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J. Stephen Andrews  
Director of Legislative and Political Affairs  
Ontario Catholic School Trustees' Association  
20 Eglinton Avenue West, Suite 1804  
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Dear Mr. Andrews:

Please find below the Toronto Catholic District School Board's response regarding the proposed changes to the Ministry of the Environment and Climate Change's Safe Drinking Water Act – O. Reg. 243 Schools, Private Schools and Day Nurseries. It is unclear to the Board staff that have experience and direct responsibility regarding the testing of water in our 200 schools, as to effectiveness of increased water testing as it relates to improving water quality in schools in Toronto. The costs, implementation and workload associated with the additional testing will be problematic for the Board.

Currently, the Board is required to sample one drinking fountain from each school once a year and send it to a certified lab for analysis. The annual cost for the annual lead in water sampling and testing program is approximately \$20,000.00 (based on 2016). The proposed amendment to the regulation would require that all drinking fountains in a school be sampled and sent to a certified lab for analysis. This would dramatically increase the annual cost to at least \$200,000.00, which is a conservative estimate.

Besides the cost, there are huge logistical issues in complying with the proposed amendments to the regulation as noted below:

1. The current rules regarding water sampling requires non-operation of all the school plumbing, including washrooms, for at least six hours prior to water samples being taken – sinks, fountains, urinals or toilets cannot be used for six hours prior to the water sampling. In order to meet this six hours rule, the environmental technician engaged by the Board, would arrive at the school at 7 am, as the school's plumbing would not have been used since at least 11:30 p.m. the previous evening by the night custodians. The technician would then choose a drinking fountain used by the students or a sink used for food preparation and immediately take the first one-liter sample. This sample represents standing water that has been in the school's plumbing system overnight for at least 6 hours.

2. The sampling rules then require that the technician flush the drinking fountain for at least 5 minutes, then turn off the fountain and wait for at least 35 minutes and then take a second one-liter water sample. This sample represents the flushed sample. The school is then allowed to use the washrooms, drinking fountains and the rest of the plumbing system once this second sample has been taken. The total sampling period is 35 minutes for one drinking fountain. The technician then leaves the first school and visits a second school and follows the same sampling instructions. Within this timeframe – between the arrival of the head custodian to open the school and the start of school, the technician is typically able to visit a maximum of three schools per day. The environmental firm provides two technicians to collect water samples each day. A maximum of 6 schools are sampled per day.
3. TCDSB starts its annual lead in water sampling and testing program the first week of May and finishes by the end of June.
4. Under the proposed amendments, the environmental technician would be required to take two samples (a standing sample and a flushed sample) from every drinking fountain in the school. If there are 10 drinking fountains in a typical elementary school, the technician require 350 minutes or approx. 6 hours to finish sampling. The school would not be able to use the washrooms for that day. We are not sure how the proposed change of taking samples at various fixtures is allowed under the current regulation since as soon as you take the first sample at the first fountain, you are then using the plumbing system and technically are not able to sample the other drinking fountains that day. This would mean that the technician would have to return the next day to sample a second fountain and so on until all 10 fountains are sampled. This could take two weeks for all the drinking fountains to be sampled for one school. The school would be placed under undue hardship since they would not be able to use the plumbing system every morning for two weeks for at least 35 minutes every morning.
5. The other option that might allow compliance with the regulation is for the environmental firm to send 10 technicians, each technician assigned to each drinking fountain and all samples taken simultaneously. However, if one technician takes a sample a few second before the others, then technically the plumbing system is being used and further samples cannot be taken. Regardless, this option would increase the labor costs tremendously.
6. Taking water samples on the weekend would also have significant cost implications by requiring additional custodial staff to be on duty to open schools, or requiring cancellation of permits for either the Saturday or Sunday. In addition, environmental testing companies may charge more if they are required to provide technicians on the weekend.
7. In many schools, there are pre-set automatic flushing mechanisms, for urinal fixtures in particular – these would need to be turned off and re-set if the water sampling period extended beyond the one day.

8. The proposed regulation change would not impact the Board's current protocol in terms of daily flushing of drinking fountains. Our Board already exceeds the current regulation by flushing a drinking fountain on every floor which is furthest from the water main for 20 minutes per day and every other fountain for at least 10 seconds.

One other possible consequence of the annual sampling and testing of all drinking fountains and taps in a school is that it may force our board as well as other school boards to consider permanently closing off or capping classroom sink fixtures, particularly in the JK/SK classrooms, as well as limiting the amount of operable drinking fountains per floor to reduce the number of fixtures that would need to be sampled. If drinking fountains are taken out of service – many schools may turn to supplying plastic bottled water, which has both costs and environmental implications. As the case with other boards, the TCDSB currently has a Water Bottle-Free Policy.

In summary, the proposed amendments to Ontario Regulation 243/07 would dramatically increase the costs for the annual lead tests, place undue hardship on schools by preventing staff and students as well as tenants such as childcare from using the plumbing system for the entire school day or multiple school days and increase the distinct possibility of schools being closed.

Regards



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Toronto Catholic District School Board

cc A. Sangiorgio  
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Coordinator, Occupational Health and Safety Department