

February 20, 2008

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

**Attention: Mr. Tim Krsul, Senior Policy Analyst**

Dear Sir:

**Re: EBR Posting 010-2364**  
**Brownfields Regulation - Qualified Persons**

The Ontario Institute of Agrologists (OIA) strongly objects to the proposed amendment to Ontario Regulation 153/04 which would see Professional Agrologists removed from the list of Qualified Persons under Ontario Regulation 153/04. Professional Agrologists are highly qualified practitioners in the environmental sciences and should remain as Qualified Persons under the Regulation.

Excerpts from Posting 010-2364 are provided below, in *italics*. Our comments follow each excerpt/quote.

*“In just over ninety-eight percent (98%) of RSCs the required certification statements were made by Professional Engineers or Professional Geoscientists”*

The Environment and Natural Resources Scope of Practice is relatively new to the OIA. Many Articling Agrologists (A. Ag.) exist who, upon completion of a rigorous articling period (unparalleled in the engineering and geoscience sectors), would be eligible to become Professional Agrologists and act as Qualified Persons. In time, participation by Professional Agrologists (P. Ag) will increase significantly. Currently, there are approximately 100 Agrologists who have declared an Environment and Natural Resources Scope of Practice.

*“At the core of the responsibilities of a qualified person is the application of geoscience and engineering principles.”*

Yet, according to the EBR posting, *“the work undertaken to support a RSC is completed by an interdisciplinary team of experts”* and brownfield redevelopments have a complexity that *“necessitates a multidisciplinary approach”*. The Qualified Person *“is the team leader and the person accountable for the quality of the work”*. Under the proposed system, engineers and

geoscientists would be responsible for the work of non-engineering/geoscience professionals. Professional Agrologists, who were originally recognised on the list of professionals and are a publicly accountable profession, are equally capable of supervising an interdisciplinary team that could include engineers and/or geoscientists.

*“The proposed regulation chooses professions with stringent experience and education requirements that are the most directly and broadly relevant to the work of a qualified person.”*

The OIA has stringent experience and education requirements for individuals wishing to become Professional Agrologists. Further, in contrast to the Professional Engineers of Ontario, the OIA has a strict continuing education requirement to ensure that members remain current. Agrologists have educational and technical training in soil, groundwater and related environmental sciences/technologies which are directly and broadly relevant to the environmental sector, especially, as it often includes the interaction of physical and biological systems. Much of an Agrologist’s education and training is more relevant to environmental work than many engineers or geoscientists.

*“It is necessary to ensure that brownfield redevelopment projects involving the filing of RSCs are conducted or supervised by professionals who are accountable and qualified.”*

Professional Agrologists are both accountable and qualified. These are key issues and are discussed in greater detail below.

**Accountability**

As a provincial regulatory body, the OIA is responsible for protecting the public interest. While a great deal has been said about our goal of achieving Right to Practice under new legislation, it should be noted that full public accountability is provided under the existing Right to Title system. The differences between the two systems are summarized in the following table:

<b>Right to Title</b>	<b>Right to Practice</b>
<p>Membership with OIA is not mandatory in order to practice agrolgy</p> <p>However, membership with OIA is mandatory to be a Qualified Person under the Regulation. This means that all Qualified Persons with the P. Ag. designation have been screened for membership, have appropriate educational backgrounds and experience, have completed professionalism and ethics training and have passed qualifying examinations</p>	<p>Membership with OIA would be legally required in order to practice as an Agrologist</p>

Right to Title	Right to Practice
Non-members are not publicly accountable  OIA members are accountable to OIA, which responds to public complaints, can impose fines, suspensions and rescind membership	Publicly accountable

As indicated above, the differences between the two systems do not affect public accountability. Professional Agrologists in good standing with OIA currently have the ability to act as Qualified Persons under the Regulation. Any public complaints submitted to the OIA will receive an immediate response, including a full investigation and, if required, appropriate disciplinary action.

### **Qualifications, Competencies and Ethics**

In 1960 the Ontario Institute of Agrology was formally created when the Professional Agrologists Act was passed. The Act provided this definition:

“Agrology means the science or art of agriculture, including scientific experiments and research in relation thereto, and “agrologist” means a person who teaches, demonstrates or performs any work or service in agrology”.

The focus of the OIA members has changed and grown since 1960 and Agrology has come to incorporate much more than on-farm production agriculture or production horticulture. There has been a significant expansion in the definition of Agrology and Professional Agrologists (P.Ag.) since 1960. Professional Agrologists specialize in a wide range of activities including:

- Environmental and Natural Resources Management
- Plant Science
- Soil Science
- Biotechnology and Bio-resources Management
- Landscaping and Turf Management
- Communications and Extension
- Economics and Business
- Forensic Agrology
- Government Regulations and Acts

The OIA requires that potential candidates applying to the Articling Agrologist (A.Ag.) program meet stringent education and experience requirements. Once approved as an A.Ag., all applicants

are required to complete an articling program (up to three years) prior to registration as a P.Ag. Within that time, all candidates must complete professionalism and ethics courses, professional development courses, a special project (to demonstrate their scientific competence), professional development logs, and, as applicable, a general examination and /or a specialty examination in their Scope of Practice. They must also meet the annual Continuing Education Credits (CECs) requirement as assessed by the OIA. Once the articling period has been completed, all P.Ag.'s must continue to undertake professional development activities to stay current in their Scope of Practice.

Within the areas of specialization listed above, those Professional Agrologists who practice within the Environment and Natural Resources Scope of Practice work most closely with Ontario Regulation 153/04. With their varied background in environmental science, chemistry, biology, hydrology, geology and toxicology, they are directly qualified and are competent in completing Phase I and Phase II environmental assessments, as well as site remediation. Not only is their education closely related to the work and research that goes into these environmental assessments, all Professional Agrologists have also completed a rigorous articling program that documents their proficiency in the tasks involved. Professional Agrologists have unparalleled expertise in the areas of soil science, pesticide and fertilizer contaminants, phytoremediation, bioremediation, nutrient management, hazardous waste management, and environmental toxicology.

Attached, please find a copy of the Competencies against which candidates for the Environment and Natural Resources Scope of Practice are examined. Clearly, Professional Agrologists in this Scope of Practice are highly qualified to perform and supervise environmental assessments and to take responsibility for Record of Site Condition work.

Registrants of the Ontario Institute of Agrologists are governed by the following national code of ethics:

*The Profession of Agrology demands integrity, competence and objectivity in the conduct of its registrants while fulfilling their professional responsibilities to the Public, the Employer or Client, the Profession, and other Agrologists.*

### **Other Jurisdictions**

The Province of Alberta has a system similar to Ontario where qualified professionals can sign-off on environmental work to obtain a Remediation Certificate for a property. The Alberta Remediation and Reclamation Sign Off Advisory Committee includes representatives from the Alberta Institute of Agrologists as well as other qualified professions, including the Alberta

Society of Professional Biologists, the Association of Engineering and Science Technology Professionals of Alberta, the Association of the Chemical Profession of Alberta, the Association of Professional Engineers, Geologists and Geophysicists of Alberta, the College of Alberta Professional Foresters and the College of Alberta Professional Forest Technologists. Alberta understands the need for an interdisciplinary team that includes authorizing Professional Agrologists to sign-off on environmental work.

British Columbia also has a similar system of approving environmental professionals under the “Roster of Approved Professionals”. Environmental professionals are responsible for environmental assessments, remediation plans, Certificates of Compliance with environmental quality standards, and contaminated soil relocation agreements. This roster includes professional biologists, geoscientists, agrologists, and engineers. The current Roster for Standards Assessment Specialists includes two biologists, eight Professional Agrologists, nineteen geoscientists, and forty-six engineers; while the Roster for Risk Assessment includes eight biologists, two Professional Agrologists, and two engineers. Although in the minority, Professional Agrologists play a significant role in the British Columbia system.

It would be logical and consistent for Professional Agrologists in Ontario to be considered qualified for environmental work, in the same way they are qualified in Alberta and British Columbia. This would be consistent with inter-provincial mobility requirements for labour of professionals.

### **Other Factors**

There is both a demand and supply side to Brownfields and Regulation 153/04. On the demand side, the Ontario government has estimated there are approximately 23,000 contaminated Brownfield sites in Ontario. On the labour supply side, a recent study issued by ECO Canada has demonstrated a critical need to fill the existing and coming shortage of Qualified Professionals and has identified Professional Agrologists as one of the key sources.

### **Conclusion**

Professional Agrologists were competent, qualified and accountable in 2004 when Ontario Regulation 153/04 came into effect and Professional Agrologists remain competent, qualified and accountable in 2008 and will remain so, into the future.

Professional Agrologists in the Environment and Natural Resources Scope of Practice must pass stringent admission requirements unparalleled in the engineering and geoscience sectors. The

reason few Professional Agrologists have registered as Qualified Persons to date is directly related to these lengthy and rigorous admission requirements. This will change going forward as more and more Articling Agrologists complete their articling period and qualify as Professional Agrologists.

We strongly object to the proposed amendment to remove Professional Agrologists as Qualified Persons under Regulation 153/04, and ask that the Ministry of the Environment reconsider this proposed action.