the Department of Indian Affairs or the Department of Health. What I was proposing is that you have those two departments come on a regular basis to let you know how much progress they have made based on the recommendations that we have made. In my opening statement I was saying that except for the regulation or the law that we were proposing, a regulatory regime, they have accepted all of our recommendations. It then becomes easy to follow up on those recommendations.

On our side, though, I have to say that we will do a follow-up on the implementation of our recommendations on a regular basis, but we don't do that until two years after we issue a report. In our case, it will be sometime in 2007 or 2008 that we will come back with a follow-up on progress. Of course, we'll be more than happy to come and give you the result of that work, but it's more in your hands to

make sure that departments do come back and let you know what they have done based on what we have suggested.

Mr. Pat Martin: If there are movements or shifts in jurisdictions, for instance, coming out of the first ministers meeting, at which the federal government may in fact be asking the provinces to administer at least certain aspects of its responsibilities, will that have any effect on your ability to comment on or monitor the activities or progress of the people who are now going to be actually looking out for some of the issues that may be transferred to the provinces?

Ms. Johanne Gélinas: I cannot anticipate what will come out of that first ministers meeting. If I had a wish, I would hope that this issue gets on the table and is discussed by the ministers and the first nations representatives. I think the meeting is scheduled for next week.

Mr. Pat Martin: I think we can be pretty certain that it will be one of the key and paramount things to be addressed. The delivery of certain services from the feds to remote reserves especially has been woefully inadequate, so they're looking at the level of government that's closest to those communities to perhaps deliver the services. However, will that make it more difficult for you to intervene and comment on or monitor the status of those issues if they're now administered by the provinces rather than the feds?

Ms. Johanne Gélinas: I've just come back from a meeting, Mr. Chair, with our colleagues at the provincial AG level, and we had a lot of discussion among ourselves. If it's not picked up by us at the federal level, we share information, and they may want to know on their side in order to do some follow-up work.

As you know, we do not discuss policy decisions. We're just making sure that whatever commitments are made will be followed and respected. This is what we can report on.

• (0935)

Mr. Pat Martin: Can I ask about one other aspect? Deviating a little bit from the subject of water, environmental cleanup on northern communities and reserves has been an issue from, for instance, DEW Line sites. There are also U.S. military fuel deposits all over the north that are rotting now, and aviation fuel is spilling into the soil. Have you had any specific role in visiting or commenting on the state of other environmental issues on reserves?

Ms. Johanne Gélinas: Thank you very much for that question. That's gives me an opportunity to talk a little more about the role that I play in the work that has been done in the past and the one that I'm planning to have in the future.

First of all, the AG's office has looked at contaminated sites, at what we call contaminated sites, over the last couple of years. My group, the commissioner's group, did a full audit on federal contaminated sites and how they were managed and cleaned in 2003, which is quite recent. We also looked, at the same time, on the situation of abandoned mines, which are now the responsibility of the federal government.

It's true that everywhere in this country no one has been favoured more than another. We have contaminated sites across the board. We know that the federal government has done quite a lot to address some of those issues. For example, we were asking for a priority list—which were the most contaminated sites that should be looked at first—and the government came forward with that last year.

We also got from the federal government that they book the environmental liabilities, which are mostly contaminated sites, in the financial statements of the government. We're talking here about \$3.5 billion, in terms of liability, with regard to abandoned mines and contaminated sites.

So yes, this is something we have looked at. Up in the north, we have many of those sites. Some are in serious condition. I will be more than happy, if you want, maybe in the spring, to come back and talk to you about the situation of contaminated sites in the north, in the reserves, and especially about the one you were referring to, the DEW Line, and some of the others.

The Chair: Thank you, Mr. Martin.

Ms. Barnes.

Hon. Sue Barnes (London West, Lib.): Thank you very much, Mr. Chairman.

Thank you very much for your presence here and your testimony today.

I just want to clarify this. Your report that we're hearing about today covers the period from 1995 to 2004. Correct?

Ms. Johanne Gélinas: Do we go that far?

Mr. Jerome Berthelette: Yes, 2004.

Ms. Johanne Gélinas: So, yes.

Hon. Sue Barnes: Yes...the end of 2004. The Department of Indian Affairs had actually started its water strategy before you had actually written your report. Is that correct?

Mr. Jerome Berthelette: That's correct.

Hon. Sue Barnes: Okay. I guess there was less than a year of overlap when you were doing this report that the department had started its strategy. Did you get a chance, then, to properly evaluate what the strategy was trying to address because of these situations, which are very serious and obviously important?

Ms. Johanne Gélinas: The answer is yes. When we issue a report—this one was issued in September 2005—we close the book, so to say, in June. We have a very good understanding of what is going on until the last minute, so until June. And we have a very close relationship with the department as we do the audit, so we are aware of all the things that are going on. For example, in the report, we have considered the implementation of the first nations water management strategy, so that has been factored into the work, and we reported on the progress from the information that was given to us until June 2005.

Jerome, is there anything else to add to that?

Mr. Jerome Berthelette: We note that the water strategy has seven elements in it.

Hon. Sue Barnes: Maybe if you could go through those that would help.

● (0940)

Mr. Jerome Berthelette: What they've undertaken to do is to develop comprehensive guidelines, policies, and standards to educate on-reserve residents about drinking water issues: clarify roles and responsibilities, build and upgrade water systems to standards, improve operation and maintenance and provide operator training, and expand water testing.

Now, one point that has to be made about the first nations water management strategy is that the departments, Indian Affairs and Health Canada, have been working on five of those issues since 1995. When we're looking at the first nations water management strategy, five of its elements go back to 1995, so we're able to cover off very thoroughly five of those elements.

The other two elements—development of the comprehensive guidelines and the education items—are the more recent elements, and even in those areas we are able to look very carefully at the guidelines that have been put in place and the changes that have been made in that area. We had, I think, a very thorough examination of what both Health Canada and Indian Affairs have done, in terms of drinking water on reserves and where they're going in terms of the first nations water management strategy.

Hon. Sue Barnes: Yes, and in fact in your report you've added their responses so that people can look at them and see them for themselves.

You mentioned regulation, and provincial regulation. Do all provinces in Canada have provincial guidelines or regulations?

Ms. Johanne Gélinas: It's almost every province, but in two cases we were not able to look at their regulation, if they have one.

Mr. André Côté: It's widespread across provinces. If they have regulations, it's the level of details that vary a lot.

Hon. Sue Barnes: I think there are two that are lesser, aren't there?

Regulation is something first nations have recently come forward to say they'd be prepared to work on, as a partner with the federal government. It's a situation in which you can write all the laws in the world, and if you impose them, they're not likely to work.

Can you talk about what would have to occur in a regulatory regime? You've talked about going in and having enforcement mechanisms. This is a committee that is very familiar with working with first nations on a day-to-day basis. Just coming in as a government and imposing regulations... While the goal is very laudatory, how you go around doing it is clearly something that's going to need the engagement of first nations themselves in all of the work. In regulatory work, I think we have come a lot closer, since we've started our water strategy and our discussions, to getting to that point.

Do you want to comment about pure imposition of regulations?

Ms. Johanne Gélinas: I will say two things about it. First of all, when we do an audit, we always have an advisory committee helping us, to make sure we're on the right track. We had some representatives of the first nations communities and have had the discussion, of course, on the need for and the value of regulation. As we were looking at the broad picture in Canada, it made sense to also have regulations for drinking water that will apply on reserves as they apply across the country—with no major problem, as we see it.

The other thing I will raise is that in the funding agreement's arrangement, most of what you will find in a regulation is there. It's just that you don't have the same levers to make sure it is rigorously followed. If you have a regulation, it changes the dynamic a little bit.

Jerome, who has looked at this in more detail, may want to add a little bit on this point.

Mr. Jerome Berthelette: Yes, Mr. Chair, there are two points I think I'd like to make.

The first is on the question about the imposition of regulations. I think this is a fair point. As the commissioner has said in her recommendations, it should preferably be done in consultation with the first nations.

The first step is to ensure that all parties agree regulation is important. I believe, as the honourable member has mentioned, that on the first nations side there is a willingness to work with the minister to put regulations in place. That first step is the most important one.

Once you have that commitment, the next step is to go to work and put it in place, to try to maintain the momentum. Because it involves health and safety, I think it's most important for both parties to work diligently to put those regulations in place.

On the second item, putting regulations in place is not a simple matter. We understand that. There are issues around how to ensure that the regulations are followed. Indian Affairs and Health Canada probably do not have the human resources to follow up on the regulations. If you put regulations in place but do not put in place the necessary human resources to follow up on them, then the first nations will probably be no better off.

So as the committee, Mr. Chair, or as the government is proceeding with the first nations in putting in regulations, serious consideration has to be given to how they are going to be followed up, how regulation is going to be implemented, how it's going to work on a day-to-day basis.

● (0945)

The Chair: Thank you, Ms. Barnes.

Mr. Prentice, I believe.

Mr. Jim Prentice (Calgary Centre-North, CPC): Thank you very much, Mr. Chairman.

Ladies and gentlemen, thank you very much.

I'll begin by complimenting you on your work and saying welcome. We very much appreciate the fine work that you've done under the auspices of the commissioner's office and the Auditor General's office in bringing this to light.

If I seem to be cross-examining you, I hope that you'll forgive me. I know that you are not responsible for this matter; it's the department. I practised law for 23 years, and some habits are hard to break.

If I might get to the bottom of a number of things here, I don't see anything in your report that deals with some of the specific communities. Did you make a conscious decision not to deal with specifics or did you not have some of the information that has come to light since your report?

Ms. Johanne Gélinas: The way that we usually do our audit is to look at the situation as a whole. We will then use some specific cases to illustrate our point.

As you can imagine, it would have been very difficult for us to have statistically significant samples of communities, when you have 600 communities and when you can at some point illustrate what you want to talk about through one community issue. The purpose was not to have an examination of all the situations in all communities with respect to drinking water.

Mr. Jim Prentice: Thank you.

Were you aware of the specifics of communities like Kashechewan and Gull Bay? Were the specifics disclosed to you by the department?

Ms. Johanne Gélinas: We were able to access information on anything in the department.

Maybe I can have my colleague tell you how we pick our examples and whether we were in fact aware of some of the situations that came out in the newspaper in the last couple of weeks.

Mr. Jim Prentice: I'm interested specifically in the two that have been raised in the House of Commons, Kashechewan and Gull Bay.

Mr. André Côté: As you have noted in the report, we do not disclose the identities of the communities we look at. We have access to the departmental information, but we don't have access to the community information. Something there could explain some of the difficulties that are noted.

From that perspective, as Ms. Gélinas mentioned, we prefer to stay at the systemic level. We look at how the programs are administered, and we provide examples of the consequences of the weaknesses that we see.

Mr. Jim Prentice: I respect your approach in doing that, but let me take it in a different direction.

We've learned from the House of Commons that this particular minister knew for eight weeks about the risks for people in Kashechewan and took no action. We are concerned about other communities that are in similar circumstances. We're told that there are approximately 100 communities living under similar circumstances of boil water conditions. Can you produce a list of which communities those are, to the best of your knowledge?

Ms. Johanne Gélinas: Mr. Chair, we can look at the specifics of the information that we have in our binder. We may get back to you when we see what the feasibility is and the implications are of giving you the names of those communities.

One thing I should add, though, is that I visited one of the remote communities, St. Theresa Point. As we clearly stated in our report, there is nothing new under the sun. The situation of the drinking water in first nations communities has been well known for years in those two departments. The specifics must also be known to them.

• (0950)

Mr. Jim Prentice: Yes.

I would ask you this. When you produce that material, could you be kind enough to indicate which communities have been under a boil water advisory for more than five years and which ones have been under a boil water advisory for more than ten years?

Ms. Johanne Gélinas: Mr. Chairman, to close the loop on this, we will look. I'm not sure that we have all this information, but this is certainly a very good question to ask of the department. I'm sure the department can provide you with that information.

Mr. Jim Prentice: They probably could. The issue is on whether they will or not.

All Canadians have come to trust the integrity and reliability of your office, if we might leave the question with you.

Secondly, you say it has clearly been known in the department. Perhaps one of the other questioners will follow up on this. What evidence did you find that this minister has sent any directive to the department to fix these problems?

Ms. Johanne Gélinas: We have looked at the department from an administrative standpoint. We haven't had discussions with the minister himself in the course of the audit, so I don't know exactly what was the request or signal that the minister was sending to his own department. I cannot answer that question.

The Chair: Thank you, Mr. Prentice.

Mr. Valley, please.

Mr. Roger Valley (Kenora, Lib.): Thank you, Mr. Chairman.

Thank you to the witnesses for coming in today.

Part of my past career was with municipal governments, and in the last decade there have been tremendous challenges with the changing of regulations, and rightly so, to provide clean, safe drinking water to all Canadians. Municipalities, or large cities for that matter, have a huge problem with the resources they have. They have everything they need. They have all the technical support. They have the engineering firms. They have everything to continue to maintain and provide clean drinking water for Canadians. First nations have none of that, to any great degree.

You mentioned, and I was very happy to hear you say—and you repeated it a number of times—the shared jurisdictions that are here. It's working together that's actually going to provide some of the answers for this.

You also mentioned that you did visit a remote site. In my riding, the same as many of my colleagues here, we have remote sites. I have 21 fly-in communities. New plants are built there. I think it was Jerome who mentioned that a lot of new infrastructure has been put in. I'm under the impression from some of the comments that come from local authorities or local communities that regardless of how much is put into those local sites, they're not going to get off those

boiled water advisories simply for the reporting structures that are in place. I agree with you totally that we need not more restrictions but better tools or levers, I think you called them, to make sure that happens.

From what you know of remote communities, can you ever see the day when these remote communities that are literally 500, 600, or 800 kilometres away from any kind of support system are going to be allowed to get off those boil water advisories?

Ms. Johanne Gélinas: You're asking me a tough question. Obviously, it will take a lot of time and a lot of willingness if we want to be able, especially in remote communities, to make sure that the systems are in place and the people are there to run those systems. I have to say that from what I have seen—and I have seen only one—it looks to me that it's a huge challenge for the communities themselves and also for the government to provide the necessary support. But it can be done.

We are proposing some options or some ways to improve the water quality and provide some good support to the community, but it will need a lot of will.

Mr. Roger Valley: You mentioned—and some of this we know—the way the costs are shared when we build these new plants. I think, to use your words—and correct me if I'm wrong—80% of the capital cost is paid for by the government.

Ms. Johanne Gélinas: No, 100% for the infrastructure and 80-20 for the maintenance and operation.

Mr. Roger Valley: And the training would fall into the 80-20, would it?

Ms. Johanne Gélinas: Is it 100%?

Mr. André Côté: The ongoing training would fall into that, but there is currently a bigger emphasis on training, and this is paid 100%.

Mr. Roger Valley: Okay. One of the challenges that we get into with the training, speaking specifically about my riding again, is while the training dollars are there to some degree, the cost of actually moving the people hundreds and hundreds of kilometres to the training is not covered to any great degree. Is that something you found when you actually asked these questions? How is the training carried on, and is it ongoing and continuous, to provide the support for the plant that's there?

• (0955)

Mr. André Côté: I'm not sure about whether the cost of travel would be covered or not. I assume it would be for the training that I mentioned to ensure that the certification is achieved. After that, when it becomes regular, it is a local decision what part of training they want to fund.

Mr. Roger Valley: You mentioned the amount of actually new construction that has happened or new plants that have come on line. Can you give us a figure of how many of those there have been? Because we all face new plant upgrades or new plant construction. Many of the issues that are identified in the communities of my riding are upgrades, either large or small, right down to the very, very small issues of small mechanical equipment replacement, that keep these plants from getting off the boil water advisories.

Ms. Johanne Gélinas: I'll ask Jerome to give you that specific detail.

Mr. Jerome Berthelette: Exhibit 5.2 in the audit on page 6 gives an idea of how access to water has improved since 1995-1996 to 2003-2004. As you can see, Mr. Chair, there has been an improvement right across the chart.

I'm not sure, Mr. Chair, if that answers the honourable member's question.

Mr. Roger Valley: I can spend more time looking at that diagram.

I'm going back, then, to the last question. This is a shared jurisdiction, and—please correct me if I'm wrong—your impression of this is that we have to work with everyone; there's going to be no going in and forcing requirements on communities; it's going to be by working together we're going to solve this.

Ms. Johanne Gélinas: Yes, absolutely.

The Chair: Thank you.

Mr. Ménard, please.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): First of all, Ms. Gélinas, I would like to congratulate you. I think your report is courageous. I hope you are well protected by the act and that you will retain your independence. If your position did not exist, I think we would have to invent it. It must be quite frustrating for you to see that no significant progress has been made in this situation which has existed for a number of years.

I have been a member of this committee for barely one month and I am increasingly scandalized about the conditions facing first nations communities. I can tell you I am truly scandalized. I think it is absolutely incredible and unacceptable that in the 21st century the first inhabitants of a modern country like ours do not have good water. I think we are two centuries behind the times.

Let us forget about the scandal and consider what can be done. I think we all agree with your suggestion to call in the departmental authorities regularly, to ask them to set up an action program and to track its progress. I also understand from your report that at the moment it is not necessarily a question of money, but rather the proper use of the money available. I imagine the cost of building certain facilities was covered, by hiring knowledgeable engineers to do the work, for example. There must be hundreds of engineering firms in Canada that could build appropriate facilities.

In my opinion, the greatest problem is the follow-up. I believe you refer to this at point 11 in your presentation. The key point about the audit is to do regular water tests and to pass on the results to the department so that it knows whether the facilities in place are producing good quality drinking water, which they were designed to do. If they are not, someone needs to step in and take action.

I understand the problem very well. When I was the Minister of Public Security, I dealt with communities for reasons of safety and security. I understand that it may be difficult for these few, remote communities to find someone in their region who can do these water tests regularly. One thing is certain—someone must do them. Otherwise, the government must take action. If the tests show that

the water quality is unacceptable, there again, someone must take action.

Would it be possible to set up a system to test the water regularly? In my opinion, tests of this type are done every day in Montreal. How regularly could such tests be done?

• (1000)

Ms. Johanne Gélinas: Mr. Chairman, I am not an expert on water treatment systems or water analysis. However, to answer the first part of your question, I can say that strictly from a public health point of view, the priority, at least for Health Canada, must be to ensure that the tests are done and that the results are analyzed. If there is a problem with water quality, the federal government should get involved and attempt to find a solution.

In reality, at present, Health Canada provides funding for sampling and analysis. However, the department transfers the responsibility to the first nations, and there is no follow-up. So we do not know if anyone monitored the water quality. That is step one. In fact, to determine if there is a problem with the system, you must start by checking the water. If the water is good, you can assume that the system is working well.

On your second point, as to whether a system can be put in place to analyze the water, you must bear in mind the situation that prevails in first nations communities. You can have a Cadillac water supply system and a Cadillac water sampling system, but if there is no one to operate the systems, it is unfortunate, but you will hit your limits at some point, in either case. That is more or less what happened.

In some situations—and we saw it during the audit—Health Canada can negotiate an agreement with the first nations to give a private firm the mandate for conducting regular analyses. Reserves in the south are more accessible and hence the work is probably less expensive, but it can also be done in the north. People can also be trained to do the sampling, send the water to the labs, and obtain the results.

So that takes us back to a point you mentioned earlier: all of the links in the chain must work along the same lines and be equally as strong. In fact, even in cases where the results of the analysis come back negative—and we have seen that—the Department of Health will play an advisory role at best, but it will not make decisions. That leads to situations like the one described by my colleague Jerome: for the past three years, boil water orders have been issued in some communities, because no one has made a decision in terms of addressing the problem and attempting to resolve it.

[English]

The Chair: Thank you, Monsieur Ménard.

Ms. Karetak-Lindell.

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Thank you.

Thank you very much for your report.

In your introduction you talked a little bit about capacity building in the communities, and I appreciate your comments. I very much appreciate the focus there is nationally on the safe drinking water situations in the communities, but having worked for many years now on how we can get our communities on a level playing field with respect to the right resources and to capacity at the community level, I certainly know that it's more than a water situation. It's about building communities; it's about empowering people and trying to get that balance of priorities.

You talked a little bit about the need for education, the need for housing, and the need for good governance structures. It's always very hard for me to take one item out and deal with it in isolation, which is what we're doing at some level here, but because it brings focus to the needs in the communities, none of us in the aboriginal community are going to turn away the interest.

It's what aboriginal leaders in Canada have been saying for over twenty years, that we need to work with the communities to get the communities up to that same level of service expected in other parts of the country. That's why it was always so hard for us to understand the animal rights movement over the last 30 years. We kept saying, why don't you protect humans too at that same level? But that's another discussion.

As I said, we're not going to not welcome any attention to our aboriginal communities, but I'm very interested in the capacity-building area because we can use this issue to try to work with the communities to get that capacity-building.

I represent Nunavut. I have 24 communities, and maybe 22 of those communities are on trucked water systems. We have to accept that in our communities because that's all we have. We work very hard to maintain that same level of service whether we have trucked water or not, but some of these communities only have 300 people. You can't expect the same kind of capability in that community as you would in a community of 6,000 people.

I know the approach has to be different with every community, and I certainly hope that we keep the interest in aboriginal communities sustained throughout, that this is not the flavour of the year and six months from now the interest in Canada will be somewhere else. I've always said we shouldn't play politics with aboriginal issues, and I want to get the message out that this is something we have to do on a sustained level, to work with the communities.

I wonder if you agree that in order to get the communities up to that level playing field, whether it's with water or education for all those levels of service we expect in other parts of the country, a lot of it has to do with building capacity in the communities so they can learn to take care of themselves. It's not that they don't want to; it's that we need to help them along in the same way we've helped other communities across the country.

•(1005)

Ms. Johanne Gélinas: As we were doing the audits and we were talking with the members of the communities, it was obvious that they all have to juggle many priorities. Water is an important one, but there are others, a school for kids or whatever. I just want to say that we appreciated in the course of our audit this concern that there are many priorities you have to deal with.

My colleagues are more in the area of the environment and sustainable development, but my colleagues here have done a lot of work in the Auditor General's office on first nations, and I will let them talk. From what I have read, capacity building is always one of the key elements that comes out of all of the audits we do, no matter what the issue is.

Jerome, do you want to comment on that?

Mr. Jerome Berthelette: Mr. Chairman, I just have a quick comment.

I think the situation we see here with respect to capacity-building and water, we've also seen in other areas where we have done audits, for instance, in education. Mr. Chairman, in that situation, you have schools that have been transferred to the first nations, but without the superstructure that you would expect and take for granted in a provincial system. There is no school board, for instance, to provide curriculum development and supervision and the support that the schools need. You can go through the list of programs that are being delivered in the communities and you will see that in most cases, if not all, they are missing those institutions that we take for granted in the provinces. They are missing the boards of education, the housing authorities, and a whole host of institutions that would provide the sort of support and capacity-building that the communities need to be more effective in terms of delivering the programs and to increase their capacity.

•(1010)

The Chair: Thank you, Ms. Karetak-Lindell.

Mr. Harrison, please.

Mr. Jeremy Harrison (Desnethé—Missinippi—Churchill River, CPC): Thank you very much, Mr. Chair.

Thank you very to our witnesses for being here today.

Thank you, Ms. Gélinas, for your comments laying out the facts of a horrible situation, a damning indictment of all aspects of this government's first nations water management strategy. We've seen the results of the government's dithering and failure on this front. We've seen Kashechewan. We've seen Kwicksutaineuk, which has been under a boil water advisory for eight or nine years. We've seen Gull Bay. We have 100 or more first nations right now under boil water advisories.

We know in the case of Kashechewan that the minister had in his hand—personally handed to him—eight weeks prior to it becoming a national crisis, the Kashechewan.... He knew what the situation was eight weeks prior to it being in the news. Was any action taken? No action was taken until it became a media story. The minister did nothing.

I particularly appreciated one of your comments in here, and I shall read it:

...unless strong action is taken, it is unlikely that the funding, including the \$600 million being invested in First Nations Water Management Strategy, will result in safer drinking water in the future.

For the next government, which is going to be a Conservative government, this is going to be an issue that we will be treating very seriously in dealing with it, unlike the current government.

I'm wondering if you could maybe expand on what that strong action would be.

Ms. Johanne Gélinas: We have detailed that action in the chapter. As you can appreciate, I don't want to get into politics here, but we have highlighted a couple of things that need to be done. As I said earlier, if you were just to follow up on some of the recommendations we have made, and get back to the department and have the deputy come and testify before you on what progress has been made, together we will do something good for those communities, who are desperately looking for drinking water.

Mr. Jeremy Harrison: We had a meeting the other day with officials from the department. We asked why the Liberal government won't put forward standards for first nations right across the country. The response we received was that there was a constitutional issue that's impeding the government from taking action on this front.

I'm wondering if you see that as being a legitimate justification for not putting forward national standards for first nations on the quality of drinking water.

The Chair: Ms. Gélinas, you indicated earlier that you're not a water treatment expert. Please understand, I presume you're not a constitutional expert either. If you are, and you're comfortable answering the question, fine. If you're not a constitutional expert, there is no obligation on you to answer a question that sounds far outside your realm of expertise.

Ms. Johanne Gélinas: I will stay with my area of expertise. I would just let you know that Canadian drinking water standards are already part of the funding agreement, so the parties should respect those. They are guidelines; there is no regulation.

The provinces are using the Canadian drinking water guideline to build their own regulations at the provincial level, and this is what we are suggesting. If we were to have a regulation on drinking water that would apply to first nations communities, we already have the guidelines, which are used, for example, in the Canada Labour Code for federal employees, and are used also to build the provincial regulations.

I won't go further than that, but it's there and it can be used; it can be put in a regulation, if the decision is such.

Mr. Jeremy Harrison: Right. Thank you very much, Ms. Gélinas.

The Chair: Thank you, Mr. Harrison.

Mr. Valley, please.

Mr. Roger Valley: Thank you, Mr. Chairman.

If one listens to the first nations today, it is very clear which party they would not involve themselves with. If they need this issue cleared up, they would not be supporting my colleague's party.

I'd like to go back to a comment I made, and obviously I wasn't clear about it, the fact of the distances of some of these communities and how the testing is going to work. If we develop a national standard, as has been suggested, if we follow provincial standards,

the possibility that these communities are ever going to get off boil water advisories is very remote.

We've spent a lot of time, effort, and resources getting a lot of technology into the communities. We have broadband. I'll speak again about my own area of Canada, in northern Ontario, which has a lot of capacity right now, but they still do not have the technology to test the water themselves in the communities. Sampling still has to occur and has to be sent out. At no point in the foreseeable future can we get that changed. It's a huge challenge for the municipalities that are located there that have lots of resources.

If we were able to develop a standard where we make a decision to follow provincial standards, whatever we do to provide clean, safe drinking water, in my estimation, there will always be communities that will never meet that challenge because of location. How do we counteract that part of it? How do we deal with it so that the communities have confidence in their water?

● (1015)

Ms. Johanne Gélinas: I think that is a very good question for the department itself. They deal with those situations on a regular basis, and they must have some solutions to offer to remote communities to make sure they have safe drinking water.

Your colleague was talking about different options to provide good water systems, for example. In some cases, that may be the appropriate way of providing safe drinking water. In other cases, they can go with something more sophisticated in terms of water treatment.

I think every community is a case-by-case situation that needs to be looked at, but I will be curious myself to see what the department's answer will be with respect to how to address situations in those communities you referred to.

Mr. Roger Valley: You suggested earlier to my colleague across the way that there's a lot of confidence in your department, throughout Canada. If you would provide that information to us, it would be a benefit to us.

But again I go back, and I do know somewhat the testing procedures that are in place. Municipalities just barely make it.

I can't see how that's going to happen unless you actually put a lab in every site, which is not feasible. It's not feasible for towns of 16,000 in those areas. I don't see how it's going to happen.

I believe, like all Canadians, and hope that the restrictions and regulations are going to become even better in the future. So it's going to put much more onus on these sites, which would put in brand-new state-of-the-art plants. Given—it's exactly right—the comment that sometimes there are engineering challenges and we use firms that don't realize the areas of Canada they're dealing with and talking about and how to build things in those areas, they're still going to have that challenge of getting the reporting and the sampling in.

So a national strategy or a national agenda or national regulations are always going to have to take into account the distances that are travelled. Communities that have been mentioned here, that have had absolutely tragic circumstances, are relatively close compared to some of the communities we're talking about. So I don't know how one size is going to fit all. I'm hoping we can provide that same protection for every Canadian, but again, we're going to have to realize, as my colleague said, some of the distances that are involved.

Ms. Johanne Gélinas: I would just add one quick comment.

For me, it was an eye-opener to go into remote communities, and I will encourage anybody who hasn't gone there to go and see what challenges those communities are facing. The challenges are huge.

Mr. Roger Valley: Yes, and I guess my point would really be that while we've expended resources and we continue to do so—it's a high priority—it's still going to be a challenge, and there isn't any amount of money in the world that's going to solve these things overnight.

It goes back to your comments before, of shared jurisdiction, working with the community. That's how we're going to solve this.

Thank you, Mr. Chairman.

The Chair: You've yet time, Mr. Valley.

Mr. Roger Valley: Unless you'd like to respond to any of those comments....

Ms. Johanne Gélinas: I've said what I have to say. Thank you.

The Chair: Monsieur Cleary, please.

[*Translation*]

Mr. Bernard Cleary: I'd like to come back to capacity building. Obviously, even if aboriginal groups want as much independence as possible, there will always be capacity building problems. It's not just because aboriginal groups want to be more independent that all of a sudden they have all the necessary professional skills.

Before other committees, department officials tended to say that these communities were self-sufficient in the area of education and that therefore they were able to resolve all their problems from A to Z. However, aboriginal groups often do not have the capacity to deal with those problems and today we have a very good example of that.

If the fiduciary does not provide adequate support to these communities, then the problems aren't resolved. That is what we are seeing in this current situation. People are not adequately trained in order to be able to ensure the appropriate follow-up. The departments, both Health Canada and Indian and Northern Affairs Canada, have to take the necessary measures to assist them in becoming skilled and sufficiently responsible in order to undertake the required work. Then they will have to ensure follow-up.

I will never accept that we wash our hands of this by saying that if aboriginal groups want to be independent then they'll just have to deal with it themselves. We have to forget that notion immediately. Unfortunately, the Department of Northern and Indian Affairs and the other departments tend to think like that. Outside involvement in these issues, such as yours, can help us make sure these departments are accountable. Today is a good example of that.

● (1020)

Ms. Johanne Gélinas: Mr. Chairman, I would not want our audit to leave you with the impression that the government, through the Department of Indian and Northern Affairs or the Department of Health, is doing nothing in the area of training operators and assisting communities in becoming more skilled at water quality monitoring, for example.

The issues are huge. Everyone says and everyone knows that we won't be able to create that capacity everywhere by tomorrow and that everyone will be able to efficiently manage their water supply systems. Work is being done. We need to make sure that the conditions set out in the agreements are being met. I'll give you an example.

If the department asks the first nations communities to establish a water quality monitoring plan but no one makes sure that the plan has been implemented and that there has been monitoring, then that can encourage people to neglect it and let it fall by the wayside. Protective measures have to be taken in order to ensure that everyone accepts the requirements—which is perfectly legitimate—because that is part of the agreement. In fact, both parties must comply with the agreement: on the one hand, the first nations who are responsible for following up on water quality analyses because they receive money from the federal government and, on the other hand, the federal government, which must ensure that the money that was granted to first nations is being used appropriately to monitor water quality.

[*English*]

The Chair: Mr. Valley.

Mr. Roger Valley: Thank you.

You'd think I'd have more imagination than to keep coming back to the same question. From your audit, can you tell us how many remote sites—I'm talking about sites that are strictly air alone—there are in Canada?

Ms. Johanne Gélinas: Yes, we have that information.

Mr. Roger Valley: While he's looking it up, I would like to ask, did you take any different approach to the remote sites, other than the sites that are accessed by road?

Ms. Johanne Gélinas: The question, again, is more for the department, whether they have different approaches to deal with situations in remote communities.

From my understanding when I was travelling with the representative from INAC at St. Theresa Point, yes, they have to deal with different situations. An example given to us is that when there's a piece for your system that is missing and you have to find a way to have it delivered in a remote community, sometimes it is very costly. It can be three, four, five times the price to have it delivered from so far away. Sometimes the piece is too big to send by plane. If they need chemicals because they've used more than what is expected, once again, they have to wait. There are so many situations there that are almost not understandable for us because we're not used to those kinds of situations.

But my understanding is, yes, for them, there are some different approaches, even in the calculation of how much money they need for training—and somebody was referring to the cost of travelling. I guess in the process of re-evaluating the financial needs to be able to do proper maintenance and proper training, they are looking at the differences, depending on the location.

But it's not us. Again, we have just reported on our findings through this audit. The mechanism for how the government, through the departments, will get there is their prerogative. We're not experts, and we don't have to tell them how to do it. They must know, and they should know.

• (1025)

Mr. Jerome Berthelette: There are 90 isolated communities, with about 78,000 first nations residents in those communities.

Mr. Roger Valley: So there are 90 isolated sites. Okay.

I don't ever presume to tell anybody their business, unless it's some of my colleagues who I like to tease sometimes, but in the future—and I go to your point, which you repeated, and it's in your statements, in your book, about Parliament not receiving the complete picture—I think we should identify the issues in the remote communities. I'd clarify that by saying that I don't think we should have any different standard. We're Canadians, and we deserve a standard that is acceptable to everyone.

But I think we have to understand some of the challenges. If an audit comes up again—and I've said this to other witnesses in front of this committee—we have to realize that there are different scenarios and different difficulties to deal with. In an audit such as yours, if you identify some of the extraordinary challenges or some of the extraordinary difficulties that are there, it would give Parliament a better picture of exactly what they have to deal with. Again, I go back to the point that every Canadian deserves the same standard, as much as we can provide that, but we need to know the real picture. From my knowledge and from some of the things you've said, I know it's a lot more difficult in remote sites.

Ms. Johanne Gélinas: I have to say, Mr. Chair, that my group and some other groups in the AG's office will be more than happy to assist you if you want to highlight the key priorities that should be followed up in the future, to provide you with some assistance to identify those elements, and we'll get back to you on this. If that will ease your follow-up work in the future, we will be more than happy.

We have also identified, on page 5 of our document, exhibit 5.1, the challenges. You may refer to that. As I said, we can work with your researchers and the clerk to provide you with some more detail on issues that may need to be looked at.

The Chair: If you have the time, Mr. Valley, I understand Ms. Barnes has a question or two.

Hon. Sue Barnes: Thank you very much.

I was just going to go back. We have accepted, as a government, our responsibility in going forward with all these recommendations. We're moving towards that, and if anything, we would like to accelerate it. We also understand that the first nations we deal with have to work with us, and they are trying to do so.

I can only reinforce the very accurate comments of my colleague, Ms. Karetak-Lindall, that water is a highlighted thing. It is more of a lens through which to view a more complex problem that is being addressed. It has to be addressed in the way we deal, relationship-wise, with first nations and other aboriginal partners in this country.

I think the one thing Canadians want is for this to be addressed. In a certain matter, this does have us going into the very historic first ministers meeting. It's the first time a prime minister sits down with provincial-territorial leaders and the leadership of first nations, Métis, and Inuit communities to address a more complex agenda that has been prioritized. There are 19 people who have had an input to the chosen agenda of this next meeting in Kelowna. That meeting won't be a magic bullet. I think it's the start of turning the corner and moving forward.

One of the priority areas is in housing. Obviously, you have to have infrastructure for housing. Another priority area—

The Chair: Thank you, Ms. Barnes.

Hon. Sue Barnes: I don't get a session? I was just completing his time?

The Chair: The time has been completed.

Hon. Sue Barnes: I'll add to the list then.

The Chair: Ms. Skelton, please.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): I would like to say thank you very much.

In going through the report, I see there is Indian and Northern Affairs Canada, Health Canada, and Public Works and Government Services Canada all thrown into this mix. You spoke about travelling with representatives from INAC. Did you travel with officials from Health Canada and the other agencies?

• (1030)

Ms. Johanne Gélinas: Excuse me, there was a mix in the French and English. I didn't understand the last part. Did you travel with...?

Mrs. Carol Skelton: You traveled with a representative from INAC—

Ms. Johanne Gélinas: I did one trip; it was to St. Theresa Point. I was with Jerome and we were with one representative of the Department of Indian Affairs.

Mrs. Carol Skelton: Did you travel with representatives from any of the other departments?

Ms. Johanne Gélinas: No.

Mrs. Carol Skelton: Do you know how often representatives of the other departments travel to these communities?

Ms. Johanne Gélinas: I will just give you an anecdote, and this is not audit-related, but when Jerome and I went to St. Theresa Point and were having a meeting with the council, I asked the question, how many people have come here to see first-hand what was happening? He said to us, only two. I was wondering who were the two, and he looked at me and said, "You are the two first ones who have come here to see what is happening." It doesn't mean, though, that bureaucrats are not going there, but people like us, in the course of our work, were going there for the first time to exactly understand what the issue was that the community was facing.

Mrs. Carol Skelton: I think it's essential for bureaucrats to understand what's happening in these remote communities, and I would have assumed that Health Canada, the other main department involved in this whole issue, would have been in there. Their officials should have been looking at these situations too. Now we also have the Public Health Agency that's going to be thrown into the mix. Their department has no regulations written for it yet. Do you believe that this will pose another problem on this whole issue of drinking water with the new Public Health Agency, with no rules and regulations written for it?

Ms. Johanne Gélinas: I cannot tell, really. I cannot comment on that. I want to avoid a misunderstanding. Probably, and I cannot say either, some representatives from the Department of Health have been there. When we went there, we were with one representative from INAC, and I have to say that this man knew a lot about what was going on. And he had been there for years, so I don't want to put him in a situation where he didn't know about all that. That's not the point; it's just that he accompanied us to make it clearer for us what this was all about.

For the Public Health Agency, I cannot tell you, but that might be a good question, again, for the Department of Health, to see what will be the linkages or the overlapping between the two with respect to first nations.

Mrs. Carol Skelton: Do you think it would have been easier when you visited this community to have a representative from the Department of Health there to see what their knowledge was too?

Ms. Johanne Gélinas: The purpose of the meeting was really to meet the community. If the purpose would have been different, we would have asked Health Canada to accompany us, but in this case, we were there to see, from our side, after the audit, what the situation was. It was more for me to get a better understanding of the situation.

Mrs. Carol Skelton: I still go back to the full issue, though. I know you were meeting with the community, and that was your main issue, but I would have liked to have heard what Health Canada told you at the same time that you were travelling with this person. I think that helps me, and I will go back further through the report. But I really do think we should have Health Canada officials tell us something about this whole issue too.

Thank you.

The Chair: Ms. Barnes.

Hon. Sue Barnes: Thank you very much.

Perhaps I'll just go to another tack. I come from London, Ontario. Walkerton victims ended up in the hospital in my city. So even though rural and remote is part of this equation, it's not the whole

thing. I turned on my news earlier this week and there was something in Vancouver.

Boil water advisories go on and off, and some can go on for very short durations. I mean, we'll see a statistic, and we know that at any given point in time 10% to 11% of our first nations communities, some of which have more than one water system, so that's where you get the divergence in the numbers, are impacted. Some of these communities keep boil water advisories on because it's the safest way to continue to be able to utilize that water. If you get something like an E. coli, you have to act immediately. Therefore, in the Kashechewan situation, the day after the results of the test were known INAC flew in a certified water operator who did the repair and got things in a better state. The point is that with things like turbidity, which is cloudiness in water, you would keep a boil water advisory on for a long duration just as a precaution in that situation.

In your audit, you must have seen different levels of systems, different services. Can you just outline the divergence? I mean, we're not looking at plants that have a water treatment officer trained to run a city of Toronto plant. We're obviously talking about a huge range of different systems. Just for the understanding of Canadians, could you go over that?

Jerome, having more knowledge of the communities, you would probably be best able to answer that type of a question. I just want to use this opportunity to educate Canadians in general also about the diversity in first nations communities and the diversity of systems they're coping with, in multiple locations sometimes.

• (1035)

Ms. Johanne Gélinas: Just before we turn to Jerome, this audit is not only about the situation of drinking water in remote communities. We have covered all reserves and all first nations communities. I just want to make sure that we don't go too far in trying to apply what we found here only to remote communities. They were a part of the audit, but that was not the only aspect we looked at. And Jerome can certainly give you the details of the types of systems that we find in communities.

Mr. Jerome Berthelette: Mr. Chairman, in answering the question I think we should begin with the type of water being treated. Generally there are three types of water treated by the water treatment plants. There's well water that's not under the influence of surface water; there's well water that's under the influence of surface water; and then there's surface water. Those tend to be the three types of waters that are treated.

When you have well water that's not under the influence of surface water, it tends to be in very good shape. It tends to be drinkable, and the amount of treatment required for well water that's not under the influence of surface water is minimal. In most cases it tends to be chlorinated, and the chlorine is used to make sure it stays in good shape as it's going through the pipe in the distribution system.

When you have water that is under the influence of surface water, whether it's well water or surface water, the treatment then has to become more complex. There are essentially four types of treatment plants, from the least complex to very large, very complex systems treating water with very high turbidity rates and other related challenges.

The systems we saw in the communities have tended to be type two systems, which is to say they are the type of system that you would see in a large community except they've been shrunk down for a smaller community. It's a smaller size. It involves water that goes through the chemical cleaning process, the flocculation process, through the sand filter, with chlorination added to it, enough chlorination to make sure that it survives intact and is safe to tap. So it tends to be type two systems. There are more type three systems being put in place, and an occasional type four system where the water situations require more complex treatment.

What we saw on reserve, I think it's fair to say—and I'll ask André if he wants to add anything else—was mostly type two and type three systems being put in. Even though they're smaller, they're still complex, and they still require a well-trained water treatment operator to work the systems.

Hon. Sue Barnes: Could you discuss multi-barrier systems? That's one concept that I think people need to understand. I don't think they understand type one and type two, but what's the concept of multi-barriers?

Mr. Jerome Berthelette: The concept of the multi-barrier approach is to try to deal with the water and the risks associated with it at the different stages when it is being treated and delivered to the community, to the tap.

It starts with the source water. There's an examination of it to determine what types of threats are in it in terms of drinking water. An assessment is done of that, and based on the assessment you determine what type of treatment is required.

Then there is the treatment system. The system is put in place to treat the water within the treatment system. You have checks and balances related to the treatment of the water, including the testing of the water in the treatment plant.

Then you have the threat to the water that could occur as it is being delivered to the community through the pipes. In order to deal with that threat, testing takes place at the tap. The testing at the tap is done at various sources, and based on that testing, adjustments to the water system can be made back at the water treatment plant.

In essence, that's the multi-barrier approach to treating water.

• (1040)

The Chair: Thank you, Mr. Berthelette. There will likely be another round.

Mr. Ménard.

[*Translation*]

Mr. Serge Ménard: I have a short question. You have suggested many measures, but if I have understood correctly, a system for regular water quality monitoring is absolutely essential. That was determined by the health department and by a response team who, following these audits, noted that the water did not meet the quality standards that these systems should have provided.

Ms. Johanne Gélinas: That pretty well sums up what we expressed in our audit.

Mr. Serge Ménard: I agree that this may not solve every problem, but it is a way to get the problems solved by the departments so that we can, by bringing them before this committee,

evaluate their progress, given the huge sums of money that are being spent.

Thank you. I hope that everyone understood this and I am sure that we can request this from the Department of Health.

The Chair: Thank you, Mr. Ménard.

[*English*]

I have Ms. Karetak-Lindell, and then Mr. Mills.

Ms. Nancy Karetak-Lindell: Thank you.

You talked a little bit about the gaps in jurisdiction responsibility. Because of the lack of a regulatory regime and the different jurisdictions involved, it is difficult to know, especially at the community level, exactly who they're supposed to go to for what. I notice in your report that INAC and Health Canada have accepted all recommendations except for the one on implementation of a regulatory regime. I'm not sure if the regulatory regime would clarify exactly who was responsible for what. Would it be the responsibility of INAC to clarify who was responsible for what step?

I know that some of the tests and standards are at the provincial level, and some are at the federal level. That's really the case we see, because we tend to fall through the cracks. It then becomes the band's responsibility, but they don't have the resources to find out who is responsible for ensuring the safety of the community. So how would you see that being rectified?

Ms. Johanne Gélinas: As we speak, at least based on the audit we did, at least it's clear for INAC and Health Canada what the role is of first nations and vice versa. If the departments with the first nations were to come with a regulation, it's their prerogative to have that discussion and consultation to see what they want to have in it. There are many examples they can use.

Will it clarify roles and responsibilities? I hope so. More importantly, what the regulation can do.... If you look at the situation now, let's just take the example of sampling and testing of water. It's clearly stated in the agreement that this should be done by the first nations, but if they don't do it, there are no consequences. The only thing the government can do is stop the funding because they are not doing what they are supposed to do. A regulation will clarify much more clearly what needs to be done, who is supposed to do what, and what the penalties or consequences are if you don't follow. This is why we are suggesting in provinces that we have a regulation on first nations for drinking water.

Will it solve all the problems? I don't think so, but if communities with the federal government were to look at that more seriously, explore the pros and cons, and make the decision they want on how to move forward, that's a good step forward. The bottom line is to make sure the situation we have now, which is that three-quarters of the drinking-water systems in communities do not provide good drinking water, will be resolved in the future.

• (1045)

Ms. Nancy Karetak-Lindell: Is that responsibility uniform across Canada, though, in your opinion? Is it a national standard we're following here?

Part of the difficulty is that provincial regulations vary from province to province, but because first nations are all looked at as one area, I think it would allow for more confusion again, because of the differences between the provinces. I understand some provinces don't have the same...or don't even have that regulation in place. I'm not fully aware of all the situations, but I see that's where it might fall through the cracks again—because as much as we're dealing with provincial standards and systems, the first nations all fall under one big umbrella nationally. I'm trying to figure out a clear-cut way to do this, so that it doesn't end up falling into the first nations' responsibility to figure out how they go from A to B to C. Often if we devolve something, we don't give the resources at that level to really do a good job, so the responsibility falls with them, but it's almost unfair, because we haven't given them the resources to do the job well in the first place.

Ms. Johanne Gélinas: We're talking here, Mr. Chair, of two different things. If we're talking just about the regulation, we have the drinking-water guidelines developed by Health Canada. This is applied, for example, as is in the Labour Code. To give you an example, if you have a federal employee working on reserve, the government has to provide him or her with safe drinking water; if the water is not good in the community, the federal employee will arrive with his or her bottle of water, to make sure he or she will drink safe drinking water.

The guidelines are there. They can be used. The spirit of the guidelines is also used by provinces. Some provinces have a carbon copy of the federal guideline for their provincial regulations. We shouldn't make it more complicated than it is. Regulations are there. Decisions may be made about whether they want to go with the provincial drinking-water regulations or use the federal one. It's their decision, the decision of the federal government with the first nations communities, when they explore the feasibility of establishing a regulation. It's there. It's up to them to look at the various options, but regulations are there in this country—all over the country, in each province. I just want to say there are some nuances between provincial legislations, but all in all they are similar and they try to address the same concern, which is the provision of safe drinking water.

The Chair: Thank you, Ms. Gélinas. Thank you, Ms. Karetak-Lindell.

Mr. Mills.

Mr. Bob Mills: I'm just following along on that.

That's where some of the frustration comes in. I'm sure—you and I have talked about this in years past in different areas—that it's a matter of responsibility, and it seems like so much of it ends up being turf wars. Water is a provincial matter; therefore, they want the responsibility, but they don't necessarily carry out that responsibility. If we're talking about on reserve, then that falls back, as you said, onto the reserve itself. The federal government has these general guidelines, but really, no one is necessarily going to follow those guidelines.

I know there's not a simple answer to this, but safe drinking water should be safe drinking water, and that should apply to everybody. It really shouldn't matter whether it's provincial or federal or aboriginal or it's whatever else you want to do.

How do we ultimately break this bureaucratic nightmare? You've heard my example of the garbage situation. I came to Ottawa as a federal politician, and I was told to butt out of the garbage situation because it's not a federal matter. Go talk to the provinces, I was told. I talked to seven provinces. They said there were some ideas there but it was really a municipal issue and I should go to the municipalities. Well, they don't have the money to carry out what they need to do; they said I should talk to the provinces. So the circle goes around and nobody does anything.

It seems like this is the same with drinking water. Who's going to take responsibility, and why can't we get a better agreement? That's the big picture, standard drinking water; here's what it is; if everybody does that, the problem is solved. Why can't we get there? I don't know. I'm just sort of flailing, I guess.

● (1050)

Ms. Johanne Gélinas: That's a very good question. It doesn't look that complicated, and I think Mr. Valley offered some elements for consideration. We have to put everybody around the table and see how we can overcome some of the barriers.

Mr. Bob Mills: Or lock them in a room and not let them out till they come up with a solution.

Mr. Roger Valley: With no water.

Mr. Bob Mills: Thank you.

The Chair: I have Mr. Valley and then Mr. Cleary to finish.

Mr. Valley, please.

Mr. Roger Valley: Thank you.

I'll try to be quick. I missed a couple of comments Jerome had made, and I'd like to get them on the record.

We talked about the different types of systems that are there. I think you mentioned three. I think I read it in here, but I'll ask the question: how many sites did you visit? Six, was it?

Ms. Johanne Gélinas: No, we visited more than that.

Mr. André Côté: Six or seven.

Mr. Roger Valley: But information was gathered from people all across Canada, probably, at some point.

Mr. André Côté: Sometimes information was gathered across. When there is a consolidation—for example, the three-quarters of the system INAC has reported on—this has national value. On the other side we visited three regions; INAC is divided by regions, as Health Canada is. We looked at how these regions implemented the departmental policies, and then we visited some communities to talk to them about the program.

Mr. Roger Valley: The concern I had... I may have heard it wrong, and I apologize for that, but I believe you mentioned three types of systems. The main thrust was with respect to the second type, wells with surface water infiltration. Is that what you mentioned?

Mr. Jerome Berthelette: Mr. Chairman, just to be a little clearer, I'll point out there are three types of water that are generally treated: well water, well water under the influence of surface water, and then surface water. There are four categories of water treatment systems that can be put in place, from the least complex to the most complex; from the smallest to the largest is generally the way they work.

The four systems, once you get beyond the simple filtration and chlorination of well water, become chemically based; they are chemical systems that treat the water. The chemical systems have four or five steps in them, including chemical cleaning, sand filtration, and chlorination.

When you get to the fourth level, it's larger, it's more complex, it handles more water, and it may handle a more difficult water that needs to be treated.

The second, category two, is a smaller system. The water is not as complex and it's not as difficult to treat, but the treatment is still chemically based and the water goes through those processes.

Mr. Roger Valley: Was the focus of the audit on the one that's most used?

Mr. Jerome Berthelette: What we tended to see in the communities is category two and three systems; that is, chemically-based water treatment plants. They go from category two to three. They tend to be on the basis of size, but also according to how complex the treatment of the water involved is.

Mr. Roger Valley: Okay.

The Chair: Thank you, Mr. Valley.

We'll allow the same amount of time for Mr. Cleary, which is about three minutes, and then we'll wrap up.

•(1055)

[*Translation*]

Mr. Bernard Cleary: I would like to put a brief question. You said that the departments had refused to impose regulations on aboriginal communities. I am convinced that the Canadian government, because of its fiduciary obligations, is responsible for insuring that the right measures be taken.

This involves more than just the role of some department or other. It involves fiduciary obligations, and this entails responsibilities. Thus, if these problems ever caused anyone's death—I hope that it will not happen—the Canadian government would be responsible for it, because it would not have played its role.

I think that you should reconsider this issue and make sure that the federal government exercises its fiduciary responsibilities.

Ms. Johanne Gélinas: Mr. Chairman, I did not say that the federal government had refused to provide the regulations through Health Canada and the Department of Indian Affairs and Northern Development. For the first time, we recommended that they do this. The departments answered that they agreed to study this possibility. Now, as the audit was carried out, both departments recognized their responsibilities and considered that they had carried them out, by negotiating agreements with the first nations.

We say that there must be some other solution because up to now, the results have not shown that the current approach is likely to ensure a quality water supply for first nations communities.

To conclude, let me mention that we had excellent cooperation from both departments during our audit. I think that, just like us, they are searching for solutions. We worked together on the recommendations, and I hope that with your cooperation during the coming months, we can get good results so that the Canadian first nations communities can have a better quality water supply.

[*English*]

The Chair: I wish, on behalf of the members of the committee, to thank you, Ms. Gélinas, you, Mr. Berthelette, and you, Monsieur Côté, for your fair and balanced presentation this morning. We very much appreciate your coming, presenting, and answering a myriad of questions. Thank you very much for your attendance.

The next meeting is next Tuesday.

Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard: Could we briefly discuss what will happen next?

[*English*]

The Chair: Well, we won't at this point. Our committee meeting is over.

Monsieur Cleary, briefly.

[*Translation*]

Mr. Bernard Cleary: I advise you that we will be tabling a motion in the next few hours.

[*English*]

The Chair: The meeting is adjourned.

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