

Charges in fatal contamination case

Canadian utility bosses scapegoats for Ontario Tory cutbacks

Keith Jones
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Stan and Frank Koebel—the brothers who held the top jobs at the Walkerton Public Utilities Commission (PUC) in May 2000 when Walkerton’s water supply became contaminated with e-coli bacterium—are being made scapegoats for a tragedy for which the Ontario Tory government is principally responsible.

Stan Koebel, the former PUC manager, was indicted last month on seven criminal charges carrying penalties of from two to ten years in prison, including public endangerment, forgery and breach of trust. Frank, who worked under his brother as the utility’s foreman, is facing five like charges. The brothers are to appear in court June 10.

In announcing the charges against the Koebels, an Ontario Provincial Police spokesman said it was highly unlikely charges would be laid against any other persons in respect to the water contamination incident.

One of the greatest public health disasters in Canadian history, the poisoning of Walkerton’s water supply resulted in seven deaths and has left as many as a thousand of the town’s 5,000 residents with medical conditions, ranging from chronic diarrhea and stomach pain to reactive arthritis, kidney disease and heart problems.

That the Koebels were derelict in their duty is incontestable. At the public inquiry into the Walkerton tragedy, the brothers admitted to years of improper practices, including making false entries into logs. Initially, the Walkerton PUC covered up the May 2000 e-coli contamination, causing a critical delay in the issuing of a boil-water warning.

But the charges against the brothers are a patent attempt to pin the blame for the Walkerton tragedy on underlings who lacked even the most basic training for their jobs. (Neither Koebel had more than a high school education

and neither understood the potentially lethal impact of e-coli contamination.)

The provincial Tory cabinet, by contrast, was repeatedly warned—including by top officials at the Ministry of the Environment—that massive cuts to the ministry’s budget and personnel and the privatization of water testing were placing the public at grave risk.

As was to be expected, the *National Post*, the mouthpiece for the most rapacious sections of Canadian big business, was quick to claim that the criminal charges against the Koebels constitute exoneration of former Ontario Premier Mike Harris and his program of privatization, deregulation and drastic cuts to public and social services.

“Whether the Crown can make the criminal case against [the Koebels] stick is up to the courts,” declared an April 25 *Post* editorial. “Nothing that happens to the pair will make up for the lives lost in 2000, nor will it likely undo the undeserved damage done to Mr. Harris’ political reputation. But it is nevertheless encouraging to see that the real culprits are being made to account for their actions.”

The current Tory premier, Ernie Eves, thought it politic to leave the crowing to the *Post*. Asked about the Walkerton charges he spoke vaguely of multiple “contributing factors” and “a lot of unfortunate things that happened in Walkerton.” Environment Minister Chris Stockwell denied he and the government feel any satisfaction at the decision to prosecute the Koebels and the Koebels alone. “It was a terrible, terrible tragedy. I’m not sensing any vindication, I’m not sensing any relief.”

Under intense public pressure, the Tories were forced to announce a judicial inquiry into the Walkerton tragedy within weeks of the e-coli contamination. Although it was established by the government and its mandate was

severely limited, the inquiry nonetheless attributed much of the responsibility for the tragedy to the actions of the Tory government. Among its findings were that Premier Harris and other top Tory ministers had ignored specific warnings that they were placing lives at risk by gutting the Environment Ministry.

Indeed, the government failed to even order a risk assessment, believing that any risk was “manageable.” For ideological reasons the Tories hastily privatized the province’s water-testing system and, in doing so, failed to put into place legally enforceable procedures to ensure that appropriate action was taken in the event water contamination was discovered. Because of cuts, the Environment Ministry never followed up on its orders to the Walkerton PUC to meet standard procedures and make repairs.

Harris, in keeping with his public image as a tough, no-nonsense leader, told the inquiry that he accepted ultimate responsibility for the actions and policies of his government. Yet when confronted with evidence that he had wantonly ignored warnings as to the impact of the Tory cuts, he resorted to subterfuges and outright lies.

As the *Post* editorial betrays, Harris’s testimony was damning. So damning, in fact, that the fallout from Walkerton was among the principal factors in his October 2001 decision to step down as premier and Ontario Tory leader the following spring.

Stan Koebel’s lawyer, Bill Trudell, has angrily rejected the charges against his client, saying they smack of political influence over criminal proceedings. “There seems to be nothing independent about this investigation,” said Trudell. He noted that the current attorney general, Norm Sterling, was a former environment minister and as such was a star witness before the Walkerton inquiry. Sterling, charges Trudell, “represented a government that saw the risk to public health and the environment but decided it was manageable.”

Many in Walkerton are also angered that no charges have been laid against Harris and other Ontario government officials. Clayton Gutscher of the Walkerton Ratepayers Association told the *Toronto Star*, “I am extremely disappointed that there weren’t any more charged other than the two Koebel boys. The people that were politically responsible escaped what they should have had.”

“They’re scapegoating the Koebel brothers like they’ve been doing all along,” said Ron Leavoy, chairman of Concerned Walkerton Citizens (CWC), a group formed in

response to the contamination crisis and which spearheaded the campaign for a public inquiry. “I don’t think they went far enough up the ladder.”

CWC Vice-Chair Bruce Davidson told the *World Socialist Web Site*, “It’s clear that the Environment Ministry was aware that Walkerton was out of compliance for years.... To suggest that that is not worthy of some kind of sanction, be it criminal or otherwise, sends a very bad message. If one looks at the ministry and ... they’ve let us down in such a miserable way, then one must look beyond that—right up to the premier’s office, where we see this whole posture that is based on cutting regulations to get out of the way of business, where reducing spending takes precedence over the protection of human life... ”

“It reminds me of a military situation where you court-martial the private and the sergeant and the generals go on to consulting positions. I think that people are willing to accept that the front-line worker is accountable if they can see that being carried through right to the top.”

Ironically, the laying of the charges over the Walkerton tragedy came in the midst of yet another public health crisis in Ontario—the SARS outbreak. And, here too, there is mounting evidence that government cuts have played a major role both in the initial spread of the contagion and the extreme difficulties the public health system has had in dealing with it.

Last week Toronto’s Medical Officer of Health, Dr. Sheela Basrur, told CBC television that the lack of “surge capacity”—the ability to call on additional personnel and resources—had played a major role in the SARS outbreak in Toronto. “The ability of public health, of hospitals, of governments in general to respond to an unforeseen crisis of large proportions is dramatically reduced when we have already cut ourselves to the bone.”



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