



Aboriginal Affairs and
Northern Development Canada

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Regulatory Development under the
Safe Drinking Water for First Nations Act

First Nations (Alberta) Technical Service Advisory Group
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Outline

- Background:
- The *Safe Drinking Water for First Nations Act* (the *Act*)
- Development of Regulations under the Act
- Consultation and Engagement
- Next steps



Background

- While all provinces and territories have regulations governing drinking water and wastewater management, there are no regulations governing the same on First Nation lands.
- Calls for enforceable standards and protocols to close this regulatory gap in order to better safeguard water quality on First Nation lands have been made numerous times:
 - Office of the Auditor General (2005);
 - Expert Panel on Safe Drinking Water for First Nations (2006);
 - Senate Standing Committee on Aboriginal Peoples (2007);
 - National Assessment of First Nations Water and Wastewater Systems (2011); and
 - Senate Standing Committee on Public Accounts (2012).



The Safe Drinking Water for First Nations Act

- In 2012, the Federal Government introduced Bill S-8, the [*Safe Drinking Water for First Nations Act*](#) (the *Act*).
- The *Act* received Royal Assent on June 19, 2013, and came into force on November 1, 2013.
- The *Act* enables the Government to develop enforceable federal regulations to ensure:
 - access to safe, clean, and reliable drinking water;
 - the effective treatment of wastewater; and
 - the protection of sources of drinking water on First Nation lands.
- Regulations will close the regulatory gap so that residents on First Nation lands have health and safety protections for drinking water similar to those enjoyed by other Canadians.



Development of Regulations under the *Act*

- Regulations will be:
 - developed concurrently region by region together with First Nations, provincial/territorial governments, and other stakeholders, as needed;
 - developed in a 3-phase approach, drafting regulations for 3 regions at a time;
 - Phase 1 will include Atlantic, Yukon, and the Northwest Territories.
 - Phase 2 to begin once the next 3 regions are identified and once drafting instructions for Phase 1 is completed.
 - Phase 3 will include the last 3 regions and will begin once drafting instructions for Phase 2 is completed.
 - consistent with existing provincial and territorial regulations in each region, with adaptations to address the realities on First Nation lands.



Development of Regulations under the *Act* (cont)

- Regulations will be phased in over time to allow the Government and First Nation communities the opportunity to bring infrastructure and capacity to the levels required to meet these regulations.
- Four compliance and enforcement models will be considered:
 - an independent aggregation(s) of First Nations;
 - a compliance regime implemented by provincial/territorial governments
 - a compliance regime implemented by the Federal Government; or
 - a combination of all these scenarios.
- Discussions with First Nations and provincial/territorial governments over the next few months will inform the compliance and enforcement model on a region-by-region basis.



Engagement

- Before regulations are drafted:
 - First Nation leadership and their technical experts are being engaged through requests for feedback on high level summaries of existing regulations of their respective province/territory (P/T) to inform drafting instructions; and
 - P/T governments and other stakeholders are being engaged to share their knowledge and experience on drinking water and wastewater regulations.
- After regulations are drafted:
 - Draft regulations will be shared with First Nations for feedback prior to their publication in the *Canada Gazette* Part I; and
 - First Nation leadership and other stakeholders will be advised of the pre-publication date and length of the formal comment period.



Next Steps

- Receive comments on high level summaries and development of regulations from First Nations, provincial/territorial governments and other stakeholders.
- Begin drafting instructions for Atlantic, Yukon and Northwest Territories.
- Begin work on phased-in implementation plan.



Questions

- How can we work together to develop regulations?
- Who can best bring technical expertise to the table? Water Treatment Plant operators?
- How do you see yourself or your organization contributing to the development of regulations?
- Who can work with us to design these regulations so that they will be of the upmost benefit to you and your community?
- Who can best represent your interests in the development of these regulations?