



Canadian Society for Chemistry  
Société canadienne de chimie

130 Slater Street, Suite 550  
Ottawa, Ontario, Canada K1P 6E2  
Tel.: (613) 232-6252  
Fax: (613) 232-5862

130, rue Slater, bureau 550  
Ottawa (Ontario) Canada K1P 6E2  
Tél. : (613) 232-6252  
Télééc. : (613) 232-5862

- Delivered by Electronic Mail -

February 22, 2008

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

**RE: CSC Submission Regarding Proposed Qualified Persons Amendments to Ontario Regulation 153/04, EBR Registry: 010-2364**

Dear Mr. Krsul:

The Canadian Society for Chemistry (CSC) is pleased to have the opportunity to provide comments on the proposed amendments to the Qualified Persons (QP) provisions of Ontario Brownfields Regulations (ON 153/04) as outlined in EBR Registry 010-2364.

The CSC is the national and international face of chemistry in Canada and represents more than 4,000 chemists in all provinces and territories. The CSC is one of the three Constituent Societies of the Chemical Institute of Canada (CIC) that represents professionals in the fields of chemistry, chemical engineering, and chemical technology.

Chemistry is the central science, and good chemistry is critical to the well-being of society. Many of the solutions to the challenges facing society lie within chemistry and are created by chemists. Canada and the province of Ontario have made and continue to make very significant investments in world-class research and education in the chemical sciences, chemists, and chemically related technologies. It is important to protect and effectively leverage those investments and the products of those investments.

Chemists working in industry, academia, and the public sector are well recognized as leaders domestically and internationally. Without an environment where the unique and very broad range of knowledge and skills that the profession of chemistry brings to the table are recognized and valued, there is a risk of losing that investment to other areas of Canada or the globe. The CSC is concerned that, with the proposed changes to ON Reg 153/04 and a move to no longer recognize professional chemists as QPs, Ontario could be seen as not 'being open for business' for chemists and chemistry at a time when many other jurisdictions both in Canada and worldwide are formally recognizing the unique skills and talents that professional chemists bring to multi-disciplinary issues such as this.



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A recent report prepared on behalf of the Canadian Brownfields Network<sup>1</sup> that reviewed QP programs in Canada, the United States, Australia, and the United Kingdom had as one of its objectives the development of an understanding of factors that contribute to well functioning QP programs. Among the conclusions and recommendations presented in the report were the engagement of all stakeholders in early development or re-design of QP programs, the leveraging of existing accredited professional organizations, and the need to initiate discussions with other jurisdictions regarding harmonization while ensuring that QPs have the skills, expertise and capability to provide accurate and high-quality reports. The approval of the proposed amendments to ON Reg 153/04 limiting QP status to engineers and geoscientists would be contrary to these observations and recommendations and be a significant step-back from the leadership that Ontario had demonstrated by including chemists as QPs.

The assessment and remediation of contaminated properties (brownfields) is a complex and multi-disciplinary undertaking. The focus of brownfields assessment is on determining the degree of contamination by chemical compounds that have the potential for adverse impacts to human health or the environment. Ontario has a long and rich history of progressive industrial development and correspondingly, a large and active brownfields redevelopment industry. This cycling of property is crucial for economic growth and well-being. For property owners and potential new investors to feel confident that their regulatory and civil liabilities are known and manageable, there must be a robust program to assess, remediate, and redevelop commercial and industrial properties. Many of the companies involved in brownfield redevelopment are sophisticated international firms who appreciate the complex technical and economic challenges associated with the sampling, analysis, and, most importantly, the interpretation of the analytical results associated with historical metal, halogenated and non-halogenated hydrocarbons, and other priority and non-priority pollutants. A number of American states have realized that without a brownfields redevelopment process that effectively addresses risk and liability management business will choose to invest elsewhere. A significant concern exists that by excluding chemists and other competent professionals from the QP process when other Canadian provinces are being inclusive is sending the wrong message to chemical professionals and the investors and industry that employs them.

Professional chemists bring to the table a broad range of skills and including the strength in understanding the fate and transport of chemicals within the environment—air, water, soil. The movement and interaction of chemicals in the environment are mediated by chemical properties and processes including solubility, vapour pressure and complex soil/water physio-chemical interactions. Adverse human, plant, and animal health impacts are a function of toxicology and biochemistry—again basic chemical interactions. All critical considerations in the assessment and remediation of contaminated industrial and commercial properties. No other profession brings such a comprehensive ‘tool-box’ of knowledge and skills in the understanding of the nature, evaluation, and complex interaction of chemical substances and in their relation to brownfields assessment and redevelopment.

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<sup>1</sup> *Jurisdictional Review of Contaminated Site Qualified Professional Programs*; Ontario Centre for Environmental Technology Advancement – OCETA on behalf of the Canadian Brownfields Network; December 2007.



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The CSC will defer to the submissions of the Association of the Chemical Profession of Ontario, the Association of the Chemical Profession of Alberta, the Ontario Environment Industry Association and the many other stakeholder to further address the issues relating to ethical standards, disciplinary mechanisms and liability insurance and other professional practice issues. You can be sure that chemists will understand the ethical and legal implications of their work. We only have to think back to Walkerton and Bre-X, and more recently in the State of Washington's 'Breath-Test Ruling' where the health, safety, financial, and legal ramifications of failure to recognize poor or flawed chemical data or the misinterpretation of chemical data can not be underestimated. Chemists are uniquely educated and qualified to render opinions in areas involving chemical contamination assessment and remediation. In fact, most other professionals who work as QPs are relying on analytical data and interpretation created by professional chemists.

Addressing the existing and emerging issues of chemical contamination of our air, water, soil, and biota are priorities for the Ontario government, chemists, and their associations. The 2007 Ontario government priorities, as indicated on their main web pages, include: Success for Students; Better Health; Jobs and Prosperity. These priorities align completely with the CSC and CIC 2015 Vision which is based on the three chemically related pillars underpinning society: Environment; Health and Safety; the Environment and Energy. The primary focus of the CSC is in fact supporting chemical research and the education of students, the public, and society regarding the chemical sciences. The primary objective of the provincial chemical professional associations is ensuring the safety and protection of the public interests involving chemistry and chemically related issues.

The move to exclude professional chemists and other competent professionals from the QP for brownfields re-development is contrary to that of other provinces and jurisdictions where the role of professional chemists are increasingly being recognized as critical contributors to the solutions of society. The CSC and their members strongly encourage the Ontario government to reconsider the amendments to ON 153/04 relating to Qualified Persons and to formally and constructively engage with all stakeholders, including the Association of Chemical Profession of Ontario and other Canadian jurisdictions to develop a comprehensive and harmonized QP program.

If you have any question regarding this submission, please contact Dave Schwass, CSC Past-President, through this office or at 403-250-4778.

Respectfully submitted,

Russell Boyd, PhD, FCIC  
President  
Canadian Society for Chemistry

c.c.: Dr. D. Naranjit, Association of the Chemical Profession of Ontario