

February 20, 2008

Tim Krsul
Senior Policy Analyst, Integrated Environmental Planning Division
Ontario Ministry of the Environment (MOE)
Land and Water Policy Branch
135 St. Clair Avenue West, Floor 6
Toronto, ON M4V 1P5

Re: EBR Posting #010-2364 – Brownfields Regulation – Qualified Persons

Dear Mr. Krsul,

The Canadian Brownfields Network (CBN) is providing this correspondence in response to the Province of Ontario's Environmental Bill of Rights (EBR) Regulation Proposal Notice # 010-2364 – Brownfields Regulation – Qualified Persons.

The CBN supports the Province of Ontario's efforts to protect human health and the environment by amending Ontario Regulation 153/04 made under the Environmental Protection Act (EPA) to change the provisions in section 5 regarding qualified persons who conduct or supervise environmental site assessments and who make certifications in records of site condition (RSCs) filed to the Brownfield Environmental Site Registry.

In the CBN's leadership role that represents various organizations with similar objectives and promotes best practices in Brownfield redevelopment, the CBN conducted a review and assessment of existing QP Programs and a survey of key stakeholders to identify best practices. Findings from the Jurisdictional Review of Contaminated Site Qualified Professional Programs (December 2007) emphasized the following best practices for a QP Program:

- Government needs to communicate requirements/expectations;
- Professional organizations help protect public interest;
- QP should assemble and manage a multi-disciplinary team;
- Liability insurance is essential for practicing QPs (amount of coverage should be based on the level of risk);
- Rigorous exam or qualification process;
- Ongoing education and professional development is key to improving quality of work (training focused on regulations).

The study also made a number of recommendations regarding how to develop an effective QP Program as shown below:

- Stakeholders should be engaged early in the development of re-design of a QP Program;
- Programs should leverage existing and accredited professional organizations;

- Government needs to broadly communicate the qualifications, on-going certification and performance expectations of the QP Program;
- Provide ongoing consultation and training on regulatory issues and requirements;
- Initiate discussions with other jurisdictions regarding harmonization of QP Programs.

We are pleased that the Province of Ontario has considered these best practices and recommendations in the proposed amendments to the existing QP Program.

The CBN encourages the Province to work closely with Ontario's Professional Engineers and Geoscientists to ensure that the best practices are incorporated.

We appreciate the Province's efforts through the Ministry of the Environment to consult with the public on proposed amendments and encourage the province to continue to provide clear policy direction regarding remediation and redevelopment of Brownfield sites in Ontario.

Sincerely,



Angus Ross, Chair
Canadian Brownfields Network

Cc. Marcia Wallace, Brownfields Coordinator, Ontario Ministry of Municipal Affairs and Housing (MAH)
Kim Allen, CEO and Registrar, Professional Engineers of Ontario (PEO)
Andrea Waldie, Executive Director and Registrar, Association of Professional Geoscientists of Ontario (APGO)