



**To:** Michael Helfinger, Senior Policy Advisor  
Ministry of Economic Development, Job Creation and Trade

**From:** Christopher Mackie, MD, MHSc, CCFP, FRCPC  
Medical Officer of Health / CEO

**Subject:** Response to consultation on Bill 66, Restoring Ontario's Competitiveness Act, 2018 from the Middlesex-London Health Unit

**Date:** January 17, 2019

---

## Summary

The Middlesex-London Health Unit (MLHU) is appreciative of the opportunity to provide input regarding *Bill 66, Restoring Ontario's Competitiveness Act, 2018*. The MLHU's mandate includes the promotion and protection of the health of the people who live in London and Middlesex County.

Any business requires healthy employees. As such, an open-for-business approach should ensure adequate protections for the basic necessities of human health. Clean drinking water is such a basic necessity. Indeed, achieving a clean drinking water supply has been perhaps the greatest public health achievement in history.

The proposed amendments found in Schedule 10 would allow municipalities to create bylaws that could put drinking water at risk of contamination. As such, the Middlesex-London Health Unit recommends that this schedule be removed from the legislation.

## Schedule 10

The *Clean Water Act* and other relevant legislative documents have been enacted after the Walkerton tragedy in 2000 as a response to strengthen the water safety net in the province. Schedule 10 amends the *Planning Act* to add a new section 34.1, which allows local municipalities to pass open-for-business planning by-laws. These by-laws involve the exercise of a municipality's powers under section 34 of the Act and allow municipalities to impose one or more specified conditions. The "open-for-business" zoning by-laws do not have to comply with prescribed provisions in the *Clean Water Act*, *Greenbelt Act, 2005*, *Great Lakes Protection Act*, *Lake Simcoe Protection Act, 2008*, *Oak Ridges Moraine Conservation Act, 2001*, *Resource Recovery and Circular Economy Act, 2016* and other provincial statutes.

The Walkerton Inquiry Report authored by Justice Dennis O'Connor considered lack of multi-barrier approach a fundamental gap in ensuring the safety of drinking water. Protection of source water is the first and most important step of the multi-barrier approach in the provision of safe drinking water. Allowing large-scale industrial developments in vulnerable areas that may threaten groundwater or surface water resources diminishes the safety net for drinking water sources.

Section 39 of the *Clean Water Act* currently requires all *Planning Act* decisions to conform to policies in approved source protection plans that address significant drinking water threats prescribed by the *Clean Water Act* such as landfills, sewage systems, and the storage or handling of fuel, fertilizers, manure, pesticides, road salt, organic solvents and other substances on lands near wells or surface water intake pipes used by municipal drinking water systems. To ensure the protection of drinking water sources, this provision should remain applicable to all municipal planning and zoning decisions.

### **Risk to Residents of Neighbouring Municipalities**

An important consideration with regards to requiring municipalities adhere to a provincial standard or Act is that the effects of actions taken by a municipality are not necessarily limited to the municipality that takes the action. When a municipality allows for an activity that has impact on a water system, it would likely be a downstream municipality that would suffer the impact which emphasizes the importance of adhering to provincial standards.

### **Recommendation:**

The MLHU recommends that Schedule 10 be withdrawn and that the Government of Ontario continue the protection of source water to safeguard the health and safety of the people of Ontario.