Comments - Draft Safe Drinking Water Regulations – September 2004

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I have used as reference, parts of section 56 of the Safe Drinking Water Act 2003, in putting these comments together. My comments are limited only to the areas in which I have relevant experience.

56.Regulations

(1) The Governor in Council may make regulations for or with respect to—

(a) incidental matters in relation to water quality standards;

(b) the monitoring of drinking water quality, or any component or characteristic of drinking water, including—

(i) specifying the location, frequency and method of collecting samples of drinking water and other water; and

(ii) specifying who is to collect the samples (and providing for an approval or accreditation system for collectors); and

(iii) specifying the analytical methods to be used to analyse samples; and

(iv) specifying who is to conduct analyses of samples (and providing for an approval or accreditation system for analysts); and

(v) specifying how the results of analyses and monitoring are to be reported;

General comment:

I do not believe that all subsections of section 56 have been addressed. Accreditation and approval of sample collectors [s56 (1) (b) (ii)] are not mentioned in the Regulations. The specification of analytical methods [s56 (1) (b) (iii)] has also been left out even though it is an important aspect of ensuring that the results obtained by various laboratories are comparable.

I note that the Act has a definition for "water supply premises" which includes, amongst others, "premises… used in connection with …analysis of drinking water..". There is no reference to water supply premises in the draft Regulations. Will there be regulations relating to water supply premises that have not been included at this point?

Specific comments:

Subject	Clause	Comments
Sampling points	5 (2)	There is nothing in this clause that states the criteria used to determine the number of taps that are specified as sampling points. Is it sufficient to imply [by taking the opposite meaning in 5 (2) (a)] that the number is "as far as practicable, representative of the drinking water supplied in that locality"?
RMP auditors	9 (b)	I would suggest that the auditor must have audit skills as well as specific knowledge. Suggest that the clause be amended as follows: (b) demonstrates to the Secretary that he or she has the experience, qualification and skills necessary to independently conduct audits of risk management plans *of water storage and supply systems.*
Sampling frequency	11 (1) 11 (2)	This regulation does not inform me on how many samples will need to be taken each week. • Column 1 of the Table in Schedule 2 requires a sample of water to be collected each week. • Regulation 11 (1) requires the collection of a sample at a relevant sampling point (defined as any sampling point other than the one from which a sample was last collected [Reg 11 (2)] at the relevant sampling frequency • The definition of "relevant sampling frequency" just cross references back to the Table in Schedule 2.
Water analysis	12	This requires the analyses to be "conducted by an accredited analyst". The reality is that most analyses are carried out be technicians. There should be a definition for conducting an analysis to include supervision of the analysis.
Accreditation of water analysts	13 (2) (b)	Does that mean that water supply authorities cannot analyse their own samples? This is at odds with the practice adopted in food manufacturing. If a laboratory is accredited with NATA, they will have to abide by ISO 17025, which considers conflict of interest. In fact, conflict of interest is resolved in many cases by ensuring that the Quality aspects of a business is separated from Production through maintaining independent reporting lines. Is this requirement anti-competitive? On question of the criteria for accreditation of analysts, • If the main reason for having an accredited analyst is to ensure the quality of the analysis, it would seem prudent that one of the qualifications is accreditation as a NATA

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		• signatory. The accredited analyst must operate in a NATA accredited laboratory. NATA signatory status is test specific and links the technical knowledge of the person to the laboratory set-up (facility, Quality assurance arrangements, etc). Under NATA rules, that person does not take the "qualification" with him/her when he/she leaves that position. This condition will address the need to revoke the analyst accreditation from time to time and ensure that accredited analysts have current involvement with the analyses. • If the reason for the accreditation of analysts includes the need to be able to act as an expert witness, then additional requirements would include those parameters that are relevant to legal proceedings such as chain of custody of samples and the ability to communicate complex scientific matter to lay people.