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April 2, 2021

Ministry of the Environment, Conservation and Parks  
Technical Assessment and Standards Development Branch  
40 St. Clair Avenue West, 7<sup>th</sup> Floor  
Toronto, Ontario  
M4V 1M2

Attn: Mr. Paul Welsh

**Reference: Environmental Registry of Ontario Posting No. 019-2546 (Proposed updates to the “Procedures for the Use of Risk Assessment under Part XV.1 of the *Environmental Protection Act*”)**

Dear Mr. Welsh,

The Canadian Brownfields Network (CBN) appreciates the opportunity to participate in the Ministry of the Environment, Conservation and Parks invitation to comment with respect to the proposed updates to the guidance document “Procedures for the Use of Risk Assessment under Part XV.1 of the *Environmental Protection Act*” (colloquially, the Risk Assessment Procedures document). CBN’s Technical Advisory Committee (TAC) has solicited and compiled comments from interested members for the purpose of making this submission on behalf of CBN. CBN has a diverse membership of site owners, developers, consultants, and industry association representatives who are active in the area of brownfield development within Ontario and across Canada.

CBN is committed to supporting the redevelopment and reuse of brownfield properties through advocacy for regulations and policies that are founded on sound science and appropriate risk, are harmonized across jurisdictions, and provide clarity and certainty with respect to brownfield redevelopment.

The proposed updating of the Ministry’s Risk Assessment Procedures document is a positive development to provide further guidance to Qualified Persons per Section 6 of Ontario Regulation 153/04 and other practitioners involved in the assessment of risk to human health and ecological receptors at Brownfield properties.

CBN strongly supports the updating of the Risk Assessment procedures document, but suggests the Ministry consider further changes that would improve the clarity on the responsibilities and improve the understanding of accepted professional practices within risk assessment per O. Reg. 153/04. The specific issues and suggestions for improvement are included in the attached Table.

We would be pleased to discuss these comments further with the Ministry. In closing, we thank you for the opportunity to provide comments and input on the Guidance.

Kindest Regards,



Peter Sutton  
Co-Chair, Technical Advisory Committee  
Canadian Brownfields Network



Chris De Sousa  
President  
Canadian Brownfields Network



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**Table 1: Specific Proposed Guidance Issues and Suggestions for Improvement**

No.	Section	Issue Description	Comment
1	General Comment	Submitting PSFs and RAs	The document does not describe how submissions are actually made to the Ministry (mailing address, electronic submission, number of copies, etc.).
2	General Comment	Registry of QPs	Amongst those who purchase the services of QPs, there is considerable desire for the Ministry to make available a public registry of individuals who are registered with the Ministry as a QP <sub>ESA</sub> and/or a QP <sub>RA</sub> .
3	General Comment	Previous Technical Guidance offered by the Ministry	The Ministry has previously issued technical guidance on the completion of Risk Assessments directly to QPRAs. Many of these communications are not generally available to other practitioners interested in RA, QPRAs registered with the Ministry subsequent to the guidance being distributed, those inadvertently omitted from the original distribution, or those who have lost or misplaced the original communication. To improve the overall quality of Risk Assessment practice, the Ministry should establish a publically accessible repository for this information.
4	Definitions	Error	The “Component Value” entry indicates that the most up-to-date Ministry component values are included in the Approved Model. This is incorrect. (This error is repeated in Section 5.3.1 of the document.)
5	Section 1.1	Omission	The fourth paragraph describes activities that are not covered by the document. It is recommended that this paragraph also include radiological exposure assessment.
6	Section 2.2.1	Signature requirements	The document should include text regarding the acceptability of electronic signatures
7	Section 2.2.2	Types of Risk Assessment	The document should indicate that Risk Assessments that do not align with any of the alternative Risk Assessment approaches are considered “A Risk Assessment other than those identified in O. Reg. 153/04 Schedule C, Part II”
8	Section 3.4	Error	The third bullet (second sentence) in the list indicates contact information for work references for the QP <sub>RA</sub> should be provided. This is not a requirement of the regulation, and is not necessary regardless; the QP’s qualifications have been vetted at the PSF stage.

No.	Section	Issue Description	Comment
9	Section 4.3.1	Clarification	The second paragraph in the discussion of PAHs indicates that all carcinogenic PAHs detected at the property should be carried forward. Our experience with this has been inconsistent (i.e., some reviewers have required us to carry forward non-detect PAHs at the highest detection limit, while others have permitted only detected PAHs to be carried forward). Ministry policy with respect to this issue should be confirmed and reflected in the document.
10	Section 5.3.1	Error	The second paragraph indicates that the “most up-to-date Ministry component values are included in the Ministry’s approved model”. This is incorrect. (This error is repeated in the definition of “Component Value” in the Definitions section of the document.)
11	Section 6.2.2	Omission	The list of exposure pathways not considered in the setting of generic site condition standards should also include inhalation of vapours in air while working in a trench and inhalation of particulates by the S1 and S2 human health receptors
12	Section 8.4	Requirements for Financial Assurance	It would be helpful if the document could describe or provide examples of situations where financial assurance might be required.
13	Figure 10.1	Omission	The figure does not illustrate Ministry practice of completing separate reviews of the P2CSM and the remainder of the PSF submission (and providing separate comments at different timelines).