

**Ministry of Education****Capital Policy and Programs Branch**

19<sup>th</sup> Floor, Mowat Block  
900 Bay Street  
Toronto ON M7A 1L2

**Ministère de l'Éducation****Direction des politiques et des programmes d'immobilisations**

19<sup>e</sup> étage, Édifice Mowat  
900, rue Bay  
Toronto ON M7A 1L2

**Ministry of the Environment and Climate Change****Drinking Water Programs Branch**

3<sup>rd</sup> floor  
40 St. Clair Ave West  
Toronto ON M4V 1M2

**Ministère de l'Environnement et de l'Action en matière de changement climatique**

Direction des programmes liés à l'eau potable

3<sup>ème</sup> étage  
40, avenue St. Clair Ouest,  
Toronto ON M4V 1M2

**2017: SB4**

**MEMORANDUM TO:** Superintendents of Business  
Superintendents of Plant

**FROM:** Mathew Thomas  
Director (A)  
Capital Policy and Programs Branch  
Ministry of Education

Ann Marie Weselan  
Director (A)  
Drinking Water Programs Branch  
Ministry of the Environment and Climate Change

**DATE:** **January 31, 2017**

**SUBJECT:** **Regulatory Amendments to Ontario Regulation 243/07 under the Safe Drinking Water Act**

---

This memorandum provides information to school boards regarding the Safe Drinking Water Act. In December 2016, the Ministry of the Environment and Climate Change (MOECC) amended O. Reg. 243/07 under the Safe Drinking Water Act. A number of these amendments will be of interest to school boards.

**Background**

In 2007, the MOECC enacted Ontario Regulation 243/07 (Schools, Private Schools and Day Nurseries) in response to drinking water test results that indicated high levels of lead in drinking water in and around London, Ontario. As the MOECC highlighted, the effects of exposure to lead are most pronounced in children, particularly children six years and under. O. Reg. 243/07 specifically focuses on drinking water testing in those locations where children spend the day and would have access to drinking water ("designated facilities").

Ontario Regulation 170/03 (Drinking Water Systems) pertains to municipal and non-municipally owned drinking water systems including systems that serve susceptible populations such as a school or child care facilities, where drinking water is collected from a well or cistern.

In compliance with these regulations, school boards have sampled and tested drinking water in schools, undertaken corrective actions for any adverse water quality incidents (as required), flushed piping either daily or weekly, have maintained maintenance logs and have reported drinking water test results to the MOECC since 2007.

### Regulatory Amendments to Ontario Regulation 243/07

On December 15, 2016, the MOECC filed an amended O. Reg. 243/07. These amendments will become effective on July 1, 2017 as O. Reg. 243/07 (Schools, Private Schools and Child Care Centres). To further protect children from lead in drinking water, the amendments include updates to lead sampling, filter and flushing requirements. They reflect feedback provided by the education sector through targeted consultations and the Government of Ontario’s environmental and regulatory registries, including comments gathered during presentations to the Ontario Association of School Business Officials’ Operations, Maintenance and Construction Committee.

The amendments are summarized in the Decision Notice posted on the [Environmental Registry](#) (#012-8244) and the amended regulation is currently available on [e-laws](#). The following chart highlights some of the changes:

<b>Current requirements</b>	<b>New requirements</b> (to be effective on July 1 <sup>st</sup> , 2017)
<p><b>Flushing</b></p> <p>All child care centres and elementary, middle and secondary schools must flush their plumbing daily or weekly throughout the year. Frequency is dependent on previous drinking water test results and age of the plumbing.</p>	<p><b>Flushing</b></p> <p>Same process but flushing, potentially, required at fewer locations.</p> <p>Flushing the tap at the end of each branch of plumbing for 5 minutes remains as a requirement for all facilities.</p> <p>Only certain drinking water fixtures need to be flushed for 10 seconds. These are all drinking water fountains and any taps that provide drinking water to children or are used in the preparation of food or drink for children.</p> <p>In addition to the current regulatory exemptions from flushing, flushing is not required at a drinking water fountain or tap if:</p> <ul style="list-style-type: none"> <li>• the most recent standing sample from that location is at or below 1 µg/L, or</li> <li>• the fountain or tap has a filter that is certified for lead reduction and has a standing sample at or below 1 µg/L.</li> </ul>

<p style="text-align: center;"><b>Current requirements</b></p>	<p style="text-align: center;"><b>New requirements</b> (to be effective on July 1<sup>st</sup>, 2017)</p>
<p><b>Sampling</b></p> <p>All child care centres and elementary, middle schools and secondary schools must carry out sampling annually or every three years. This is dependent on previous drinking water test results, when the facility begins operation and whether all taps that provide drinking water to children have been tested.</p>	<p><b>Sampling</b></p> <p><u>Child care centres and any schools offering instruction to students in JK to grade 3</u> Every drinking water fixture* not yet sampled under O. Reg. 243/07 must be sampled by January 1, 2020; at least 1/3 of all required samples must be completed in 2017 and another 1/3 in 2018.</p> <p><u>Schools offering instruction to students in grade 4 and higher only</u> Every drinking water fixture* not yet sampled under O. Reg. 243/07 must be sampled by January 1, 2022.</p> <p>* Drinking water fixtures are all drinking water fountains and any taps that provide drinking water to children or are used in the preparation of food or drink for children.</p> <p><u>All child care centres and schools</u> Multiple samples may be taken at one facility on the same day, provided specific conditions are met.</p> <p>Sampling of non-drinking water taps is not required.</p> <p>The sampling window of May 1 to October 31 remains unchanged.</p> <p>Current annual or reduced sampling rules resume once sampling of all drinking water fountains and taps is complete.</p>
<p><b>Corrective Action</b></p> <p>The operator takes any and all corrective action steps as directed by the local Medical Officer of Health (MOH).</p>	<p><b>Corrective Action</b></p> <p>Same, but there are more options about possible corrective actions that could be taken for an exceedance for a flushed sample and when an issue is considered resolved.</p> <p>Corrective actions could include:</p> <ul style="list-style-type: none"> <li>• increased flushing (currently the most common approach)</li> <li>• installation of a new, lead-free fixture with a verification sample (new)</li> <li>• installation of an NSF/ANSI certified filter with a verification sample (new)</li> </ul> <p>Daily flushing is also required for 2 years if</p>

<b>Current requirements</b>	<b>New requirements</b> (to be effective on July 1 <sup>st</sup> , 2017)
	the exceedance relates to a flushed sample from a tap or fountain without an NSF/ANSI certified filter and the corrective action does not include the installation of such a filter with a verification sample, or if the MOH directs otherwise.
<p><b>Record Keeping</b></p> <p>Each facility is responsible for keeping all records related to the regulation and making the test results and records available to the public.</p>	<p><b>Record Keeping</b></p> <p>In addition to keeping all records related to the regulation, there are new record-keeping requirements to:</p> <ul style="list-style-type: none"> <li>• identify the location of drinking water fountains and taps that are being flushed;</li> <li>• retain the manufacturer's instructions for NSF/ANSI filters or devices certified for lead reduction; and</li> <li>• record the date, time and location of every maintenance activity and filter cartridge replacement and the name of the person who carried it out.</li> </ul>

Further guidance regarding these amendments will be provided by the MOECC in the coming months. The Ministry of Education will ensure that school boards are informed of this information.

Should you have questions or require further information, please contact Maryse Lemoine, Senior Policy Analyst, Capital Policy and Programs Branch, Ministry of Education at telephone: 416-326-1874 or email: [maryse.lemoine@ontario.ca](mailto:maryse.lemoine@ontario.ca) or contact the Drinking Water toll-free line at the Ministry of the Environment and Climate Change at 866-793-2588.

*Original signed by:*

Mathew Thomas  
 Director (A)  
 Capital Policy and Programs Branch  
 Ministry of Education

Ann Marie Weselan  
 Director (A)  
 Drinking Water Programs Branch  
 Ministry of the Environment and Climate Change

cc. Directors of Education