



The Consumer Council's response to the Department of the Environment's consultation on the Draft Private Water Supplies Regulations (Northern Ireland) 2009

September 2009

Consumer Council reference: PD20090/290

1. The Consumer Council welcomes the opportunity to respond to the Department of the Environment's (DOE) consultation on the Draft Private Water Supplies Regulations (Northern Ireland) 2009 (draft Regulations).

Exempt supplies

2. The draft Regulations specify that certain private supplies including single domestic supplies¹ and supplies of less than 10m³/day or serving fewer than 50 people (termed small supplies) are exempt from the final Regulations. Small supplies will not be mandatorily tested but will be where deemed appropriate informed by risk assessments unless the water is used as part of a commercial or public activity.
3. The costs of monitoring private water supplies in Northern Ireland are met from the public purse. The total current annual cost is £110,450.
4. DOE estimates that over 15 years the proposals (excluding small supplies but with risk assessments) will cost £321,407 less than the

¹ Single private dwellings account for approximately 70% of private supplies in Northern Ireland.

current arrangements and will have associated quantifiable benefits of £1.87million².

5. The cost benefit analysis provided by DOE indicates a small positive benefit of excluding small supplies over 15 years³. Weighing the impact of the inclusion of small supplies against the overall significant savings and benefits that will be accrued by adopting the new Regulations the Consumer Council would see their inclusion as a benefit to the Regulations.
6. One of the Consumer Council's key priorities is enabling consumers to make responsible choices. In line with this priority we are content that currently users of single domestic private water supplies are able to make responsible consumer choices on the operation and use of their private supplies once given accurate and understandable information by DOE.
7. We note that no costs have been provided in the consultation for the inclusion of all domestic private supplies. Has DOE estimated the costs of including all private water supplies in Northern Ireland?

Monitoring

8. We support the adoption of the risk management based water safety plan approach for monitoring private water supplies.
9. We agree with the proposal for minimum annual checks to confirm that a supply is wholesome with more frequent checks for larger supplies or where DOE considers them necessary for certain parameters. Risk assessments must be taken into account before removing or excluding any parameters.

² Benefits include the reduced risk of contracting illness from exposure to unwholesome water, reduced visits to GPs and requirement for medical treatment and the reduced cost burden on local industry, commerce and health services.

³ DOE figures indicate a difference in cost / benefit between including or excluding small supplies over 15 years of approximately £10,000 in the favour of exclusion.

10. Risk assessments should be in place within eighteen months of implementation of the final Regulations or sooner if feasible. We would request more information on how DOE will roll out the process of risk assessment, for example will the largest private supplies be assessed first?

11. DOE states that its policy when considering parameters for wholesomeness is that “consumers of private supplies, or of food and drink prepared from private supplies, are entitled to the same degree of health protection as consumers of public supplies.” Along with the adoption of the water safety plan approach the Consumer Council believes that to maintain DOE policy and provide equity of protection of consumers and ensure parity in the testing and monitoring of regulated public and private supplies the parameters for testing private supplies need to include the more stringent ‘national parameters’ in addition to those set down in the EU Directive.

12. Samples taken for testing should be representative of the supply. Some proposed Northern Ireland requirements are more stringent as they are accepted best practice and in place for public supply monitoring. Laboratories must ensure quality control with approved independent checks.

13. The equal protection of consumers whether using a public or private water supply would also necessitate that only products and materials that meet EU and national standards for the purposes of public supplies are used in all new installations for the preparation or distribution of private supplies.

Information

14. Easily understood and accessible information and advice must be provided to all consumers using private water supplies. This information will allow consumers to make responsible and informed

choices about the management of their private water supplies. The provision of understandable and clear information is particularly important at private supplies that will be exempt from regulation.

15. The Consumer Council agrees with the duty placed on DOE to ensure that users of exempt private supplies are informed that the supply is not regulated and are given advice about how to protect health and the wholesomeness of their water supply. We would request more details on how DOE will proactively provide this information and what consideration DOE has given to overcoming the potential gap that may exist in the provision of advice and information if DOE records are not required to record all private supplies.

16. The Consumer Council recommends that the information available to consumers is reviewed and updated as some of the information presently available is confusing and difficult to understand. For example, the public homepage of the private water supplies website⁴ appears to cover Scotland only, as does the public toolkit accessed from this homepage, even though the information does also mainly apply in Northern Ireland. The technical manual is very long and complex (618 pages). Is more consumer friendly and overtly Northern Ireland specific information being produced? Presumably updated consumer information reflecting changes in the Regulations will need to be produced?

17. We would be keen to learn more about how appropriate prompt advice will be given to consumers if any danger to human health arising from the quality of private water becomes apparent.

18. With consideration of the above we would encourage the development of comprehensive and accurate records of all private supplies in Northern Ireland.

⁴ http://www.privatewatersupplies.gov.uk/private_water/23.html

19. Will the findings of risk assessments be published on the DOE website and made available to the public?
20. We support the continuation of the publication of an annual report by the Drinking Water Inspectorate about private water supplies that are required to be registered.

Investigation, remedial action and enforcement

21. The proposed approach to investigation, remedial action and enforcement set down in the draft Regulations seem appropriate and in line with the Northern Ireland Environment Agency's (NIEA) proposed enforcement and prosecution policy. We are aware that NIEA will be consulting on its enforcement policy further in autumn 2009. We would expect the two enforcement policies to reflect each other and ensure equal treatment of consumers.
22. The Water and Sewerage Services (Northern Ireland) Order 2006 sets down the continuation and procedure for appeal to the Water Appeals Commission (articles 292 and 293). The Consumer Council would request clarification, and that this clarification is made clear in the final Regulations, on how the right to appeal within 28 days will interact with improvement or restriction notices issued by DOE if immediate action is needed to remedy the supply failure.

Conclusion

23. The Consumer Council welcomes this and calls for more accessible information to be made available to consumers, which is in everyone's interests.