



Health Hazards: Responsibilities of Authorized Persons

Purpose

The following guidance is intended to inform authorized persons on the scope of health hazards to consider when issuing a [Letter of Certification](#) (LoC).

Regulatory Framework

The [Public Health Act](#) defines a health hazard.

The [Sewerage System Regulation](#), under the [Public Health Act](#) requires in [Section 9](#) that an authorized person must file with the health authority a *Provincial Health Authority Letter of Certification* certifying, among other things, that 'If operated and maintained as set out in the maintenance plan, the sewerage system will not cause or contribute to a health hazard.'

In addition, [SSR section 10\(1\)](#) identifies the duties of the owner to ensure that a sewerage system is maintained in accordance with the maintenance plan.

Regulator Requirements of their Registrants

The Applied Science Technologists and Technicians of BC (ASTTBC) require that Registered Onsite Wastewater Practitioners (ROWP) follow the Ministry of Health's [Sewerage System Standard Practice Manual \(SPM\)](#). The ROWP's maintenance plan for a particular system will satisfy the health hazard prevention requirements of the LoC provided the ROWP has followed the SPM and the [ASTTBC ROWP Practice Guidelines](#) in developing the plan. This also applies to the design and construction of a system - if the ROWP follows the SPM, they will be in compliance with [SSR section 9\(1\)\(b\)\(ii\)](#), and the sewerage system will be deemed to have been constructed in accordance with standard practice.

As per the [EGBC Professional Practice Guidelines for Onsite Sewerage Systems](#), a Professional may consider other sources of standard practice, with the appropriate scientifically defensible rationale. This applies to the design and construction of a system - if the Professional follows standard practice, they will be in compliance with [SSR section 9\(1\)\(b\)\(ii\)](#) and the sewerage system will be deemed to have been constructed in accordance with standard practice.

Contributions to a Health Hazard

A sewerage system may cause or contribute to a health hazard for a variety of reasons; some, but not all of which are within the control of an authorized person.

The following table lists reasons a sewerage system may contribute to a health hazard, both within and outside the control of an authorized person:

| Examples of reasons within the control of an AP | Examples of reasons outside the control of an AP |
|---|--|
| <ul style="list-style-type: none"> • inadequate site assessment • improper design • improper installation • inadequate maintenance due to: <ul style="list-style-type: none"> ○ inadequate maintenance plan ○ improper maintenance by the authorized person • inadequate review of installation or maintenance by a Professional • inadequate supervision by the Professional of installation by the owner or a ROWP | <ul style="list-style-type: none"> • operation that is inconsistent with the design or the operation manual • inadequate maintenance due to failure of owner to initiate maintenance by an authorized person as prescribed in the maintenance plan • unforeseen circumstances (such as a flood, landslide and earthquake, changes in water table from causes other than natural conditions) |

Health Officer Orders under *Public Health Act*

Under the [Public Health Act](#), a health officer could make an order against an authorized person if the health officer reasonably believes that a health hazard existed, that a sewerage system was causing or contributing to the health hazard, and that the actions or omissions of an authorized person, including a failure to comply with the [Sewerage System Regulation](#), were causing or had caused the health hazard.

Such actions or omissions may include those listed above (left column) but would not include a situation where a health hazard was caused by circumstances that an authorized person acting reasonably could not have foreseen (see examples above in right column).