

Evidence mounts linking Tory policies to e-coli deaths in Ontario

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Under intense public pressure, Ontario's Tory government has agreed that a judicial inquiry into the e-coli deaths of at least seven residents of the rural community of Walkerton can investigate what role, if any, "government policies, procedures and practices" played in the tragedy. The inquiry, which is headed by Justice Dennis O'Connor, is also empowered to consider any other matters relevant to the safety of drinking water across the province.

Initially, the Tories resisted demands for a judicial inquiry into the Walkerton e-coli outbreak, claiming it could best be investigated by a government-dominated legislative committee. But over the past four weeks the government has faced a mounting public outcry, fueled both by the scope of the Walkerton tragedy and daily press and opposition exposés of the lamentable state of Ontario's water management system.

Ontario Premier Mike Harris and Environment Minister Dan Newman stubbornly insist that there is no demonstrable link between the Walkerton tragedy and the Tories' program of drastic public spending cuts, deregulation and privatization.

In fact, there is mounting evidence that the Tories' cuts to the Environment Ministry's budget and workforce contributed both to the breakdown of Walkerton's water system and the failure of government authorities to alert the public in a timely fashion.

It is also increasingly apparent that the Harris Tory government implemented these cuts although they knew they were imperiling public health. From 1996 on, the government was repeatedly warned of grave problems in the management of Ontario's drinking water system. But its only response was to take steps to reduce its legal liability in case these warnings proved prophetic.

Problems in Ontario's water management system predate the election of the Harris Tory government. In the wake of the Walkerton tragedy, it has been revealed that the province's water and sewage treatment plants have long functioned under a patchwork and arcane provincial licensing system. (For example, the Walkerton Public Utility Commission's license, which dates from 1979, contains no legal obligation that the water authority have its water tested.) The 1993 decision of the then-New Democratic Party government to charge for Ministry water tests resulted in some smaller, rural municipalities reducing the frequency of their water tests.

But the Harris government's assault on the Environment Ministry greatly compounded existing problems. Deeming environmental regulation to be an obstacle to business, the Tories slashed the Environment Ministry's budget by over 40 percent, to \$165 million

this year from \$287 million in 1995, and reduced the Ministry's workforce from 2,400 to 900. Moreover, in recent years much of the Ministry's energies have been channeled into meeting the Tories' objective of cutting the number of regulations in half, so as to make Ontario "open for business."

These cuts and the new Ministry priorities have had a directly adverse impact on water testing. Under the Tories, 42 percent of the jobs in the Ministry's water testing division have been eliminated. Whereas in the early years of 1990s water plants were being inspected by Ministry officials at least once every two years, now they are inspected on average every four years.

In 1998, a Ministry inspection found that the Walkerton Public Utility Commission (PUC) had been having problems with e-coli contamination since 1994. But no doubt due, at least in part, to staff shortages, the Ministry took no steps to ensure that the PUC implemented its recommendations for resolving the problems. Understaffing is also a likely factor in the Ministry's failure to forward to the medical officer responsible for the Walkerton area the results of water tests earlier this year that revealed problems with contamination.

In 1996 the Tories announced the closure of four provincial water testing labs that had been conducting 400,000 water tests per year. With just eight weeks notice, the province's more than 600 water authorities were forced to scramble to find private labs to do the work. When the testing had been performed "in-house," the Environment Ministry was required to inform local health authorities of any problematic results. But the private labs are not legally required to inform either the Ministry or health officials of adverse test results.

This regulatory "flexibility" undoubtedly made the Walkerton crisis much worse. The private lab that discovered that Walkerton's water system was contaminated did not forward the results to either the Ministry or the local health officer. This left sole responsibility for dealing with the crisis in the hands of Walkerton PUC's tiny, nine-member staff.

Ultimately, it was Dr. Murray McQuigge, the local medical officer, acting independently of the PUC and the testing lab, who ordered a boil-water advisory, after having his own water tests done. Thus, for three or possibly four days after the initial test had revealed the e-coli contamination, Walkerton's residents continued to drink water infested with a potentially lethal bacteria. (To this day, the various inquires have been unable to conclusively determine the timeline.)

Twenty-four hours before McQuigge issued his advisory, the Environment Ministry's Spills Action Center received an anonymous call warning of problems at the Walkerton water treatment plant, but the undermanned unit failed to pursue the matter.

Although conclusive proof has yet to be uncovered, it is considered highly likely that the source of the e-coli contamination was manure runoff from local industrial livestock operations. Environmentalists and health experts, including Dr. McQuigge, have been warning for some time that the proliferation of farms with large concentrations of cattle or pigs constituted a potential health hazard that, at the very least, called for greater government regulation.

The Tory government, meanwhile, has been promoting unregulated industrial livestock production, notwithstanding a Health Canada report directly linking the high number of e-coli outbreaks in the Walkerton region to high densities of cattle. In 1998 the Harris Tory government passed the so-called Right-to-Farm Act to prevent local governments from placing restrictions on industrial livestock operations.

No less damning is the Tories' dismissal of repeated warnings from local officials, the union representing the Environment Ministry's workers, and the Ministry itself of severe problems in the province's water management system. In June 1998, the town of Walkerton wrote the premier to urge the province to resume responsibility for water testing and to tell him it had passed a resolution to that effect. The Premier's Office responded with a curt acknowledgment of receipt of the letter. "We receive a large number of these resolutions from municipalities every day," explained a Harris aide.

In 1997, at least two memos were produced within the Ministry that warned of problems from the privatization of water testing and the devolving of responsibilities for managing water treatment plants to the municipalities. (Prior to 1997 the water plants in many municipalities, but not Walkerton's, were owned by the province.) The second of the memos, dated November 14, 1997, warned that "a number of small municipalities do not comply with minimum monitoring and reporting requirements.... Cost was the main reason for non-compliance."

Also in 1997, senior Ministry officials spent much of a two-day meeting discussing, according to a participant, "how to protect themselves from legal liability in case of environmental catastrophe as a result of increased workload or due to staff reductions."

In January of this year, senior Ministry officials prepared a new memo that called for changes in the monitoring of water, some moving further in the direction of deregulation and others seeking to ensure that the Ministry would be informed of adverse test results. In response to complaints from smaller municipalities, the memo urged a loosening of requirements governing the frequency of tests.

Environment Minister Dan Newman, who only took the post in March, denies ever seeing the memo and has argued that this was not out of the ordinary, as it was only a "draft document." But Gary Gallon, a senior policy advisor to a previous Liberal Environment Minister, has said the January memo was of the type

that would likely have been discussed by high-ranking government officials, and not just in the Environment Ministry. "Draft," he explains, is a term frequently given to controversial documents, so that ministers and senior bureaucrats can later distance themselves from them.

At the beginning of the Walkerton crisis, Premier Harris claimed his Tories would never have cut a single dollar or job if they thought it would impact adversely on Ontarians; the Tories' only concern was making the government work better. Now government documents are spelling out in black and white that the Tories persevered with the gutting of the Environment Ministry in the face of mounting warnings of the dangers to public health.

Further evidence of the Tories' culpability in the Walkerton deaths is provided by their self-serving response to this crisis. So flagrant have been Harris's attempts to shift blame from the government onto others, even the pro-Tory *Globe and Mail* has accused Harris of ducking and weaving. Time and again, most recently when he denounced Walkerton for not upgrading its water system, Harris has been caught saying things that proved to be untrue. Only popular pressure compelled the Tories to call a judicial inquiry, a tactic that in Canada has traditionally served as a government device for defusing a political crisis. Clearly the Tories fear further damning revelations.

On June 13 the press leaked a Tory cabinet discussion paper that outlines a scheme to compel municipalities to privatize services, including water and sewage, transit and ambulance services. The paper calls for new legislation this autumn to force municipalities to privatize services unless they can demonstrate their ability to provide them more effectively than the private sector.

Municipal Affairs Minister Tony Clement subsequently defended the document, saying nothing that happened in Walkerton suggested the private sector could not manage water systems. But as the storm of protest grew, Harris went before reporters to deny that the Tories were considering forcing municipalities to privatize their water and sewage systems.

The next day, June 14, in the face of opposition calls for the hiring of one hundred new Environment Ministry staff, Harris said it would be "presumptuous" to prejudge the results of the judicial inquiry. The truth, however, is that the Harris government came to power with a right-wing agenda based on the glorification of the capitalist market as the supreme regulator of human affairs, so as to justify the dismantling of public and social services and the enrichment of the few at the expense of the many.



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