

**Ministry of Education**

Capital Policy and Programs  
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**Ministère de l'Éducation**

Direction des politiques et des  
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**2015: SB32**

**MEMORANDUM TO:** Senior Business Officials  
Senior Plant Officials  
Secretary Treasurers of School Authorities

**FROM:** Grant Osborn  
Director  
Capital Policy and Programs Branch

**DATE:** **October 22, 2015**

**SUBJECT:** **Safe Drinking Water in Schools**

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I am writing to remind school boards of their ongoing responsibility for compliance with the Safe Drinking Water Act as you continue to ensure the safety of drinking water in schools. Ontario Regulation 243/07 of the Safe Drinking Water Act requires schools to flush their plumbing either on a daily or weekly basis, based on their most recent water sampling results.

It has come to the attention of the Ministry of the Environment and Climate Change (MOECC) that current job action associated with ongoing collective bargaining has the potential to affect a school's ability to comply with certain aspects of Ontario Regulation 243/07, specifically the requirement contained in sections 3(2)b and 4(2)b, where it states: "the flushing is completed before the school, private school or day nursery opens for the day". Where these actions are not being followed, school boards are not in compliance with the Safe Drinking Water Act.

In response to current circumstances affecting school boards, the MOECC has developed an interim process to effectively grant regulatory relief on a temporary basis to facilities affected by this issue. Under this process, MOECC will issue a Director's Direction for an alternate flushing or sampling plan to school boards. Boards are invited to apply for a Director's Direction by following these instructions:

1. Identify if any or all of the facilities (schools) under your jurisdiction are affected by the job action to the point where meeting the O. Reg. 243/07 flushing requirements detailed above would not be achievable.

2. If it is determined that there are facilities under your jurisdiction where this is the case, a Director's Direction application may be submitted.
3. In the case where multiple facilities under a single school board are applying for a Director's Direction, it can be done with one application, provided that a full and complete list of all schools to be covered under the Direction is also submitted.
4. To streamline the application process, an online application module has been developed and can be accessed at the link included at the bottom of this communication. Simply click on the link and enter the information requested. Once complete, the application will be automatically forwarded to the MOECC.
5. The application module itself will outline the necessary mitigation measures that are required to be implemented in order to be granted a Direction. These measures will also be in the final Director's Direction issued to the school board.
6. During the application process, the school board will be prompted to contact their local Health Unit to advise them of the situation and gain approval to proceed.
7. Upon receipt, the MOECC will process the application form and issue the Director's Direction to the school board that will act as temporary relief from particular requirements of the regulation on the understanding that the specified mitigation measures are implemented.
8. Once the job action is resolved and normal operating conditions are resumed, the Directions will be revoked by the MOECC and notice will be given to the school board.

## **ONLINE DIRECTOR'S DIRECTION APPLICATION**

If you have any questions concerning this process, you can contact the MOECC, Safe Drinking Water Branch at 1-855-515-1331 or via email at [R243LeadSelf-Report@Ontario.ca](mailto:R243LeadSelf-Report@Ontario.ca).

If you have any other questions about this memorandum, please contact Sabina Bredin, Senior Policy Advisor, Capital Policy and Programs Branch, Ministry of Education at [Sabina.Bredin@ontario.ca](mailto:Sabina.Bredin@ontario.ca) or (416) 325-2024.

*Original signed by:*

Grant Osborn  
Director  
Capital Policy and Programs Branch

cc: Paul Nieweglowski, Director, Safe Drinking Water Branch, MOECC