

Summary of Amendments to O. Reg. 243/07, made under the Safe Drinking Water Act, 2002 Lead and Drinking Water for Schools, Private Schools and Day Nurseries

NOTE: Amendments **came** into force on December 14, 2009

Area of change	Old requirement	New requirement	Rationale
Flushing frequency	Schools, private schools and day nurseries were required to flush their plumbing daily in facilities with older plumbing installed before 1990. Otherwise weekly flushing was required.	Any school, private school or day nursery that is flushing their plumbing daily can reduce from daily to weekly flushing if none of the lead test results from the two most recent years have exceeded the drinking water quality standard of 10 micrograms per litre. Daily flushing would still be required at any facility if this lead test results history cannot be obtained or if directed to do so by the Ministry of the Environment.	<p>This change will improve water conservation across the province and will benefit many facilities by reducing the overall cost and staff time, without compromising on public health.</p> <p>This change addresses concerns raised about the burden of daily flushing requirements for a facility that already has a history of lead test results that are below the standard. It aligns the flushing requirements with the facility's lead test results history rather than being based on across the board requirements such as the age of the plumbing.</p>
Flushing with automatic devices	Records were made of the date and time of every flushing.	Records of checks that automatic flushing devices are operating properly need to be completed based on the frequency set out in the manufacturer's instructions or at least once a month if no instructions are available.	This change adds flexibility for facility operators who install automatic flushing devices.
Flushing exemptions for certain taps	The flushing requirement did not apply to plumbing if part of the building was not open to children for the week/day.	No flushing of any tap or fountain is needed in a part of a building that is not open during the entire week (if weekly flushing applies) or day (if daily flushing applies); or in a part of a building that is used for private student accommodations or within a public washroom (e.g., a shopping mall).	This change clarifies situations where flushing of taps is not practical or necessary for regulatory purposes.

Area of change	Old requirement	New requirement	Rationale
Sampling and testing for lead in day nurseries with any plumbing installed in 1990 or after	Only the day nurseries constructed before January 1, 1990 were required to sample and test for lead once a year, along with all the schools and private schools.	Day nurseries with any plumbing installed in 1990 or after, will now be required to sample and test for lead in drinking water once a year during the period between May 1 and October 31, starting in 2010.	This change responds to evidence from schools and private schools indicating that lead in drinking water could be a potential problem at some day nurseries with newer plumbing. Testing at these facilities would improve protection for infants or young children where there may be a risk of exposure to lead in the drinking water.
Sampling and testing frequency reductions	Annual sampling was required for all facilities except day nurseries with any plumbing installed before 1990.	<p>Any school, private school or day nursery can reduce their annual lead sampling frequency to once every three years following at least the two most recent years of lead test results, if none of the results from that period has exceeded the drinking water quality standard for lead (10 micrograms per litre), if water from taps used by children throughout the facility have been tested and if a notice is sent to the Ministry of the Environment.</p> <p>To qualify, a facility will need to test:</p> <ul style="list-style-type: none"> • All taps used to prepare food or drink for consumption by children. • At least one tap from every washroom or change room where children are allowed to fill water bottles or containers. <p>Once the Ministry of the Environment receives the facility's <i>Notice of Reduced Lead Sampling</i> form indicating that all the sampling and testing is completed, the reductions would then apply. A facility would be required to return to yearly testing if any result exceeds the standard or if directed to do so by the ministry.</p>	<p>This change continues to protect children from exposure to lead in drinking water, while responding to concerns that continued annual testing is costly, especially once taps throughout a facility have been sampled and results are below the lead standard.</p> <p>In addition to requiring at least two years of sample results below the standard, the requirement to test water from taps used by children throughout the facility adds an extra level of protection. This change should eventually benefit many facilities, especially smaller operations such as day nurseries and private schools.</p>

Area of change	Old requirement	New requirement	Rationale
Sampling and testing window	Schools and private schools sampled between June 15 and August 15. Day nurseries (constructed before January 1, 1990) sampled between May 1 and October 31.	All schools, private schools and day nurseries must sample between May 1 and October 31, starting in 2010.	This change provides consistency for all facilities and adds more testing flexibility for schools and private schools.
Sample and testing for newly operating facilities	None	When a new facility begins operation on or after December 14, 2009, its first sample must be taken and tested within 30 days of commencing operation. However, if the facility is commencing operation after March 31 in any year, it does not have to take an additional sample during the normal May 1– October 31 sampling period for that calendar year.	This change ensures that new facilities have an early indication of their lead test results rather than waiting until the next sampling cycle.
Sample and testing outside sampling window	Report of lead exceedances is only required if samples are taken within the required sampling window.	Lead sampling, testing and reporting requirements can also apply to samples taken outside the prescribed sampling windows. All results are considered when assessing reduced sampling. (e.g., from a school that failed to sample within the required time frame to meet the requirements of the regulation)	This change will ensure that the ministry and local health units receive reports of results that exceed the lead standard if the samples are taken outside the required sampling window.

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Sampling and testing for drinking water fountains and multi-buildings	None	Sampling locations within buildings (taps used to prepare food or drink for children, taps commonly used to provide water for consumption by children, or drinking water fountains where a proper sample can be taken) that have yet to be sampled can be tested as part of the required sampling as long as other priority taps have already been sampled. In a multiple building facility, if buildings are served by different plumbing systems, a sample from each plumbing system would need to be taken on a rotational basis as part of the requirements.	The revision adds provisions to handle sampling of drinking water fountains, to provide more flexibility for selecting sampling locations within buildings, and to handle rotational sampling requirements for multiple building facilities with separate plumbing systems.
Sampling and reporting requirements for facilities that are served by the same plumbing system (co-located facilities)	None	<p>Where two or more facilities (schools, private schools, and day nurseries) are served by the same plumbing system and are operated by one or more operators, the facilities may share a single set of drinking water samples, provided the requirements for prioritizing sampling locations and for reporting of test results are being met.</p> <p>The facility handling the sampling must provide test results records within 24 hours to all other facilities relying on the single set of samples. Each of the facilities is then required to send these test results records to the appropriate ministry within 24 hours (Ministry of Education if it is a school and Ministry of Children and Youth Services if it is day nursery).</p>	<p>This change helps clarify situations where more than one facility is located either in the same building or multiple buildings served by the same plumbing. An example of a co-located facility is a day nursery located in a school that uses the school's washrooms, and has no taps or drinking fountains in the dedicated day nursery rooms. Another example is a day nursery with a <i>before and after</i> school program that uses the same rooms/classrooms that the school uses during the school hours.</p> <p>The revision allows test sharing to reduce costs and duplication, as long as the specified requirements are met.</p> <p>This also ensures that all parties are aware of the exceedences in a timely manner and can take appropriate actions.</p>

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Exceedence of test result, notice of actions taken and issue resolution	None	Facility operators are required to submit a Notice of Issue Resolution within seven days after the resolution summarizing the actions taken and the results achieved to: <ul style="list-style-type: none"> – the local Medical Officer of Health – the ministry’s Spills Action Centre – Ministry of Education, if a school – Ministry of Children and Youth Services, if a day nursery. 	This change will indicate to ministries and the local health units what corrective actions were taken and when they were completed.
Alternate flushing and sampling plans for case-by-case situations	None	<p>In special situations where lead risks are negligible due to site specific controls already put in place, corrective actions currently being taken, or other case-specific risk reduction factors, an alternate flushing or sampling plan can be submitted to the Ministry of the Environment for review.</p> <p>If satisfied, the ministry will issue a direction to the facility operator that is based on the plan and that will provide alternative requirements. The ministry may also amend or revoke the direction at any time by giving written notice to the facility. If still in effect, the direction will be reviewed after a two year period and may be renewed or amended at that time.</p>	This change maintains drinking water protection, while adding flexibility to handle case-by-case situations and corrective actions (e.g., where the facility is already providing an alternate supply of water on a temporary basis, or where filters have been permanently installed at taps within the facility and alternative requirements are needed).

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Definition of <i>open</i> for schools and private schools	A school or private school is open on a day if, at any time during that day, programs are held or services are provided there for children under 18 years of age.	Schools and private schools are open on a day if, at any time during that day the school's or private school's programs are held or the school's or the private school's services are provided there for children under 18 years of age.	This change adjusts the broad definition of <i>open</i> to clarify that flushing is only required on days when the school or private school provides programs or services.

Remember, this chart is only a summary. To be clear about your specific requirements, you must refer to the text of [O. Reg. 243/07](#) made under the Safe Drinking Water Act, 2002 on www.e-laws.gov.on.ca or request a copy by calling our Public Information Centre at 1-800-565-4923 or picemail.moe@ontario.ca. If you have any legal questions about the application or interpretation of the regulation or legislation, you should consult a lawyer.