

- Delivered by Electronic Mail -

Mr. Tim Krsul
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Ontario Ministry of the Environment
6th Floor, 135 St. Clair Avenue West
Toronto, Ontario M4V 1P5

RE: NACPCC Submission on EBR Registry Number: 010 – 2364, Brownfields Regulation – Qualified Persons

Dear Mr. Krsul:

The National Advisory Committee on the Profession of Chemistry in Canada (NACPCC) appreciates the opportunity to provide comments on the proposed amendments to ON 153/04 – Brownfields Regulation – Qualified Persons as outlined in EBR Registry 010-2364.

The NACPCC is a national organization consisting of representatives from provincial chemical professional associations with the mandate to advance the profession of Chemistry in Canada. Professional Chemists are highly educated in the application and interpretation of the chemical sciences as they apply to all aspects of society. They reside in industry, government, and academic settings and hold technical, management, and leadership roles. Professional chemists are legally accountable for their work and are held to high ethical standards of practice.

Ontario has historically been seen as a jurisdiction that recognized the criticality and contributions of the professional practice of chemistry to society and the economy, including being one of the first provinces to legally recognize their skills and competency in the assessment and remediation of commercial and industrial property (i.e. brownfields). The NACPCC has significant concerns with the proposed changes to ON 153/04 and believe that this is an unsubstantiated and regressive move at a time when many other Canadian and international jurisdictions are formally recognizing the complex and multi-disciplinary aspects of brownfields redevelopment by adopting an inclusive vs. exclusive approach to formally recognizing a broad range of professions as being Qualified Persons (QP). Canada while be a geographically large country has a distinctly finite workforce – restricting the practice of any profession is economically short-sited. ECO Canada's demographic research indicates that environmental employees in management positions are older than the national average by 4 and 6 years respectively in the 45-54 and 55 age group – it is believed that a similar situation exists in the brownfields area. Given the increasing rate of brownfields redevelopment in Canada, the NACPCC believes that Ontario's move to restrict and reduce the number of potential QPs is in danger of creating a significant gap between demand and supply, seriously restrict workforce mobility, and send a very poor message that Ontario is not 'open for business' for chemical professionals.

The ability to take professional responsibility for one's work is critical in brownfield and other work involving significant legal, financial, or health and safety issues. Chemists, due to the nature of their work as analysts, consultants, and policy makers are very much aware of their legal, ethical, and professional responsibilities. The Association of the Chemical Profession of Ontario (ACPO), like all other professional bodies regulated by law, have a strong set of ethical standards including the requirement to limit their scope of practice to fields in which they are competent and qualified. A breach of those standards, when brought to the attention of the organization, will be thoroughly investigated and if required, disciplinary action taken up to and including suspension of membership. When one's credibility and livelihood are tied to their professional accreditation, this can be a powerful deterrent.

The NACPCC fully supports the submissions of the Association of the Chemical Profession of Ontario, the Canadian Society for Chemistry, the Ontario Environment Industry Association, and the Association of the Chemical Profession of Alberta.

The NACPCC strongly encourages the Ontario government to suspend the amendments to ON 153/04 relating to Qualified Persons and to constructively engage with all stakeholders, including the ACPO, to create a QP program that is inclusive and harmonized with other jurisdictions in Canada.

Respectfully submitted,



Dave Schwass, P.Chem., CEA, CPEA
Chair – National Advisory Committee on the
Profession of Chemistry in Canada

cc: Dr. D. Naranjit – Association of the Chemical Profession of Ontario