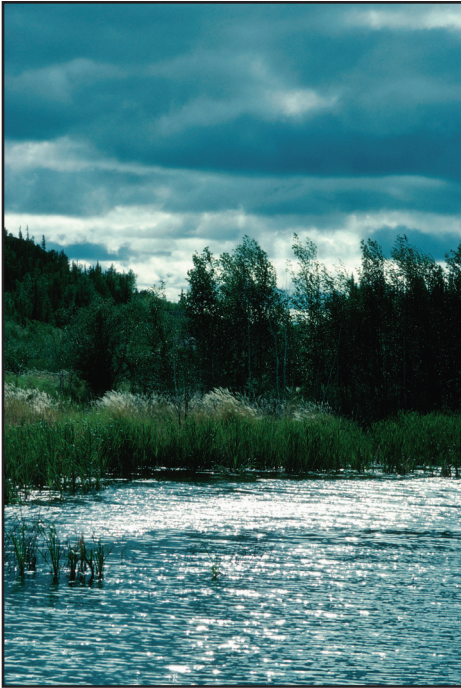


Boiling Point!



Six community profiles of the water crisis facing First Nations within Canada

A synopsis prepared by the
Polaris Institute
in collaboration with the
Assembly of First Nations
and supported by the
Canadian Labour Congress

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To each and all of you, we express our deep appreciation and gratitude.

The Polaris Institute works with citizen and social movements in developing new tools and strategies for changing public policies on water and other issues.

The Assembly of First Nations (AFN) is the national organization representing First Nations citizens in Canada. The AFN represents all citizens regardless of age, gender or place of residence.

The Canadian Labour Congress is the largest democratic and popular organization in Canada with over three million members. The Canadian Labour Congress brings together Canada's national and international unions, the provincial and territorial federations of labour and 136 district labour councils.

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Table of Contents

FOREWORD.....	5
----------------------	----------

Phil Fontaine, National Chief, Assembly of First Nations

INTRODUCTION.....	6
--------------------------	----------

PROFILES	9-21
-----------------------	-------------

1. Lansdowne House (Neskantaga), Ontario	9
2. Kitigan Zibi Anishinabeg, Quebec.....	11
3. Pikangikum First Nation, Ontario	13
4. Fort Chipewyan, Alberta	16
5. Little Salmon Carmacks, Yukon.....	19
6. Yellow Quill First Nation, Saskatchewan	21

CONCLUSION	23
-------------------------	-----------

Foreword

First Nations have always viewed water as a sacred trust. From time immemorial, First Nations have centered their existence on water. From the careful selection of community sites, as a means of transportation and dependence on the harvest from the waters.

Today, it is unacceptable that many of our First Nations should be subjected to conditions where there is no access to safe potable water. The following examples of the deplorable conditions that exist in many First Nation communities clearly demonstrate that access to clean water for First Nation citizens is not a priority for Canada. These conditions would not be tolerated in any municipal setting and if they are to occur, swift and decisive action is the norm and is expected.

In 2005, the Commissioner of Environment and Sustainable Development issued a very critical review of the activities undertaken and lack of progress made by Indian and Northern Affairs Canada (INAC) and Health Canada in providing safe drinking water to First Nations. Finally, on March 22, 2006, INAC and the Assembly of First Nations (AFN) agreed to the Plan of Action for Drinking Water in First Nation communities. First Nations continue to be frustrated by the lack of real progress being made in addressing the shameful conditions of many First Nation communities. The government's recent Action Plan Report obscures the fact that very little progress has been made on the fundamental issues facing First Nations access to safe drinking water.

The United Nations Committee on Economic, Social and Cultural Rights adopted the human right to water in 2002. And yet, in 2008, at least 85 First Nation water systems are in high risk and there are close to 100 boil water advisories in various communities. The access to safe potable water not only ensures the protection of the community's health and well-being but it is also inextricably tied to its economic well-being. The conditions illustrated in the following case studies point to Canada's lack of interest in making life better for its First Nation citizens and I hope this will serve to show the real conditions for far too many of our First Nations citizens.

Phil Fontaine
National Chief
Assembly of First Nations





Introduction

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The lives of indigenous peoples are intricately tied to the land and to the waters. As those who live closest to the land and rely most heavily upon it, indigenous peoples strongly feel the effects of water depletion, pollution, or other changes. Water is the lifeblood of the land and of the indigenous peoples and cultures that rely upon it and its waters.¹
.....

Canada is often seen as a country with plentiful supplies of safe drinking water. So it came as a surprise to many when a report by the Canadian Medical Association Journal in April, 2008 found that there are more than 1,760 boil water advisories across Canada!² Boil water advisories, which are often the result of chlorination or disinfection systems not working,³ are meant to be temporary measures advising the public that their water is unsafe to consume without boiling it first.⁴ For many people in this country, boil water advisories remind us of the Walkerton water tragedy⁵ that killed seven people and the need for strong national water quality standards and for *publicly supplied* water services.

Yet, what is even more shocking is the fact that many First Nation communities within Canada today have, for many years, lived with and suffered from, unsafe drinking water in their daily lives. The situation in many First Nations has more in common with the Global South than the rest of the country. In 2005, the entire community of Kashechewan was evacuated after their water supply caused impetigo and other skin diseases; the plight of the community raised national attention.⁶ Tragically, however, the situation in Kashechewan is not unique. In addition to the current account of water advisories, close to 100 First Nations communities continue to be on a drinking water advisory as of April 18, 2008.⁷ ‘Do not consume alerts’ join boil water notices under the title drinking ‘water advisories.’⁸ In international forums, Canada has had to face criticism for the glaring disparities in the quality of life between First Nations and non-aboriginal Canadians⁹ and the current Canadian government even voted against the UN Declaration on the Rights on Indigenous Peoples.¹⁰

Boiling Point profiles six communities exposing the human face of the First Nations’ water crisis. The communities chosen illustrate geographic and situational diversity. In one profile, the community’s water is tainted with uranium; another had unacceptable levels of disease-causing bacteria. Residents complain of brown water coming out of taps with a foul smell and water that stains metal. The downstream location from the tar sands of a First Nations’ community causes serious concerns over the safety of source water, including disturbingly high rates of cancer and evidence of fish deformities. In another case, 90 percent of a community continues to be unconnected to a water treatment facility built by the Indian and Northern Affairs Canada (INAC) in 1995.

These profiles provide only a snapshot of the First Nations water crisis; there are many more communities facing similar challenges. The deplorable conditions that First Nation people live in would not be accepted in any other part of the country. For many, water has become a source of fear, and people have good reason to believe that what comes out of their taps may be making them sick. What is happening should be considered a violation of fundamental human rights in this country.¹¹

The federal government has a fiduciary responsibility to the continued health and safety of First Nations as guaranteed by Aboriginal and Treaty Rights as well as the Charter of Rights and Freedoms. Health and safety are at risk when access to safe drinking water is compromised.¹² INAC is the primary body through which the federal government fulfills its constitutional, treaty, political and legal responsibilities to First Nations.¹³ Health Canada and Environment Canada also work with INAC to provide funding and support to help First Nations make safe drinking water available (from source to the tap).¹⁴

The 2005 Commissioner of Environment and Sustainable Development (CESD) report called *Drinking Water in First Nations Communities* highlighted the reality that showed First Nations communities do not have the same level of protection as the rest of Canada regarding the safety of their water.¹⁵ Unlike most provinces that have regulations and legislation regarding drinking water, reserves do not.



Administrative guidelines, policies and funding arrangements exist with First Nations on behalf of INAC and Health Canada but are not being implemented consistently and do not cover all of the elements that a regulatory regime would entail.¹⁶

The report provided a critical review of the ongoing lack of progress and action on behalf of INAC and Health Canada in ensuring that First Nations are provided safe drinking water. This report was released 10 years after INAC and Health Canada estimated that there were ‘potential health and safety risks’ to people in First Nations as a result of one quarter of the water systems on reserves.¹⁷ In 2008, as noted above, close to 100 communities still remain on drinking water advisories.¹⁸ One such community, Neskantaga or Lansdowne House, has been on boil water advisory for 13 years! Common triggers for these advisories include unacceptable microbiological quality, problems with the source water, equipment malfunction and inadequate disinfection and related residue.¹⁹

This situation is the culmination of years of neglect and absence of effective programs for the provision of safe drinking water for First Nations.²⁰ Although funding for First Nations’ programs has increased over recent years, it is not at a sufficient rate to match population growth. For example, between 1999 to 2004, INAC’s funding only increased by 1.6%, excluding inflation.²¹ Further, INAC’s Capital Facilities and Maintenance Program provides only 80 percent of the operation and maintenance costs for water systems on reserves while First Nations pay the other 20 percent.²² The federal government does not assess how and whether First Nations are able to find the funding for the remaining 20 percent of the costs. One of the reasons that water treatment systems do not exist or are inadequate on reserves is that some First Nations do not have the financial capability to pay for them.²³ The fact remains that unsatisfactory access to safe drinking water persists for many First Nations people despite numerous reports and policies.

Although some progress has been made under the federal government’s *Plan of Action for Drinking Water in First Nation Communities* announced in 2006²⁴, serious problems persist. One survey that interviewed 1,502 First Nations residents in the summer of 2007 found that despite federal promises and policies, more than one-third of people living on reserves

believe their water is still unsafe to drink.²⁵ *Drinking Water in First Nations Communities* clearly states that INAC and Health Canada can not ensure continuing access to safe drinking water without a regulatory regime.²⁶

Despite this crucial observation, INAC has yet to fully address this concern and engage with First Nations regarding the development of a regulatory regime in any meaningful way. Only in an April 2008 announcement did INAC discuss consulting with First Nations communities regarding the creation of a federal legislative framework for drinking water and wastewater on reserves.²⁷ Such a regime could provide the legal framework to hold the federal government accountable for its fiduciary responsibilities. Most recently, INAC initiated the first phase of a consultation process leading to the development of a regulatory regime. This first phase will consist of engagement sessions with First Nations, regional First Nation organizations and provincial/territorial officials.

Concerns also persist regarding the mechanisms used to report and evaluate on high-risk and Priority Communities (21 Priority Communities were identified in the *Plan of Action*). For example, Little Salmon Carmacks, which is profiled in *Boiling Point*, was reduced from high risk to medium risk in 2006 under the *Plan of Action* without any consultation with community members or the provision of any supporting reports or documentation. They were also never considered to be a priority community despite their water being contaminated with bacteria and E. coli (which caused the Walkerton tragedy). This is because community members rely on individual wells, which are understood as individual homeowner’s responsibility, despite that INAC installed the wells.²⁸

In fact, poor water quality has been a result of improper installing procedures by INAC at the time of installation. As will be seen in the profile on Little Salmon Carmacks, positive change is only now happening due to a joint initiative of the Assembly of First Nations and the Canadian Auto Workers. The lack of real progress over the past three years in training First Nations operators to the first level of certification for water services (another key emphasis of the 2005 report) is also disheartening. Despite what is being claimed in the Progress Reports, the actual increase of trained operators has only been between 1 to 4 percent.²⁹



While \$330 million in the 2008 budget was allocated to safe drinking water in First Nations communities over two years, the current government has backed away from the Kelowna Accord that dedicated \$5.1 billion to improving the socio-economic conditions and access to water for Aboriginal people.³⁰ Although the Accord would not have closed the gap between the standard of living for First Nations and non-aboriginals in Canada, it was a sign of progress. “The Kelowna Accord was not the whole solution, but it was an incredibly important first step in implementing a comprehensive plan that would lead to a lasting solution,” said National Grand Chief Phil Fontaine in addressing the Senate Standing Committee on Aboriginal Peoples.³¹ It was reached in November 2005 by the Government of Canada, provincial Premiers and Aboriginal leaders.³²

Shortly afterwards, the Conservative government came to power promising to give the ‘Accord wheels.’ Despite this promise, the ruling Conservatives voted against Bill C-292, a private members bill brought forward by former prime minister Paul Martin to implement the Kelowna Accord; this was accompanied by three disappointing budgets for First Nations.³³ Harry Swain chaired the *Expert Panel on Safe Drinking Water for First Nations* which was appointed by INAC and the AFN as part of the *Plan of Action*. Swain says that the \$330 million in the 2008 budget is simply not enough to ensure safe drinking water in all First Nations communities when considering the need for new or upgraded infrastructure as well as the need for training and certification.³⁴ It should be noted that opposition parties supported Bill C-292 which subsequently passed the House of Commons in March 2007. After a third review, the Senate is expected to pass the Bill (April, 2008).³⁵

In recognizing the realities of First Nations in accessing safe drinking water, some key questions emerge. Why have First Nations had some of the longest standing boil water advisories in the country? Why have First Nations suffered immeasurably from the lack of access to safe drinking water – something most Canadians take for granted? The answers to these questions must certainly feature prominently the experiences and voices of the many First Nations peoples that have lived and experienced this injustice.



1. Lansdowne House (Neskantaga), Ontario

I wonder how different the response would be if the residents of Toronto were without access to water? – Neskantaga Chief³⁶

Chief Moonias' comment featured in an article regarding a 2004 contamination of Lansdowne's water is particularly salient and speaks to the broader questions and messages being brought forward in 'Boiling Point.' What other community do you know of in Canada that has been on boil water advisory for 13 years? Would this be acceptable for you, your family, friends and colleagues? What does this say about the federal governments' fiduciary responsibility to First Nations health and safety?

Lansdowne House is an Aboriginal community of 282 in Northern Ontario, 500 kilometres north of Thunder Bay. This First Nations community was put on a boil water advisory in 1995; it continues to be on advisory today. It provides a disturbing and eye-opening account of unsafe drinking water on a First Nations reserve.³⁷ In 2001 the overall ranking of the community's water system was deemed as high risk.³⁸ In the same year, septic systems of houses in the community were backing up into basements and leaking into yards causing serious concerns about the immediate and long-term health impacts of this exposure. Concerns were also extended to the leaking of waste from a sewage pond into a local lake which supplies the community's tap water.³⁹ On September 29, 2004, the water system was shut down as a result of tests conducted by an environmental health officer that found gasoline and a high-level of Trihalomethane (THM, a type of chemical compound associated with an increased risk of cancer).⁴⁰ This 2004 shut down became a flashpoint for concerns over the safety of drinking water in Neskantaga.

Leaders of Neskantaga warned the residents not to drink, shower, or wash their clothes with the water.⁴¹ The contamination was suspected to have been caused by someone who broke into the water filtration plant. According to Chief Moonias, "We were forced to close Neskantaga school to 85 students because teachers and workers from outside the community quit due to reduced living conditions. Our students have fallen behind in their

studies. We hope to offer Grade 9 students an opportunity to make up school credits, but it will cost about \$3,000 a day on weekends."⁴²

Boiling the water was insufficient to reduce the grave health risks caused by gasoline and THM. Being without water caused economic, social, and health concerns for everyone in the community, but in particular, women and families with young children faced increasing health risks because of the lack of water for hygienic needs.⁴³ To make matters worse, 50% of the homes in the community are contaminated with black mould, leading to more health concerns.

A litre of bottled water cost \$6 and the community was no longer able to afford it. The Department of Indian and Northern Affairs provides residents with five litres of water a day, which is not enough for drinking, laundry, cooking and hygiene needs. However, upon discovering the cost of providing the ration of five litres, the Department of Indian and Northern Affairs reduced that amount to two litres.⁴⁴

As of October 18, 2004 no traces of gasoline were found in the water supply and the ban on water was scaled back to a boil water advisory. The THM levels remain high in the water and are a source of dispute between Health Canada and Neskantaga's band council. According to Health Canada, "...the type of chlorine they use to treat the community's water supply is used to kill harmful bacteria and other organic matter. From a medical standpoint, the bacteria are considered to be more harmful than the trihalomethane because it has not been conclusively proven to cause cancer."⁴⁵

Chief Moonias states that "...in light of Health Canada's recommendation, I've told my people to use the water only at their own risk for bathing and washing because we still have a lot of residents who are complaining of itchiness, sore eyes and rashes after using it.... Sadly, Health Canada just won't believe us when we say there is still something really wrong with our water supply."⁴⁶

Moonias challenges why they do not have the same level of water safety as other areas of Ontario. The position of the Department of Indian and Northern Affairs was stated by



communications officer Tony Purdori, “We are also planning to pay the full costs of the cleanup. We are willing to discuss extra funding with the First Nation to minimize classroom disruption as well.” He added that over the past year [2004] INAC has provided more than \$100,000 to the community for work on the water treatment plan. “I don’t know if that money was used to retro-fit the plant to comply with the standards that came out from Walkerton,” Purdori said.⁴⁷

Chief Moonias condemned the situation as a denial of basic human rights: “INAC has a fiduciary and financial responsibility to take care of the people of Neskantaga and to honour our Treaty rights in an adequate standard of living and health care... The right to a safe and useable water supply is a right of every person living in this country for the health and well-being of himself and his family... The efforts being made to help our community are not fast or effective enough and I am growing incredibly concerned of the long-term health effects that this issue could have on my community members.”⁴⁸

Consider this resident’s sentiments over the contamination and ensuing response – or lack of; “We’re an isolated community being ignored.... Nowhere else in Canada would anyone accept this.... It’s a violation of our fundamental human rights.... We’re being treated as second-class citizens.”⁴⁹

Racism has led to a different response when non-Native communities experience water contamination, according to the Chief. “I am of the opinion that when Walkerton, Ontario faced its water crises a few years ago, the Provincial Government did not respond to this municipality that it was an operations and maintenance issue or only offered to assist by providing the community with an advance of funds. This is the current position of the Department of Indian and Northern Affairs Canada. I wonder how different the response would be if the residents of Toronto were without access to water?”⁵⁰ Good question. One can’t help but speculate on what underlying currents are at play when Neskantaga continues to be on boil water advisory to this day.



2. Kitigan Zibi Anishinabeg, Quebec

“Even the town itself, most of the people buy bottled water.”

– Former Chief Jean-Guy Whiteduck

Located a mere 130 kilometres north of Ottawa is the community of Kitigan Zibi Anishinabeg reserve, adjacent to Maniwaki, Quebec. Kitigan Zibi is one of the six communities that remain in the priority community category under the federal government’s *Plan of Action for Drinking Water in First Nations Communities*.⁵¹

Well water in the community has been on a ‘do not consume’ drinking water advisory dating back to 1999.⁵² In 2001, Kitigan Zibi was rated eight out of 10 on a scale where ten signified the highest risk to safety in a study commissioned by the Indian and Northern Affairs.⁵³ In 2006 when the community was featured in a significant CBC documentary on the state of drinking water on Canada’s reserves, ‘*Slow Boil*,’ it was found that little had changed. There has been some progress in the community since 2006 under the ‘*Plan of Action*’ but it must be emphasized that this comes after years of people drinking water that most Canadians would deem undrinkable. At what cost to the community’s health did waiting to take action in providing a fundamental human need – access to safe drinking water – come? What follows here are some of the accounts of people living in Kitigan Zibi, plus an update on current initiatives.

Only a small percentage of the homes in the community are connected to Maniwaki’s water distribution system, the rest of the residents use well water. In 1999 Health Canada found high levels of uranium, a toxic heavy chemical found in rocks, in the groundwater and imposed a do not consume (which means resident must use an alternative source of water for drinking and other uses) drinking water advisory for well water users.⁵⁴

Interviewed for ‘*Slow Boil*,’ Juanita Emerson describes spraying her toilet with an anti-rust cleanser to prevent it from staining orange.⁵⁵ She does this every two days to stop the porcelain from turning the dark colour of the water. She also uses it in the kitchen sink, bathtub, and the bottom of her dishwasher. “You have to think,” she says, “that is what

you are bathing in. That is what you are washing your hair in.” Her water comes from the well at the front of her house.⁵⁶

Juanita does not know if her well is contaminated with uranium or not. What she does know is that since she moved to the area, her hair started to fall out. Her mother lives next door, her hair is also falling out.⁵⁷

Jonah Carrier lives in a home that is connected to the water system. Brown water comes from his tap. His wife says that the water has been like this for as long as she can remember.⁵⁸ An Indian and Northern Affairs (INAC) audit from 2001 found that *Cryptosporidium* was present in the water supply. Theo Leary of the municipality of Maniwaki maintains that the water is safe for consumption.⁵⁹ Nearly 10 percent of people living in Kitigan Zibi were connected to tap water from Maniwaki in 2006. The tap water was unfiltered water taken from the Gatineau River.⁶⁰

“I look back at pictures and I have a picture of my son and my husband, and you can see the water and it looks like he’s bathing in pee. It’s not an attractive colour.” says Jenny McConini, a Kitigan Zibi resident.⁶¹ Some days, she does not bathe her son because the water is so murky and fears for his health. McConini was one of the few Kitigan Zibi residents connected to Maniwaki’s tap water. The city of Maniwaki insists that the water is safe, despite the evidence to the contrary. “Right now, nobody is drinking that water either ... because it’s not good water,” says former Chief Jean-Guy Whiteduck. “Even the town itself, most of the people buy bottled water.”⁶²

For those homes that are not connected to the water supply, the Maniwaki system is supposed to be the solution. Treating individual wells is not an option because it causes dangerous levels of radon gas.⁶³ INAC recommended in 2001 that despite its odour and yellow colour, more of the homes on the Kitigan Zibi reserve should be connected to the water supply. The problem is that it is very costly to connect the supply to the homes in the community which are very spread out. In the meantime, bottled water is being seen as a long-term solution.⁶⁴ \$200,000 a year is spent on bottled water for Kitigan Zibi residents using well water.⁶⁵



According to the federal government, the Municipality of Maniwaki started upgrading their water system in August 2006 to address some of the concerns with their drinking water. INAC and Kitigan Zibi are also working together over the next five years (as of April 2008) to connect “...as many residents and community buildings as possible...” to the Maniwaki water system.⁶⁶ How many people still rely on well water abiding by the 1999 drinking water advisory is not made public in the federal government’s *Plan of Action* progress report in April 2008.

Kitigan Zibi’s well water has been on drinking water advisory since 1999. In 2001, a report recommended that homes be connected to the municipal water supply; a supply many residents are suspicious of. In 2008, as a *priority community*, Kitigan Zibi is promised that ‘as many homes *as possible*’ will be connected to the water service over the next five years – a deadline *12 years after the original recommendation*. How long does it take for a community to secure access to safe drinking water?



3. Pikangikum First Nation, Ontario

“A lot of the buildings are very outdated, very overcrowded. You have families living all together in one home, no indoor plumbing, problems with the water and old pipes.... I would say it’s Third World conditions.” – Ronda Potts, teacher for two years in Pikangikum

A 58-year-old resident on the Pikangikum Reserve, Juliette Turtle lives in a 65 square metre house with eight relatives, no toilet, and no running water. Her granddaughter sleeps in a bedroom that is covered with three mattresses and the children hang all of their clothes on hooks on the walls.⁶⁷ Everyone uses the outhouse in the backyard. When the outhouse fills, the Turtle’s dig another hole in their yard and move the outhouse over top of it.⁶⁸ This is typical in a community where the majority of outhouses are full and overflowing with sewage. Most do not have doors or what they have is often not secure enough to prevent the entrance of flies and animals. Seven of Juliette’s 12 children committed suicide and are buried in her backyard.⁶⁹

The Pikangikum First Nation is located on the eastern shores of Pikangikum Lake in the Sioux Lookout District of north-western Ontario.⁷⁰ It is a remote community of 2300, one of the largest populations for a First Nations community in northern Ontario.⁷¹ Its residents are known for their tenacity in maintaining their culture and language, and they have the highest rate of indigenous language retention in Northern Ontario. Most of their people live off of the land.⁷² Pikangikum is a growing population with 86 percent of the community being 39 years of age or younger.⁷³ The conditions on the Pikangikum reserve are some of the worst profiled in *Boiling Point*. They show how critical it is to ensure First Nations have what all people deserve – access to safe drinking water and sanitation. The case of Pikangikum underscores why Canada must recognize water as a human right and ecological trust.

One of the most frustrating aspects of Pikangikum’s situation is that there is an adequate water treatment plant that is capable of producing enough potable water for the entire community. The facility was built in 1995 by the federal

government under the Indian and Northern Affairs Canada (INAC).⁷⁴ In 2007, 90 percent of the homes remained unconnected. Many residents of the community carry water in buckets from the water treatment plant and use dilapidated outhouses.⁷⁵ On October 3, 2000, an oil leak was found in the community’s water treatment plant which left everyone without access to clean water. Shipments of drinking water were flown in by INAC but were erratic because of bad weather. People resorted to drinking untreated lake water, known to be contaminated, or buying water in a four-litre jug for \$5.99.⁷⁶ “A lot of the buildings are very outdated, very overcrowded. You have families living all together in one home, no indoor plumbing, problems with the water and old pipes.... I would say it’s Third World conditions in a lot of regions.” said Ronda Potts, who taught in Pikangikum for two years.⁷⁷

At the request of the Chief and Council of Pikangikum First Nation, an assessment of the drinking water and sewage services was conducted by the Northwestern Health Unit in 2006. According to the report, the situation is of urgent danger to public health. The rate of gastrointestinal infections, skin infections, lice infestations, urinary tract infections, and eye and ear infections are higher than in other regional First Nation and non-Aboriginal communities.⁷⁸ The probable cause of this increased risk was the lack of adequate and safe water supply.⁷⁹ They concluded that only 30 out of the 378 houses are connected to the community’s water treatment facility.⁸⁰ There have been numerous and lengthy boil water advisories in the community since 2000; there continues to be an advisory as of April, 2008.⁸¹

Connecting homes to the plant was further stalled in 2001 when the former federal Liberal government took over the band’s finances.⁸² The reasoning for doing so stemmed from the sentiment that the band was not addressing social problems, particularly an alarming suicide rate.

The Pikangikum reserve has been called Ontario’s own Davis Inlet because of the Global South living conditions and high suicide rates, according to the Ontario Coalition Against Poverty.⁸³ The suicide rate may be one of the highest in the world.⁸⁴ In 2002 it was 36 times the national average.⁸⁵ According to the principal of the community’s school, six



students in a Grade 7 class took their lives in 1999.⁸⁶ Beyond the problems with accessing safe drinking water and lack of indoor plumbing, housing is overcrowded and the buildings are dilapidated. A diesel generator is the town's electrical supply. It is so overburdened community members have been told not to use Christmas lights.⁸⁷

Band Chief Paddy Peters believes the third-party management order was more of a response to the band's plan to develop natural resource management in a traditional traplines area. In a 2004 interview he said it is his opinion that multinational corporations want access to their traditional lands for resource riches.⁸⁸ Peters blamed the continued conditions that community members exist in on federal bureaucratic bungling.⁸⁹

Peter Sarsfield, the Medical Officer of Health and CEO (until December 2007), and Bill Limerick, Director of Environmental Health/Health Protection with the Northwestern Health Unit, were part of a radio interview on the state of Pikangikum's water in 2006. According to Sarsfield, INAC has had many excuses for not hooking up homes to the water treatment facility. "We [INAC] can't put pipes under a burial ground," but they could go around it. "Further study is needed" they admit, but many studies have been done.⁹⁰ In commenting on the potential reasons for why INAC has failed to hook up the water treatment facility they built in 1995 to the vast majority of the communities houses, Sarsfield adds, "...simply governmental, either absence of action, just strict negligence, or a purposeful neglect that borders on maliciousness... we just don't understand..."⁹¹

Despite the clear reality that Pikangikum is in crisis, it is not considered one of the 21 priority communities identified under the federal government's *Plan of Action for Drinking Water in First Nations Communities*.⁹² This begs the question – how many other First Nations communities like Pikangikum are there in Canada?

Pikangikum leaders and INAC began a working group to address the community's problems in December 2006. In April 2007, INAC announced that \$9.7 million would be allocated to infrastructure, including improving water and wastewater systems, in the community.⁹³ This announcement comes 13 years after INAC first built the water treatment



Photo of an overflowing outhouse in Pikangikum, part of the Inspection Report on the Pikangikum Water and Sewage Systems, Northwestern Health Unit, September 2006.

plant. When, in the same year, close to 90 percent of people still remain unconnected to the plant. It comes one year after the Northwestern Health Unit's damning report and five years after the federal government first announced the *First Nations Water Management Strategy*. What other community in Canada would be expected to endure these conditions for this length of time?

The most recent tragedy on the reserve is that the only school was lost to arson in June 2007. Two children under the age of 12 are responsible for the fire that destroyed the one story clapboard building, when they set a shed behind the building on fire.⁹⁴ Immediately preceding the loss of the school was the suicides of two 12-year-olds and a 14-year-old two weeks before. "For me, my heartbreak is for my kids, because I know that their joy was to come to school. And now they don't have that joy," said Ms. Eckert, a Grade 3 teacher.⁹⁵ The school had been a needed source of hope, despite being grossly over-crowded, in a community lacking basic services.

The federal infrastructure money promised in 2007 is not due until 2010 for a new school, which is causing serious concerns. Students could spend close to three years in portables. "If our school burning down still doesn't warrant them to quickly move and build a new school, what will?" comments Mick Staruck, principal of the school.⁹⁶ Education and healthcare are like water and sanitation services; rights,



not privileges. Pikangikum stands as an example of the human costs – whether it is compromised health from drinking contaminated water or higher suicide rates resulting in large part from enduring deplorable living conditions – where people’s basic needs are not met.

In a country that prides itself on a high quality standard of living and commitment to human rights, Pikangikum is a wakeup call. “There is a massive cultural denial in Canada (on native health) that extends to the highest level,” said British sociologist Colin Samson of Survival International, the watch-dog organization that exposed Pikangikum as having one of the highest suicide rates.⁹⁷ “In all my dealings with the Canadian government over the last seven years, I’ve been met with a stony silence.”⁹⁸ Samson made these comments in 2000; Pikangikum remains in Global South conditions today, eight years later.



4. Fort Chipewyan, Alberta

“I think our main killer here is our water. That’s what I’ve been trying to tell these reporters... It’s too much chemicals in our water, too much garbage in our water... The air and the water are very important, without that, we’re not going to exist.” – Big Ray Ladouceur, interviewed June 2, 2007, at his home in Fort Chipewyan⁹⁹

The Athabasca Chipewyan First Nation reserve is located in the south-western tip of Lake Athabasca across the lake from the hamlet of Fort Chipewyan.¹⁰⁰ It can be found 200 kilometres from Fort McMurray, the centre of the Alberta tar sands, and 600 kilometres northeast from Edmonton. Through the mega tar sands development taking place in this region, Canada is sacrificing human and environmental health to meet the high demand for oil in the United States.

Athabasca Chipewyan and Mikisew Cree in Fort Chipewyan have depended on Lake Athabasca for water, fish, and fur for centuries. Now they are afraid to drink the water.¹⁰¹

The case of Fort Chipewyan is about access to safe drinking water including access to clean source water. Alberta’s tar sands, which some observers contend is arguably the most environmentally destructive project on our earth, is absolutely tied to the fate of Fort Chipewyan’s water. Yet the case of Fort Chipewyan is about so much more than water. People in Fort Chipewyan are concerned about their very livelihood – the air they breathe, the food they eat, the animals they hunt; everything is impacted by the tar sands.

It is within this context that one can begin to understand the very real and alarming situation that people in Fort Chipewyan and other communities near the tar sands are facing. It is within this context that a snapshot of the situation regarding access to safe drinking water can be understood.

The short-term benefits of the tar sands projects are good jobs for workers and corporate profits, but the long-term consequences are severe. To the environment, the Tar Sands projects in Alberta worsen climate change and cause watershed damage. The project has already harmed water

quality and continuing at the current rate of development will cause serious water contamination and watershed destruction.¹⁰²

David Schindler, a professor of Ecology at the University of Alberta, says “right now, the big pressure is to get that money out of the ground, not to reclaim the landscape. I wouldn’t be surprised if you could see these pits from a satellite 1,000 years from now.”¹⁰³ Three broad synthetic oil fields currently compose the Athabasca tar sands which are located 600 kilometres north of the US border in Alberta.¹⁰⁴ It is estimated that for every barrel of synthetic crude oil produced in the tar sands 125 kilograms of carbon dioxide are released. Considering the current production plans, the tar sands will make the largest single contribution to Canada’s greenhouse gas emission by 2010. Environmentalists have shown that if the tar sands are allowed to continue at this pace, it will be impossible for Canada to meet its Kyoto Protocol limits which scientists say is absolutely essential to stabilizing the climate.¹⁰⁵

The amount of water needed to sustain the project is huge. On average it takes between 2 and 4.5 barrels of water to process a barrel of synthetic oil.¹⁰⁶ In 2004 alone, three corporations were given the rights to 138 billion litres of water. When all of the projects associated with the tar sands come into effect, an additional 175 million litres of water will be required every day over the life of the projects.¹⁰⁷ The water is used to separate bitumen from sand which can then be turned into crude oil. Bitumen is petroleum high molecular weight hydrocarbons and is very heavy and tar-like.¹⁰⁸ The water is then unusable and has to be put in enormous ponds that are larger and more plentiful than the lakes in the area.¹⁰⁹ Five-hundred migrating ducks died as a result of landing in a toxic wastewater pond owned by Syncrude Canada Ltd., in northern Alberta, April 28, 2008.¹¹⁰ Syncrude failed to deploy noise-making cannons that could have avoided this tragedy. The only reason the incident came to light was thanks to a whistle-blower, not as a result of company reporting requirements.¹¹¹

Many of the oil companies operating in the tar sands treat their toxic water and return it to the Athabasca River, which flows into Lake Athabasca, the Fort Chipewyan water



supply.¹¹² The Canadian Association of Petroleum Producers reports that the oil sands industry is in compliance with Alberta's environmental laws.¹¹³ Yet downstream in Fort Chipewyan, people are getting sick. Dr. John O'Connor, a physician who started treating residents of Fort Chipewyan in late 2000, noticed unusually high incidences of illnesses. In particular, he noticed unusual rates of cholangiocarcinoma, a bile duct cancer that is very rare: "A population of 1,200, I constantly compared to my much larger practice in Fort McMurray. And, as time went on, I began to realize I appeared to be seeing stuff here that I shouldn't be seeing in such numbers.... The various cancers, the auto-immune diseases, the number of people with diabetes, renal failure, hypertension, and then certain specific types of cancer – that really bothered me."¹¹⁴ Since publicly ringing alarm bells in 2001, O'Connor has come under criticism from Health Canada about raising undue distress in the community. O'Connor stands by his statements and concerns.¹¹⁵

The community believes that the source of their sicknesses is the water. "It is speculation to say it's the water. But for me, it's common sense," says Lorraine Mercredi.¹¹⁶ After her cousin and aunt died from digestive cancer, she bought a water filtration system. Other residents who are too afraid to drink tap water pay to have bottled water flown in. "It had to have been something from the water, air or land," says Ivy Simpson, who was only 17 when she contracted cancer. Her cousin has testicular cancer, her aunt died of uterine cancer, and her sister has terminal cancer.¹¹⁷

A recent report written on behalf of the Nunee Health Board Society Fort Chipewyan, released in November 2007, has found some disturbing results that lend support to the communities concerns.¹¹⁸ The data shows differing levels of chemical constituents that exceed guideline levels at various places and times downstream of the tar sands 'digging zone.'¹¹⁹ Chemical constituents found in water include arsenic, total phenols and lead.¹²⁰ The risk of adverse health effects from these chemicals is increased for people consuming untreated surface water and eating 'country food.' The report also recognizes people's concerns over changes in fish. Ray Ladouceur, an elder, comments: "There's deformed pickerel in Lake Athabasca... Pushed in faces, bulging eyes, humped back, crooked tails... never used to see that. Great

big lumps on them... you poke that, it sprays water... A friend caught a jackfish recently with two lower jaws... He had seen deformed jackfish before, but never one with two jaws."¹²¹

Serious concerns have also been identified with the monitoring programs currently in place.¹²² As a recent report produced by Environmental Defence discusses, the government of Alberta's statistical study that was used to deny any toxic problems after O'Connor's whistle-blowing has been found to not have tested for chemicals in rivers or food, in residents' bodies or survey the medical records of fatalities that were diagnosed.¹²³ In fact, O'Connor's colleagues believe that the Alberta government has been trying to silence him: "This is very clearly to shut him up and shut him down. In this case, [it has] clearly escalated to a level that was only because of his media criticism of the government and the callous way in which the bureaucracy was dealing with the health concerns of the community. That I think is a feeling shared among physicians for sure," says Dr. Michel Sauvé, a Fort McMurray doctor.¹²⁴

Chiefs from Treaties 6, 7 and 8, which include Fort Chipewyan unanimously agreed to call on the Alberta government in February 2008 for a moratorium on all new oil sands projects until watershed and resource development plans have been approved by First Nations. In their resolution, the chiefs state that the impacts of the tar sands have, "...all but destroyed the traditional livelihood of First Nations" in the area. In the case of Fort Chipewyan, the Chief adds, "There is a human health at risk and we have to protect the citizens at large..."¹²⁵

"The elders are saying 'Why are we burying our children?' Nobody here can give us answers" says Chipewyan elder Pat Marcel.¹²⁶ Ray Ladouceur captures the sentiment of many that water remains at the heart of the problems residents in Fort Chipewyan and other First Nations near the tar sands are facing: "I think our main killer here is our water. That's what I've been trying to tell these reporters... It's too much chemicals in our water, too much garbage in our water... The air and the water are very important, without that, we're not going to exist... And these people that's more interested in money than life in this Earth... I don't know,



that's just a piece of paper... Sure it's nice to have money,
but who are you destroying down below? See, McMurray's
not as affected as we are... they're upstream... we're
getting everything from the Rockies on down, and from
Saskatchewan..."¹²⁷



5. Little Salmon Carmacks, Yukon

“I’d be very concerned as a mother, preparing formula from some of the wells here, the ones I’ve seen.”

– Jillian Chown of Vista Tek ¹²⁸

Little Salmon Carmacks is a self governing First Nation with a membership of approximately 630 people. It is located in Carmacks Yukon on the banks of the Yukon River. Approximately 90 individual wells and a well providing truck delivery compose the community’s water supply. The First Nation has been on a boil water advisory for over three years based on independent assessments from professional engineering firms that abide by INAC standards.¹²⁹ Despite being at risk of a potential E. coli contamination (E. coli was responsible for the Walkerton tragedy), the community was not considered a priority community under the federal government’s *Plan of Action*.

Part of the challenge Little Salmon Carmacks and other communities face stems from their reliance on individual wells for drinking water. The operation, maintenance and upgrading of individual wells and septic systems continues to be considered a homeowner’s responsibility by INAC. This is why the 2003 *National Assessment of Water and Wastewater Systems* in First Nations did not examine the conditions of individual wells and septic systems.¹³⁰ The 2003 study did identify the community as high risk, which was then downgraded to medium risk in 2006 without any consultation with the community or provision of supportive reports.

In 2005 an independent survey by Vista Tek, an engineering company, found that 37 per cent of the then 82 wells had either naturally occurring bacteria or E-coli bacteria.¹³¹ In 2004 at least two residents of the community became ill due to drinking contaminated water. “I’d be very concerned as a mother, preparing formula from some of the wells here, the ones I’ve seen,” said Jillian Chown of Vista Tek in a CBC interview, “There’s O [operating] and M [maintenance] costs to operating an individual well system that are quite high, it’s labour intensive, and it doesn’t provide high-quality water for the residents. It’s not a safe source of water.”¹³² According to Chown, the problem stems from the wells being too shallow, too close to septic tanks and in sandy areas

with a high water table. These same wells were installed by INAC.

The community has also not been able to seek support from the Municipal Rural Infrastructure Fund (MRIF) with Industry Canada; “MRIF officials have advised FN (First Nation) officials that individual service connections are not eligible for funding under the program although these services are the responsibility of FNs [First Nations] in their communities.”¹³³ It is shocking to consider that ski chalets have received funding from MRIF yet a community clearly at risk from serious water contamination cannot.¹³⁴ The Yukon government has also made it clear that it does not have jurisdiction over the cases of individual wells in First Nations territory.¹³⁵ According to Chief Ed Skookum of Little Salmon Carmacks, having a single piped-water system is the long-term solution. The First Nation put together a proposal for a central water system that would service each home, which took a significant amount of effort and money. The proposal was denied.¹³⁶

This all begs the question, who has responsibility for ensuring the safe provision of drinking water in First Nations communities like Little Salmon Carmacks? Who is accountable? The lack of clarity in seeking answers to this question was clearly identified in the 2005 Commissioner of Environment and Sustainable Development (CESD) report as a systemic problem. In 2008, little headway has been made in creating a regulatory regime that could be used to provide needed accountability for ensuring all First Nations have safe drinking water; a key recommendation of the report.

October 25, 2007 marked the announcement of a joint initiative between the Canadian Auto Workers (CAW) and the Assembly of First Nations (AFN) to help provide clean drinking water in Little Salmon Carmacks. The initiative is part of AFN’s Make Poverty History campaign; CAW has a commitment to social justice in Canada and internationally.¹³⁷ The union will volunteer labour, tools and funds to help fix approximately 90 wells in order to eliminate the risk of E. coli contamination.¹³⁸ The two are working together in Little Salmon Carmacks as well as projects on wheelchair accessibility and women’s safety in First Nations communities in Toronto and Vancouver.¹³⁹



The project deserves to be recognized as an important step forward in providing one of our most basic needs, access to safe drinking water, for a First Nation community in Canada. “It goes to show that a union like the Canadian Auto Workers can step up to the plate and help a community in crisis,” said Chief Skookum. “This is not a government agency, but it’s another agency that can step up to the process.”¹⁴⁰ Indeed, the fact that it is not a government agency, such as INAC, that will be responsible for ensuring the availability of safe drinking water is reason for pause. “By funding these programs and having our skilled CAW members working on these important projects really highlights the need for direct action,” said CAW President Buzz Hargrove. “The Canadian government must address the terrible conditions that plague so many First Nations communities across the country – there is no need for this to continue.”¹⁴¹

It should be noted that the First Nation must continue to find adequate resources in order to fully complete the project – no funding is being provided by INAC, the department responsible for the initial faulty installation. The provision of volunteer labour and the volunteers providing their own tools through the partnership with the CAW and AFN will help immensely. The project coordinator is currently completing the estimate for the project and feels that it will be a challenge to secure all the financial resources to repair all the wells. He is appealing to other potential sources of support for material and financial support for the material required for the repairs.

The case of Little Salmon Carmacks is one example that is representative of many that will not be found in INAC’s Progress Reports.¹⁴² It raises many questions. Should safe drinking water only be a right for those who don’t rely on individual wells? Should we not hold our federal government accountable for ensuring that all people in Canada regardless of his/her race have safe drinking water? Further, in the case of Little Salmon Carmacks, how can this responsibility be denied when it was INAC who originally built the wells in a manner that contributed to their contamination? How can anyone in Canada be expected to rely on unsafe drinking water for over three years? It is good news that residents will soon be able to drink their water without fearing for their health and safety. It is equally troubling that this is not the result of our government ensuring that all First Nations have access to safe drinking water.



6. Yellow Quill first Nation, Saskatchewan

“Yellow Quill had some of the worst raw water in the world: “...the media came out and basically got involved to say that our water was worse than what they had in Walkerton...” – Chief Whitehead¹⁴³

The Yellow Quill First Nation reserve is located in Northeastern Saskatchewan in a boreal-transition eco-region.¹⁴⁴ When Dr. Hans Peterson with the Safe Drinking Water Foundation arrived in Yellow Quill, the first observation he made was that the water treatment centre had a noxious odour and the system operator did not know which chemicals to add to the water. The community was put under a boil-water advisory in 1995 and remained under advisory until 2004.¹⁴⁵

The Yellow Quill First Nation has a population of 1,000.¹⁴⁶ Compared to Saskatoon, the First Nation's water treatment technology was archaic. While Saskatoon has engineers and technical staff, Yellow Quill had one operator. Saskatoon's high quality water comes from the Rocky Mountain. Yellow Quill got its water from Pipestone Creek which only flows for five to 15 days every spring and upstream a nearby town emptied its sewage lagoon into the same creek.¹⁴⁷ It also has extreme dissolved solids in high concentrations that made it very difficult to treat.¹⁴⁸

In 1999 the Safe Drinking Water Foundation became involved. After completing testing, the Foundation determined that the water treatment centre did not have the capacity to treat the raw water. The water was tainted with sewage as well as the high particle levels including viruses, bacteria, Giardia cysts and Cryptosporidium cysts.¹⁴⁹ The Safe Drinking Water Foundation and Yellow Quill community eventually convinced INAC that the boil water advisory should not be lifted with the existing water treatment equipment and water source. It is not altogether surprising that this was an uphill battle given that the Canadian Drinking Water Quality Guidelines do not set clear standards for Giardia and Cryptosporidium. According to the Guidelines (as of April 2008), “a guideline has been established for Giardia and Cryptosporidium, but because the current detection methods are not very reliable the

guideline does not give a maximum acceptable concentration (MAC) value for these parasites in drinking water.”¹⁵⁰ The Guidelines do include clear allowable limits for coliforms and e coli (which can be inactivated by chlorine), both of which were not present in Yellow Quill's water.¹⁵¹

Cryptosporidium is not easy to inactivate and can cause serious health problems. In 1993 cryptosporidium was distributed in Milwaukee's drinking water leading to the illness and death of approximately 100 people.¹⁵² It has been estimated by the U.S. National Research Council that the total cost of the outbreak reached \$25 billion. In 2001 there was an outbreak of cryptosporidium in North Battleford Saskatchewan, six to seven thousand people became ill (no fatalities).¹⁵³ At the time, cryptosporidium was not in provincial or Canadian water quality guidelines at all.¹⁵⁴ After North Battleford, a full inquiry was ordered by the government of Saskatchewan which Commissioned by Justice Robert Liang.¹⁵⁵ Bottled water is also not typically monitored for Giardia and Cryptosporidium.¹⁵⁶

Having eventually secured INAC's support, the Foundation went on to develop a technique for treatment and testing that produced safe drinking water in Yellow Quill which addressed the presence of Giardia and Cryptosporidium. The source water was also changed from Pipestone Creek to an underground well.¹⁵⁷ The new treatment facility includes a biofiltration system designed by Hans Peterson of the Safe Drinking Water Foundation. Trevor Sutter, manager of communications for INAC describes the new treatment: “What essentially his [Hans Peterson] process employs is a bunch of mineral-eating bugs that go through the water. They exist in the filtration system and the bugs basically distill the water. And then it's put into the treatment plant for further treatment. Apparently this process works fairly well. It's an interesting process because the tests that have been done on the water show it's very good, very good water.”¹⁵⁸

The case of Yellow Quill is important in two ways. First, Yellow Quill is an example of how there exists scientific and engineering solutions to First Nations drinking water problems and beyond. This provides a glimmer of hope. The case of Yellow Quill also raises an important question, one that resonates with every profile in *Boiling Point* – what will

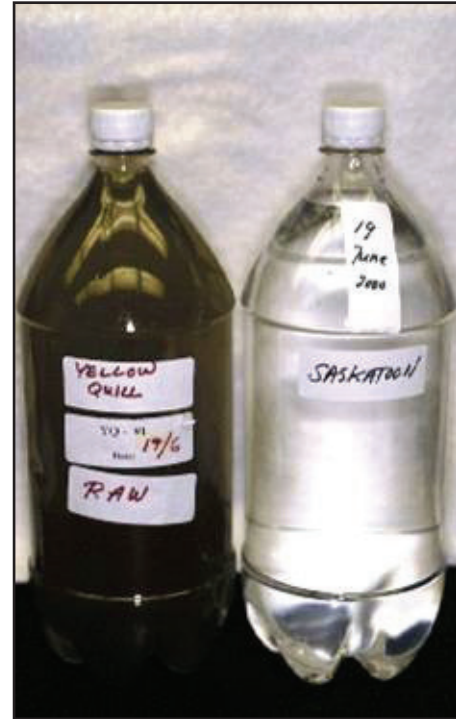


it take to ensure that First Nations in Canada have access to safe drinking water?

The community did not receive bottled water as a short-term solution for close to five years of their eight-year boil water advisory.¹⁵⁹ Debbie Roper, a Waterkeeper at Yellowquill First Nation, described her community's long struggle for clean drinking water as a result of 'jurisdictional squabbling' and 'woefully inadequate water treatment facilities' at a 2004 Public Forum on water held at the University of Saskatchewan.¹⁶⁰ She added that the federal government's 'band-aid' solutions did not lead to clean drinking water, "...it was by not accepting the status quo that we were able to achieve what we did..."¹⁶¹ Here Roper is likely in part referring to the 'out of the box' approach that was adopted when the Safe Drinking Water Foundation became involved; an approach that INAC eventually came around to supporting. "There doesn't seem to be any link between the urgency of the problem [referring to First Nations drinking water] and the response from the people who have the money," said Dr. Hans Peterson in 2001.¹⁶²

If you ask Chief Whitehead, part of the reason why Yellow Quill's water was finally dealt with is because of the attention that the cases of Walkerton (May 2000) and North Battleford (April 2001) were having: "With a comparison ... the kind of water that they were highlighting in the media so much is nothing compared to what we had here. And I think there was some talk of maybe going to court to address these issues.... And I don't know whether that's what caused the movement to happen. But definitely those two situations kind of highlighted us. And then also the fact that the media came out and basically got involved to say that our water was worse than what they had in Walkerton."¹⁶³ Does it take the threat of a lawsuit and national media coverage exposing a First Nations struggle for clean drinking water to incite our government to fulfill its fiduciary responsibilities to First Nations?

The engineering and technology exists. The reasons for ensuring access to safe drinking water are clear. It's time for swift action, not just talk. INAC's 'Plan of Action,' efforts in First Nations communities and growing awareness of the dire state of First Nations drinking water is leading to some change; there is reason to be guardedly hopeful. Yet we must not forget to ask some hard questions. Why have



Yellow Quill's raw water vs. Saskatoon's on the same day.

First Nations had some of the longest standing boil water advisories in the country and suffered immeasurably from the lack of access to safe drinking water – something many Canadians take for granted? The answers to this question must certainly feature prominently the experiences and voices of the many First Nations peoples that have lived and experienced this injustice.



Conclusion

“If you don’t have water and access to clean water in a country like Canada, then we’re doing something wrong.”

**— Indian Affairs Minister Chuck Strahl,
April 2008¹⁶⁴**

Far too many First Nation communities are living with substandard water and fear for their health from what comes out of their taps. Most Canadians take their public water system for granted and cannot imagine what it would be like having to resort to drinking untreated lake water, substandard tap water or expensive bottled water to meet their daily needs. For a large segment of Canada’s First Nation population, this is a reality. The water situation has reached a crisis point and is a national disgrace. It is time that water is seen as an inalienable human right that every Canadian, regardless of his/her race, can depend on.

Why is the water situation at the point it is in almost 100 First Nations communities in Canada? There is no way that it would be accepted if people had to buy or be provided bottled water in other parts of the country for 10 years. How can there be outrage over cases like North Battlefield and Walkerton while few people know the extent of the long-standing crisis in First Nations?

The fact that almost 100 First Nation communities cannot drink their water is a national disgrace. A country that prides itself on the promotion of human rights should be ashamed that communities are being neglected while they live in Global South conditions. Clean water is such a basic need that it is unthinkable that communities are told to manage without it.

Action starts with awareness. In exposing the human face to the water crisis we hope to increase understanding of the true ongoing situation in First Nations. The six profiles examined in *Boiling Point* compose only a snapshot of this crisis which is much deeper and more sustained than many people think. It our hope that Canadians will join with First Nations in demanding accountability and the right to safe drinking water. The National Day of Action on May 29, 2008 is one opportunity to support First Nations in challenging

the Government of Canada to implement long-term solutions based on equality and respect, including ensuring access to safe drinking water, source water and sanitation.¹⁶⁵ Further raising awareness and seeking out the experiences and insights of First Nation peoples is an important step forward. It is only in recognizing the experiences and hearing the accounts of First Nations peoples can we begin to understand the nature of this crisis. In order to support First Nations peoples in solidarity in demanding our government take action we must listen and learn from the very voices of those impacted by such injustice. Water is a right for all people regardless of his/her race; not a privilege.



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