

# WATER CONFIDENTIAL

Witnessing Justice Denied—

The Fight for Safe Drinking Water in Indigenous and  
Rural Communities in Canada

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*This book is dedicated to all Indigenous communities and all  
Canadians. May we one day all benefit from  
national drinking water regulations.*

These are my memories of events and my emotions.  
Others' memories may vary, or they may have experienced  
different emotions.

# Foreword by Warren Goulding

Author of *Just Another Indian: A Serial Killer*  
and *Canada's Indifference*

The United Nations has declared that the provision of safe, affordable water is a basic human right. Through a 2010 resolution, the United Nations General Assembly recognized the human right to clean water and sanitation and stated that the “human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.”<sup>1</sup>

Sadly, that right has not been respected over many generations for residents of Indigenous communities in Canada who have been denied access to acceptable drinking water.

It is a national disgrace; another ignominy in a colonial history that has brought shame to Canada on the international stage. And it has led to decades of disease, financial hardship and anxiety for people living on reserves throughout Canada.

Among the cruel ironies of this deplorable situation is the fact that Canada’s water quality is considered among the best in the world. However, dozens of First Nations communities continue to struggle with the challenge of providing safe water for their members.

Susan Blacklin has been on the frontlines of the campaign to bring safe drinking water to First Nations communities, working closely with her late husband, Dr. Hans Peterson, a renowned scientist, and the founder of the Safe Drinking Water Foundation. Dr. Peterson pioneered the development of the Integrated Biological and Reverse Osmosis Membrane water treatment process. In a tribute to Dr. Peterson, who died in 2018, Nicole Hancock, executive director of the Safe Drinking Water Foundation, said, “There’s over 100,000 people who have safe drinking water because of Peterson’s

invention. Even after he retired, he was working eighteen-hour days trying to push water issues forward.”<sup>2</sup> Indeed, it was a monumental commitment to a cause that Peterson pursued with a selfless passion.

Beginning in 1996, Susan acknowledges the toll the work exacted on their family was unmistakable in terms of finances and daily life that was rife with frustrations and disappointments.

Looking back on a period of twenty-five years, Susan celebrates the accomplishments, but pulls no punches in exposing the indifference, incompetence, and corruption on the part of governments at all levels in the name of providing safe drinking water for Indigenous communities.

*Water Confidential* is an unabashed, insider’s perspective of a vital work in progress, one that continues to this day as dozens of communities continue to search for solutions to their water problems. There has been progress, but decades of hollow promises and inaction have not produced solutions for a largely marginalized population that continues to live with boil water advisories and threats to their health.

“While water quality and water-borne disease are often a greater concern in developing nations, a water-borne disease burden exists in developed nations. There are an estimated 20.5 million episodes of enteric disease in Canada each year (Thomas *et al.* 2013), of which, over 400,000 are estimated to be related to drinking water (Murphy *et al.* 2016a, 2016b).”

From: *Drinking and recreational water exposures among Canadians: Foodbook Study 2014–2015*, authors: Rachelle Janicki; M. Kate Thomas; Katarina Pintar; Manon Fleury; Andrea Nesbitt <https://iwaponline.com/jwh/article/16/2/197/38000/Drinking-and-recreational-water-exposures-among>

# Prologue

Hans and I were adopted into the Indigenous culture of the Saddle Lake Cree Nation by one of its councillors, Elder Howard Cardinal, in the summer of 2006. The community invited Hans and me to be guests of honour in their Sweat Lodge ceremony to commemorate our work. The community held a pipe ceremony to honour the water spirit. The ceremony was the most beautiful and humbling experience.

Six peace pipes were lit and handed around to all participants. The Elders had a specific chant as the pipe was passed to each person. The “sweat” is a canvas hut inside a log building on a gravel floor. Outside, a large fire was started. Layers of stones, about ten inches in diameter, were stacked alternately with layers of logs. The leaders carefully carried the stones into the sweat on pitchforks as the stones became red hot.

Inside the tent was a centre pit where they positioned the red-hot stones. Fourteen stones were brought in—one each for the fourteen elders present—and the canvas flap was closed. The temperature quickly rose. Then, the chanting began.

The chanting reminded me of singing “Ten Green Bottles” when I was young, or songs we sang at soccer matches or on school bus rides. A powerful spirit is evoked from communal chanting; combined with the cultural practices of the Saddle Lake Cree, the experience was riveting. The many hours we had tirelessly toiled and our dedication to helping Indigenous communities were worthwhile; their genuine appreciation was overwhelming. Afterwards, we went for a lunch of moose stew and bannock. Then, two men took an offering of tobacco in a canoe out to the lake for the water spirit.

The Yellow Quill community also held an appreciation ceremony for Hans and me, and we were deeply touched. The community gave us each an eagle feather while they burned sweetgrass, announcing that while they appreciated Hans's commitment to help First Nations people, they also appreciated the support I had given them. The entire community chanted and clapped.

An Elder in the community made us two Indigenous quilts hand-sewn with love. The people wrapped one around each of us, and we felt their love and appreciation to our core, bringing us both to tears. Later, I took the feathers and sweetgrass to an Indigenous artist, Ernie Scoles. He mounted them in a large, framed picture and tied the two eagle feathers with the sweetgrass. That framed picture still hangs in our daughter's bedroom today.



# Introduction

I rarely watch television, but in 2023 I noticed a commercial encouraging First Nations, Métis and Inuit people who have lived with a boil water advisory (BWA) for a year or more to sign up for a class action lawsuit. I was struck by a wave of emotions: anger that it has taken this long to potentially see justice; concern that this is not enough, that there might be hidden conditions and agendas; heartache for the empty promises made by so many ministers and politicians, all attempting to appease the situation, with few of them ever acting on their words. It could have all had a greater positive outcome if only those in positions of power had applied their due diligence.

For fifteen years I tried to make safe drinking water a reality—I supported my late ex-husband, Dr. Hans Peterson, when he founded the Safe Drinking Water Foundation (SDWF) in 1996, and through our work with the foundation, we learned about the plight of Indigenous people in Canada, as well as folks who live in rural areas, and the struggle to ensure safe drinking water. Today, almost thirty years after we founded the SDWF, too many First Nations communities still don't have consistent access to this basic human right.

In a July 2021 article, *Water Canada* reports on the “long-awaited results” of Aboriginal Affairs and Northern Development Canada’s study, titled the “National Assessment of Water and Wastewater Systems in First Nations Communities.” Member of parliament Dr. Carolyn Bennett claims that the study “underscores the government’s continued neglect, with nearly 1,800 First Nation community homes without water or sewage service, and \$1.2 billion required immediately to bring these systems up to Aboriginal Affairs and Northern Development Canada’s own protocol.” She added that

the problem is far more serious than previously reported, with 39 percent of First Nations drinking water systems rated as high risk by the assessment. The government has an obligation to commit additional new funding to address the immediate needs, in addition to an estimated \$4.7 billion over the next 10 years.<sup>3</sup>

But the situation is not “far more serious than previously reported.” It is as despicable as it has been reported—by the SDWF, among many others—for the past twenty-five years. Furthermore, if government had awarded contracts with a required means of measuring the quality of drinking water resulting from those contracts, then the money spent already, which far exceeds the planned billions to address the issue now, would not be necessary. The only difference is that someone is finally listening, or at least paying lip service to the issue.

Indeed, Nishnawbe Aski Nation (NAN) Deputy Grand Chief Terry Waboose said the study “merely confirms what NAN and First Nations across Canada have been telling the federal government for years—that there is a critical lack of infrastructure in First Nations communities. We don’t need more studies to confirm what we have been saying for years.”<sup>4</sup> These reports and assessments are only money in the coffers of colonial society and collect dust on bookshelves in the academy. It’s long overdue for Canadian governments and engineering companies to step up and improve First Nations drinking water with guaranteed effective water treatment systems. Rural Canadians could benefit from the same support.

The national class action lawsuit was initiated in 2019 by the Neskantaga First Nation, Curve Lake First Nation and Tataskweyak Cree Nation and law firms Olthuis Kleer Townshend and McCarthy Tétrault. I am very pleased to see that Stephanie Willsey, an Indigenous lawyer, has been recognized for her contribution on this legal team.<sup>5</sup> The \$8 billion settlement, called the First Nations Drinking Water Settlement, was agreed by the courts in December 2021, and includes compensation to individuals and affected First Nations,

funds to “eligible individuals who suffered specified injuries due to a drinking water advisory that lasted at least one year between November 20, 1995, and June 20, 2021,... support for First Nations to develop their own safe drinking water bylaws and initiatives,” and much more.<sup>6</sup>

While attention to these issues gives me some hope, I still have doubts that the best interests of these communities are the driving force behind these actions. Specifically, I find this statement problematic: compensation will be awarded to “eligible individuals who suffered specific injuries due to a drinking water advisory that lasted one year.” I wonder how doctors are going to verify that anyone’s illness was caused by unsafe drinking water. What about stillbirths or miscarriages? The skin rashes may be a little easier to verify. For years, I saw how water-borne illnesses were present far more often in First Nations and rural communities than in cities. Maybe a better way to assess those entitled to this compensation would be to test all possible source waters, thereby defining exactly what kind of process is required for effective treatment while also identifying those who have been exposed to water-borne illness.

Or, perhaps individuals should receive compensation based on how long they lived with a BWA. The use of the phrase “drinking water advisory” is additionally problematic; it’s easy to downplay the severity of what a “boil water advisory” really means. Imagine boiling every drop of water you consume, whether to brush your teeth, wash your face or cook. Imagine trying to bathe babies, toddlers or young children while ensuring they don’t take little mouthfuls of bath water. Imagine cleaning your fridge or stove with contaminated water. The Neskantaga First Nation community, with a population of four hundred people, has been under a BWA since 1995, twenty-eight years at this time of writing.

Dr. Nadine Burke Harris’s research has proved the correlation between childhood adversity and illness later in life, be it heart attacks, asthma or strokes. Childhood trauma literally gets under our skin.<sup>7</sup> When families have endured living with unsafe water, they have experienced both physical and mental assaults on their bodies.

I would go so far as to say that politicians' neglect of the water crises in Indigenous communities for decades may have been as debilitating and atrocious as the residential schools. And it is still going on today.

With the six billion dollars set aside in the settlement for water treatment systems, all First Nations communities should have systems that meet or exceed the World Health Organization (WHO) regulations. Allowing Indigenous communities to “develop their own safe drinking water bylaws and initiatives” is the best scenario, and I foresee that with support and scientific knowledge they will lead Canada to drinking water regulations. Indigenous leaders should have the authority to decide which treatment processes they want for their communities. And it should not have taken this long.

Finally, and perhaps most problematically, anyone who accepts and participates in this claim process forgoes the opportunity for any future claims. But they still don't have safe drinking water, and Canada still doesn't have drinking water regulations. It is not enough, as Bennett claims in the *Water Canada* article, to have drinking water meet “Aboriginal Affairs and Northern Development Canada's own protocol.” As Hans and I have argued from the beginning, Canada needs national drinking water *regulations*, meaning that violations against these regulations can be upheld by law. Guidelines, on the other hand, merely provide a goal to be strived for with no binding legal power. Guidelines have even less substance than standards, which set acceptable levels for certain compounds that can be found in the water; but meeting these standards may still not provide safe drinking water. Therefore, standards remain as little more than a formal set of guidelines.<sup>8</sup> I hope that this settlement is a step toward ensuring there are safe drinking water regulations in Canada, at least for First Nations. I predict that rural communities will soon follow the example of those involved in this lawsuit.

Through the SDWF, Hans and I spent fifteen years working to educate politicians about how to provide safe drinking water to all Indigenous and remote communities. In that time, I found myself

in the middle of a national battle, married to the “mad scientist,” as his son would affectionally call him, who tried his best to blow the whistle.

For me, it all started on the disco floor in Winnipeg, 1981.