

Ontario inquiry finds Tory government responsible for Walkerton deaths

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The public inquiry into the May 2000 e-coli contamination of the water supply of the rural Ontario town of Walkerton recently released its second and final report. Whilst the Ontario Tory government has vigorously denied any responsibility for the poisoning of Walkerton's water, the inquiry found that it must bear primary responsibility for the tragedy.

In pursuit of their agenda of privatization, reduced public expenditure and deregulation, the Tories dismantled the province's water management system, despite explicit warnings this would cause an environmental disaster. Although the inquiry did not use such forthright language, it in effect found that Tory policies led to the deaths of seven Walkerton residents and left an even larger number with kidney problems and other permanent disabilities.

The government-appointed inquiry did not have the power to lay criminal charges and testimony before it cannot be used in criminal proceedings against individuals. But by any objective measure its findings constitute grounds for charges of criminal negligence against former Ontario Premier Mike Harris and his cabinet. Certainly, Harris is no less culpable than the corporate executives who cooked the books at Enron and WorldCom.

Anticipating the Walkerton inquiry would severely criticize his government and shaken by a steep decline in popular support, Harris announced he was stepping down as Ontario Premier and Tory leader last fall. His successor, Ernie Eves, has tried to refashion the Tories' image. Whereas Harris sought to mobilize support from the petty bourgeoisie by scapegoating the poor and baiting the unions, Eves, Harris's former Finance Minister and Deputy Premier, has cast himself as a consensus politician and a conservative with a social conscience. However, he is continuing to implement the Tories' privatization agenda, announcing a scheme under which private laboratories will be allowed to offer high technology diagnostic services to those patients able to pay.

In recent weeks new concerns have been raised over the safety of drinking water in the province. Just days after the release of the Walkerton report, the government was forced to concede that a major private laboratory in southern Ontario was not routinely testing for e-coli bacteria in water samples, in violation of the new Ontario Environment Ministry regulations set in place to prevent a second Walkerton.

Headed by Justice Dennis O'Connor, the Walkerton inquiry was convened on June 12, 2000 and was comprised of a legal team of five and a largely scientific advisory panel. Over nine months the inquiry called 114 witnesses, including residents of the town, local officials and senior civil servants at a cost of over \$10 million. The first of two reports on the Walkerton inquiry was published in January this year and dealt with the circumstances which led to the outbreak of e-coli contamination, including the effect of government policies and actions.

Although the report's second part deals largely with matters related to the safeguarding the province's drinking water in the future, it further identifies the radical budget and manpower cuts the Tories carried out to the Environment Ministry as a key contributory factor to the Walkerton

disaster.

The inquiry made 121 recommendations, the vast majority of which deal with improving the management of water resources particularly by the provincial government. Amidst specific recommendations for making regulations mandatory which are now voluntary, it calls for a centralized body to regulate and monitor water quality in the province under the jurisdiction of the Ministry of the Environment (MOE). "A dedicated centralized branch in the MOE should promote consistency in planning across the province and provide the necessary expertise and support to ensure that good plans are developed," the report said.

In looking into what lay behind the fouling of drinking water in Walkerton in May of 2000, the inquiry discovered a chain of errors which ultimately pointed to policies introduced by the Tory government. Although it was found that the actions and inactions of certain members of Walkerton Public Utilities Commission (PUC) contributed to the disaster, the inquiry explicitly rejected Tory government attempts to make Stan Koebel, long-time manager of Walkerton PUC, and his brother, Frank Koebel, the fall guys. The single largest section of the report dealt with the reckless manner in which government had dismantled the province's water-management system, through privatization and deregulation.

The inquiry established that the Keobels and other PUC employees had established shoddy, and even dishonest water testing and reporting methods. When heavy rains washed unusually high amounts of animal waste-fertilizer from surrounding farms into the water system one wrong was compounded by another, amidst falsifications and delays which ultimately proved fatal.

While proper water sampling of well-water was not carried out by the PUC, testing done a week prior to the outbreak of the epidemic in Walkerton did show high levels of e-coli and total coliforms. However, neither the PUC nor the private testing laboratory reported these findings to the provincial government or local health authorities. When questioned by the local health unit, which became alarmed because of the large numbers falling ill, Koebel tried to cover his negligence by giving assurances as to the safety of the water. Despite those assurances, a "boil water advisory" was belatedly issued, but it was not properly publicized and over a matter of two or three days thousands fell ill as a result of drinking the contaminated water.

While the report concedes individual culpability on the part of Stan Koebel and others, it clearly states that whatever those transgressions, ultimate responsibility rested with the Ministry of Environment for not instituting adequate safeguards when water testing practices became fully privatized under the Tories. The report states, "Stan and Frank Koebel lacked the training and expertise to identify the vulnerability... and to understand the resulting need for continuous chlorine residual and turbidity monitors. The MOE took no steps to inform them of the requirements for continuous monitoring or to require training that would have addressed that issue."

The government of Mike Harris came to power in 1995 with a big

business agenda of gutting social spending, slashing taxes for the well-to-do and dismantling environmental and workplace regulations. With the Walkerton tragedy and the coincident mounting crises in the public health and public education systems it came to be widely-recognized that the callousness and brutality the Tories had shown in their treatment of the poor extended to a systematic disregard for public needs and safety.

In the course of his testimony before the inquiry, which was itself something of a historic precedent for a sitting premier, Harris proved utterly unrepentant. Playing to the right-wing press, which was calling on him to launch a second phase of the Tories' Common Sense Revolution, Harris cold-bloodedly asserted there was no connection between the dismantling of the water-management system and the Walkerton tragedy. And in any case, the tax breaks his government made, thanks to its sweeping spending cuts, had produced an economic boom. The subtext was that the Walkerton deaths were the collateral damage for making "Ontario open for business."

Confronted by inquiry lawyers with evidence that he and the cabinet had been repeatedly warned of the dangers inherent in their cuts to the Environment Ministry and privatization of water-testing, Harris claimed that he was assured that the consequences were "manageable." He could not, however, point to a single document showing how the government intended to manage the risks.

Harris claimed that his appearance before the inquiry showed he had nothing to hide. But if the inquiry refrained from publicly contradicting the premier, its actions indicate that it believed the Tories did not give it full access to all the relevant documents. The inquiry repeatedly charged the government with hampering its investigation and on at least three occasions RCMP investigators were dispatched to search the premier's offices. Ultimately, the inquiry reported that at least 500 files that might have proved relevant to its investigation had been deleted from government computers.

The transfer of water testing from government run facilities to private laboratories was begun under the previous New Democratic Party government in 1993, but accelerated and completed under the Tories, despite warnings from both opposition critics and the civil service. The report devotes a number of sections outlining the impact of privatization and deregulation and the failure to enact accompanying legislation to require proper reporting of water contamination to health authorities.

The report states, "the wholesale exit of all government laboratories from routine testing of municipal water samples in 1996, made it unacceptable to let the notification protocol remain in the form of a legally unenforceable guideline... The government should have enacted a regulation in 1996 to mandate direct reporting by testing laboratories of adverse test results to the MOE and to local Medical Officers of Health. Instead, it enacted such a regulation only after the Walkerton tragedy."

It further details the impact of deep cuts to staff and budgets at various provincial ministries, in particular the Ministry of Environment. It notes that by 1999 the department's budget had been slashed by over \$200 million, with a reduction of 750 employees or 30 per cent of its staff, and that these cuts "were not based on an assessment of what was required to carry out the MOE's statutory responsibilities."

The commission places great emphasis on the negligence of the government in assessing the risks resulting from their cuts. "The decision to proceed with the budget reductions was taken without either an assessment of the risks or the preparation of a risk management plan." And further, that "there is no evidence that the specific risks, including the risks arising from the fact that the notification protocol was a guideline rather than a regulation, were properly assessed or addressed."

The cost for carrying out the recommended changes in the final Walkerton report is estimated at between \$99 and \$280 million, close to the amount cut from the MOE budget prior to the Walkerton outbreak. The recent provincial budget allocated nearly a quarter of a billion dollars

this fiscal year to upgrading and maintaining water delivery in the province. This allocation belies Tory government claims of the innocence of their previous cutbacks, cuts that provided hefty tax breaks to the wealthy. At the same time, compensation to Walkerton residents remains in litigation. A mere \$22 million has so far been paid to the victims, many of who will continue to suffer life-long debility as a result of the water contamination.

The failure of safeguards to the public water supply in Walkerton, while certainly the most extreme in recent history in Canada, is not unique. In an era of government cutbacks, privatization and deregulation, disasters of this sort have become rampant across North America and Western Europe. In the words of one Walkerton resident, "The same government policies that led to the tragedy here are in effect everywhere... They rolled the dice and we paid with our lives. The Common Sense Revolution takes no prisoners."

The Ontario Tory government owes its survival to the absence of a mass independent working class movement able to wage a political campaign throughout the country to expose the catastrophic social consequences of the free-market program of privatization, deregulation and massive social spending and tax cuts implemented not only by the Ontario Tories but all levels of government and the establishment parties. Such a movement would have transformed the tragic experience of Walkerton into a powerful argument for a fundamental transformation of society, where the abundant existing technological and human resources are used in a rational and planned manner to meet the complex social needs of the population.

The trade unions and the social-democratic NDP pursued the exact opposite course. They joined with the Tory government and the Liberals to defuse public anger through the long-established practice of a government-inquiry.

Certainly the government did not welcome the inquiry's conclusions. However, the inquiry merely substantiated criticisms of the Tories' dismantling of the water-management system that were leveled within weeks of the Walkerton tragedy. Moreover, the inquiry was careful to limit its criticism to the hasty way in which privatization was carried out, without calling into question privatization of basic public services, let alone the role of the capitalist market as the basic mechanism for allocating society's resources.

Important sections of the ruling class are now considering whether the Tory government is the best vehicle for continuing to implement their class war agenda. To a certain extent Eves has anticipated this by declaring his readiness to work more closely with the opposition and the trade union bureaucracy. The unions and NDP, for their part, have once again moved to smother the class struggle, suppressing struggles of Toronto City employees against privatization and Navistar workers against unionbusting that threatened to become the catalysts for broader, political struggles.

The Walkerton tragedy exemplified the socially regressive character of the big business free market agenda. It also must serve as a demonstration of the urgency of the working class intervening as an independent political force, advancing its own program to reorganize economic life so as to put human need before profit.



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