

December 31, 2021

Dear Owners, Operators and Operating Authorities of Drinking Water and Wastewater Systems,

With the rapid spread of the highly transmissible omicron variant, the ministry recognizes that drinking water and wastewater systems may experience pandemic related critical staffing shortages that could impact the continuity of these important operations. We wish to remind you of recent regulatory amendments to address potential shortages, as well as request that you review your operational plan to ensure continuity of operations/emergency procedures are up to date.

As you are aware, the ministry recently amended [O. Reg. 128/04 Certification of Drinking Water System Operators and Water Quality Analysts](#) and [O. Reg. 129/04 Licensing of Sewage Work Operators](#). These amendments are intended to provide systems with temporary staffing options (e.g. use of knowledgeable non-certified persons) during an emergency that could adversely affect the operation of a system resulting in a drinking water health hazard or a significant risk to human health or the natural environment. Further information on the regulatory amendments can be found on the [Environmental Registry](#), please see [019-3513](#) and [019-351](#).

The ministry is of the view that the circumstances specified in clauses 32(1)(b) of O. Reg. 128/04 and 22(1)(b) of O. Reg. 129/04 are satisfied because orders originally made under the *Emergency Management and Civil Protection Act*, as a result of the current COVID-19 pandemic, have been continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*. As such, the new provisions are available to owners and operating authorities if you have reasonable grounds for believing that there is an existing or impending critical shortage of certified operators and the use of non-certified persons is necessary to ensure the safe and efficient operation of the subsystem and the continued provision of safe drinking water.

The use of temporary measures is also subject to applicable labour laws and collective agreements. You will need to assess what actions can be implemented, taking into account any relevant collective bargaining agreements or other applicable labour laws. You should make every effort to discuss proposed site-specific temporary measures with bargaining agents prior to implementation.

If your organization takes any actions under the authority of these provisions, please note that you are required to provide information about the circumstances leading to the use of temporary persons in the subsystem to the ministry within 7 days. Notification should be sent to Operator.Certification.moe@ontario.ca and copied to your local ministry district office.

Municipalities are also currently able to utilize the work deployment and staffing measures included in [O. Reg. 157/20: Work Deployment Measures for Municipalities](#) under the *Reopening*

Ontario (A Flexible Response to COVID-19) Act, 2020. While these measures do not apply to employees at municipal drinking water or wastewater systems, employees that work outside of these systems may be redeployed to assist at impacted systems to perform non-operational work.

In the event that your drinking water or wastewater system faces a staffing issue where there is a potential for disruption to operations and is unable to negotiate temporary measures with bargaining agents to resolve the issue, please contact the ministry immediately as described at the end of this letter. In such a circumstance, the ministry will then consider taking additional actions, which could include deploying operators from the Ontario Clean Water Agency to provide emergency support where resources permit.

You may also use the ministry's [Operator Workforce Matching Portal](#). This is a free, online tool developed and administered by the ministry to help connect system owners seeking staffing resources with water operators who are available for employment. In the coming days, the site will be updated to reactivate the accounts of experienced former operators who held certificates and licences in the past 5 years. Please visit the [OWWCO website](#) to find out how to register and use the portal.

If you are experiencing (or anticipate) any difficulties that may lead to a break in continuity of operations, such as chemical or staffing shortages (and qualified non-certified staff are not available), we ask that you immediately inform the ministry's Spills Action Centre at 1-800-268-6060 and provide the following information:

- Outline of the current situation,
- Options and contingencies that have been considered,
- Specific to staffing shortages, also include outcome of any discussions with relevant bargaining agents; and proposed plan to ensure the safe continuity of operations.

For questions or general inquiries please contact Christine Morritt at 647-632-6517 or Christine.morritt@ontario.ca.

Sincerely,



Alison Pilla
Assistant Deputy Minister and Chief Drinking Water Inspector
Drinking Water and Environmental Compliance Division Ministry of the Environment,
Conservation and Parks