

Briefing Note

To: Ms. Jennifer Watkins, Executive Director, NRBHSS

From: Environmental Health team, Public Health Department, NRBHSS

Topic: Access to running water in Nunavik

Background

- Access to running water has been a longstanding issue for many Nunavik communities, but the situation has been getting worse in the past years, with frequent and longer lack of water episodes in communities. The problem also seems to be affecting more and more communities over the last few months.
- Limited access to running water has many direct and indirect impacts on the health of families, including dehydration and hunger, involuntary poor hygiene with subsequent health consequences (such as skin rashes, infectious diseases, etc.); lack of water can also lead to families psychological distress, increase alcohol intake, and their consequences on violence and trauma in communities. These issues affect everyone, but women and children are particularly impacted.
- The Environmental Health team of the PH department has made water access for all a priority following the adoption by the NRBHSS BOD of the Declaration on Water for all Nunavimmiut in June 2022.

Public Health mandate with regards to water access

- Public Health has a general mandate to protect the health of populations from variety of biological, physical and psychosocial hazards. When it comes to water quality, **PH has specific legal responsibility to ensure drinking water quality** (as per art. 106 of the Public Health Act, and art. 35, 36, and 39.1 of the Regulation respecting the quality of drinking water).
- More concretely, this means PH
 1. Should be notified when drinking water analysis results are abnormal;
 2. Monitors implementation of measures taken to ensure water quality returns to acceptable levels in situations where drinking water quality is inadequate;
 3. Issues boiling water advisories when there is evidence that water quality poses an infectious health risk in a municipality.
- PH also has more **general powers to investigate** and question stakeholders in certain situations

1. These 'Pouvoirs d'enquête et d'interpellation', are included in the Public Health Act , as respectively art. 96 and 55
 2. This means that in any situation presenting high risks of avoidable mortality, incapacity or morbidity in the population under the PHD responsibility (of any nature, not just related to water), the PHD has the power to carry out a "public health investigations" as well as to convey all relevant partners to discuss resolution of the situation.
- These powers should be understood as follows:
 - The PHD has a responsibility to question and understand, raise a red flag, has some power in bringing people together to find solutions, but no power to impose a solution;
 - In addition, before using these powers, the PHD needs to notify the national public health director (Dr Boileau). This will necessarily activates a close monitoring process by the MSSS authorities which often infringe on Inuit governance and self-determination of the communities.

Note: roles and responsibilities of other entities such as NVs, and KRG are summarized in Annex.

Interventions done by PH on the water access file since 2022

The following is a summary of actions taken by the PHD under the general powers of investigation and questioning described above. For now, actions taken have not been done using legal power (i.e. imposing action based on our public health law powers), in order to maintain good partnerships with all partners involved (namely NVs and KRG). It should be noted that a lot has been done regarding water quality, which will not be addressed here, as this note is focused primarily on water access issues.

- First, under the "power to investigate", we have been very active in **documenting the situation of water access in the communities**, and the challenges encountered". This includes the following actions:
 1. **Water Access survey (October 2022 to May 2023)**: survey prepared and sent to all NVs (followed by individual phone calls by Annie Kumarluk) and point of services (hospitals and CLSCs) to assess the water access situation, including infrastructures. The report is currently being finalised
 2. **Stakeholders Responsibilities assessment (October 2023)**: Production of a document on 'Roles and responsibilities of Nordic institutions regarding water management'; so that we better understand Inuit organisations legal obligations in the water distribution chain (information is summarized in annexe of the present briefing note)
 3. **Public online survey**: in order to collect ongoing data, development of a simple survey by the KRG-NRBHSS Joint Water Committee that anyone can fill out on the KRG website
 4. **Société du Plan Nord**: preliminary discussion on May 14th 2024 regarding possible solutions
 5. **Status Report on water access and quality (May 2022)**: ordered by Dr Marie Rochette following increased issues on the territory.

- Second, the PHD has used some of its pouvoir d’interpellation to undergo **multiple advocacy actions with various internal and external stakeholders**, such as:
 1. **Regular Internal water committee meetings**; the IWC was put together in 2023, under the leadership of PH, with key players at NRBHSS to assess the situation, communicate information from KRG and the villages, raise solutions and discuss ways to increase awareness in stakeholders in the limits of our powers; this committee meets every month. **Main issue raised, and main outcome so far** Water Access Survey, Stakeholders Responsibilities assessment, public online survey
 2. **Regular Meeting with KRG’s MPW team**: every 2 weeks, our environmental health team meets with KRG MPW team to assess the situation in villages, share information, discuss ongoing projects (water plants, water lines, repairs, etc.) and KRG’s involvement. **Main outcome of these meetings** result in continuous effort by Marc-André Lamontagne and Amelie Desjardins Tessier to increase awareness in KRG’s responsibilities towards access to running water and improve communications between NVs and KRG. There are also talks for the development of a Water Officer joint NRBHSS-KRG position who would work to improve communication between parties and bring increase support to NVs
 3. **Meeting with Secretary-Treasurers of all 14 communities (May 3, 2023)**: discussion with Secretary-Treasurers (Annie Kumarluk and Amelie Desjardins Tessier) during their annual meeting in Montreal to increase their awareness to the water access issue, explain the NVs’ responsibility and explain the health effects of water shortage in the population
 4. **Meeting with Town Managers of all 14 communities (on April 9th, 2024)**: ADT joined their annual Town Managers meeting in Kuujuaq to discuss current issues, their concerns and potential solutions
 5. **Village visits**: Discussion with the Mayor and/or the Town Manager, and the waterplant operator every time the environmental health team visits a community to create a stronger work relationship, understand local challenges, and offer support (about 5 or 6 communities visited each year)

Summary of main challenges and Proposed solutions

One of the main difficulties faced by NVs in their water distribution role relates to inadequacy of the equipment and infrastructure. In order to address these difficulties, it is suggested that **KRG ensure there are enough trucks functioning in all communities at all times**:

- There is **chronic lack of trucks**, both for water delivery and for sewage removal, and trucks that often need repairs because they are not designed for rough terrain (made worse under winter conditions, due to lack of snow removal equipment and the poor roads conditions). It appears KRG tend to under estimate the local needs for trucks, but there is also shortages in truck delivery due to underproduction by contracting parties.

- Town Managers also mention that the equipment is frequently damaged because of lack of training of the drivers and operators, and so there needs to be more training, as well as more mechanics to expedite repairs are not being heard.

There also appears that **KRG needs an infrastructure management plan** to ensure global water distribution needs to be better address emergent and long-term planning of

- There is currently no **emergency water distribution system** in place in case of major disruption
- Some NVs are worried that **new infrastructure planning** to accommodate and protect incoming vehicles is largely **insufficient**
- Indeed, the continuous population growth does not seem to taken into consideration in forecasting future development; for example, the new tank planned to be installed in Aupaluk next year is expected to cover needs for 5 years only.
- There is a consensus among the Town Managers that linking 'high-consumer public buildings' to the community water plant +/- implementation of a sewage system would release pressure on tank truck system, and reduce disruption of services (ex.: schools, hospitals and CLSCs, daycares, hotels, elders, etc.).

Annex 1 : Roles and responsibilities of other stakeholders in the water access file

NVs:

- In Quebec, no provision exists creating the obligation for municipalities to supply water to their territory through municipal networks. In addition, the Municipal Powers Act, to which northern villages are subject, clearly states that municipalities that provide drinking water are not required to guarantee a quantity of water to users (art. 28).
- However, when a municipality has used its discretionary power to offer a service to the population, it becomes subject to the rules of private law. When providing a water service and collecting a water tax, a municipality must make available to users enough water to meet their needs. The municipality was held responsible following a failure to provide a waterworks service in accordance with its commitments in several rulings.
- Once the distribution system is in place, the municipality is subject to the Regulation respecting private waterworks and sewer services, which stipulates in article 3, that 'the person in charge of a waterworks or sewer system must provide the persons served with a continuous service and maintain the system in good working order.' In the event of an interruption of service of a waterworks system, the Superior Court concluded that a municipality must temporarily provide 36 liters per person per day, chemical toilets and fire pumps.
- The regulations on water or sewer service are said to apply to the distribution system provided by tank trucks.
- NVs are responsible to inform KRG of any issue regarding the water distribution and wastewater collection system when assistance is needed.

KRG:

- KRG is responsible for offering technical support in the management of drinking water and wastewater, as well as training operators of drinking water and wastewater equipment.
- KRG is responsible for ensuring compliance with the "Quality Assurance and Control Program, Analysis by Colilert® method, and is responsible for helping northern villages in applying the Drinking Water Regulations (ensuring good quality drinking water)
- KRG is responsible for regulating the municipal sewage system and maintaining and operating (or having operated by a third party) a wastewater collection and/or evacuation system.
- KRG is responsible for regulating the establishment or acquisition, maintenance, administration and regulation of reservoirs and distribution systems to supply water in the territory of the municipality, and to install devices for water filtration and purification.

- KRG can provide a northern village with any form of assistance on any matter arising from its jurisdiction.
- Note: on multiple occasions, the KRG team dedicated to water in MPW insisted on the fact that they are not responsible for water distribution. Their stance is: if the water quality is good and the waterplant tank is full, they have no responsibility in bringing that water to houses and buildings, nor to collect wastewater.

MELCCFP (Environment Ministry):

- Provide the technical support required by the KRG in the exercise of its mandates.
- Regarding drinking water, monitor the results of analyzes (bacteriological and physicochemical) and quality control provided by the northern villages to the KRG and provide the required support when the standards of the Regulation are exceeded

Civil Security:

- NVs have the responsibility to declare a state of emergency and ask for help from civil security as needed.
- Contact made with Makivvik, the MAMH, the Secrétariat des relations avec les Premières Nations et les Inuit, and the MELCCFP. All of them state they have no power and/or no responsibility regarding access to running water.

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