



**ASSOCIATION OF THE CHEMICAL
PROFESSION OF BRITISH COLUMBIA**
c/o Department of Chemistry, University of Victoria
P.O. Box 3065, Victoria, B.C. V8W 3V6

February 22, 2008

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

Submitted by e-mail:

Tim.Krsul@ontario.ca

PROPOSED AMENDMENTS TO REGULATION 153/04 OF THE Ontario Environmental Protection Act

Dear Mr. Tim Krsul,

I am writing to you in my capacity as President of the Association of the Chemical Profession of British Columbia (ACPBC). We have just become aware of the proposed amendments to the *Brownfields* regulation 153/04, and the ACPBC is providing some preliminary comments, which may prove useful to the province of Ontario in considering this important question. Time does not permit an extensive analysis, and we are hopeful that further opportunities for input may be available prior to the decision being taken.

It is the strong opinion of the ACPBC that the profession of chemistry has a vital central role to play in the assessment of risk to human health and the environment that may be posed by chemical contaminants, particularly on sites being considered for development as *Brownfields*.

Professional chemists in provincial associations across Canada have attained academic qualifications and experience of the highest standard, and their associations require adherence to Codes of Ethics, disciplinary policies and



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accountability every bit as demanding as in other professions such as the various branches of engineering, and the geosciences. It is often an historical artifact in the establishment of legislation recognizing some sciences and not others that has resulted in the patchwork quilt of disciplines that have become entitled to sign off on instruments related to contaminated sites across Canada. As you will be aware in British Columbia, the so-called parent associations are the College of Applied Biology, the BC Institute of Agrology and the Association of Professional Engineers and Geoscientists of British Columbia. We note that the intention is to restrict recognition in regulation 153/04 in Ontario only to the latter two groups, geoscientists and engineers. We note that qualifying associations in Alberta with signing authority for remediation include professional chemists, and consistent with the trade investment and labour mobility agreement, TILMA, chemists in British Columbia are advocating moving toward an inclusive policy that we are confident will soon include chemists within the Contaminated Sites Approved Professionals designation in British Columbia.

It is in the context of these developments that the ACPBC expresses its deep regret at the prospect of the regulation in Ontario moving towards a more restrictive approach to qualified professionals in the environmental area. In contrast, it would be our hope that all areas of Canada would move towards common comprehensive approaches to competencies, skills and knowledge required to carry out environmental practice, which would facilitate labour mobility across the country.

The ACPBC has been founded on the premise of close collaboration among industry, government and academia to support the economic and social development of British Columbia. We strongly believe that chemistry is a core science of fundamental importance in economic development. It is crucial to encourage students to consider chemistry as a profession, and we believe the changes being contemplated in Ontario will send the wrong message to young people considering careers in environmental chemistry.

In British Columbia, and I am sure in Ontario, a huge investment has been made in University chemistry departments that are recognized around the world. That capacity should be an important factor in considering this regulatory change. Many advances in chemistry in nanotechnology and biotechnology are, in fact, finding application increasingly in innovative approaches to the restoration of *Brownfields* to productive use. Indeed, the AC PBC believes that all jurisdictions including Ontario should be considering expanding the role of chemists and chemistry in in decision making related to *Brownfields* development.



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A few words concerning liability and accountability in the recommendations of qualified professionals on site condition. As you may be aware, there has been extensive discussion over the last two years in British Columbia on the questions of liability and indemnification of approved professionals over errors and omissions that may arise in their investigation of contaminated sites. While it is often asserted that the disciplinary procedures of professional associations in respect to the actions of their members affords a protection of the public interest, that protection is retrospective, and in any event, comparable for every established professional association with a roster of members, and strict requirements for members to remain in good standing. The degree of protection of the public will also be comparable regardless of whether the association is established under a Society Act or a specific statute. Accordingly, In the opinion of the ACPBC, Chartered Chemists who are members of the Association of the Chemical Profession of Ontario will offer accountability of a high order and should be included in the regulation in addition to engineers and geoscientists.

The ACPBC contends that it is far better to ensure the competency of practitioners before the fact since ultimately the responsibility or liability of the Crown to protect human health and the environment is not extinguished by mechanisms transferring the certification of risk to others.

It is our understanding that application of the AIT, Agreement on Interprovincial Trade where it affects acceptance of professionals from other provinces and territories, at least in British Columbia, will be based on an evaluation of competencies rather than membership in particular professional associations.

To summarize, the ACPBC considers that there are two overriding factors in establishing eligibility of the professions to sign off on instruments related to contaminated sites:

- That competencies skills and knowledge of the practitioner be paramount. Expertise in physical, organic and analytical chemistry is an essential component of those qualifications.
- That the opportunity of well-qualified individuals to work in all areas including contaminated sites should supersede any administrative considerations. Included in this factor is the desirability of facilitating the mobility of Canadians across the country in their right to engage in professional occupations in all areas



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Thank you for your consideration of this submission, that I trust you have received in a timely manner Please do not hesitate to contact me if I can be of further assistance, 250-472-4688

Sincerely,

Paul West, PhD, FCIC
President and Chair of the Board of Directors
Association of the Chemical Profession of British Columbia