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Feb. 20, 2008

Mr. Tim Krsul
Senior Policy Analyst
Ontario Ministry of the Environment
Integrated Environmental Planning Division
Land and Water Policy Branch
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Delivered via FAX: (416) 326-0461

**Re: ONEIA Comments Related to the Proposal: Brownfields
Regulation – Qualified Persons, EBR Registry Number: 010-2364**

Dear Mr. Krsul:

The Ontario Environment Industry Association (ONEIA) is pleased to provide our comments on the proposed Brownfields Regulation – Qualified Persons. The issues addressed in the proposed Regulation are of great interest to ONEIA members and we appreciate this opportunity to provide our input.

ONEIA has previously provided comments and input related to the development of the Qualified Persons policy. The Ontario environmental business sector in general, and many of ONEIA's members in particular, have the expertise and the technology to make major contributions in ensuring that Brownfield sites are investigated and redeveloped in a safe and environmentally sound manner. Our members include many disciplines and are not limited to any particular group specified in the definition of Qualified Persons in either the current Regulation or the proposed Regulation. This gives us a unique perspective on the issue of Qualified Persons.

The proposed Regulation will continue to allow individuals licensed as Professional Engineers or Professional Geoscientists to continue to practice as Qualified Persons. We understand that the Professionals Engineers of Ontario (PEO) and the Association of Professional Geoscientists of Ontario (APGO) are self-regulating bodies, governed by Acts of Parliament. As such, their members are bound by a code of ethics, professional conduct and standards of practice. Both organizations have disciplinary mechanisms in place.

The proposed Regulation has added to the definition of Qualified Persons holders of limited licenses issued by PEO and APGO. These persons are subject to the same licensing requirements of these agencies, but may only work in a specific defined area of practice. We consider the inclusion of this

provision in the proposed Regulation to be an appropriate means of including additional appropriately qualified individuals as Qualified Persons.

The proposed Regulation removes additional persons from the definition of Qualified Persons, effective March 31, 2009. These include Chartered Chemists, Professional Agrologists, Applied Science Technologists, Certified Engineering Technologists and Architectural Technologists. Under the current Regulation, these individuals are considered Qualified Persons for the purposes of filing Records of Site Condition of specified types, generally appropriate to members of each of these organizations. The governing organizations, namely the Association of Architectural Technologists of Ontario (AATO), the Ontario Institute of Professional Agrologists (OIA), the Association of the Chemical Profession of Ontario (ACPO) and the Ontario Association of Certified Engineering Technicians and Technologists (OACETT), are all self regulating organizations, governed by Acts of Parliament, similar to those governing the operations of PEO and APGO. Members of each of these organizations are similarly bound by a code of ethics and each of these organizations have disciplinary mechanisms in place to ensure an appropriate standard of practice.

The MOE currently recognizes Chartered Chemists, Professional Agrologists, Applied Science Technologists, Certified Engineering Technologists and Architectural Technologists as competent and accountable professionals who can carry out environmental site assessment work to the satisfaction of the MOE, and with accountability to the public. ONEIA does not see the need to change the current definition of Qualified Persons as it pertains to these members of AATO, OIA, ACPO and OACETT. We urge the MOE to further discuss with each of these organizations the self-regulating mechanisms that each of these organizations has in place regarding licensing, ethical conduct and discipline. With appropriate self-regulating mechanisms in place to ensure accountability to the public, these licensed professionals should not be denied the right to be considered Qualified Persons.

Practitioners who are certified by the Canadian Environmental Certification Approvals Board (CECAB) may also be appropriately qualified. This organization has in place appropriate ethical, education and experience requirements and processes to deal with complaints, discipline and decertification, as required.

The proposal information posted on the Environmental Registry indicates that over 98% of RSCs posted have been certified by Professional Engineers or Professional Geoscientists. Noting that the purpose of including this statement is unclear in the proposal, use of this fact as justification for the removal of other Professionals from the definition of Qualified Persons would be unwarranted and prejudicial.

The proposal information further outlines that geosciences and engineering principles are at the core of responsibilities of the Qualified Person. Chemistry is also a discipline at the core of the responsibilities of the Qualified Person, as are many other areas of expertise and experience. In particular, ONEIA has difficulty understanding how Phase I environmental site assessments may have either engineering or geosciences at their core.

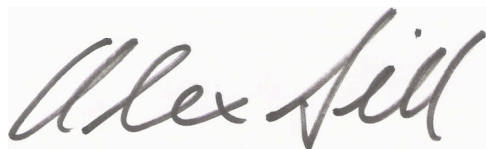
Finally, the one-year transition period for members of other organization to become Professional Engineers or Professional Geoscientists is insufficient. If such a transition is to be undertaken, the period for this needs to recognize both the educational

requirements and the professional experience requirements for these organizations, particularly given that the Professional affected would also be working full time. The process would take several years for most individuals.

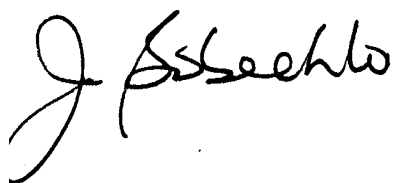
ONEIA believes that one of the keys to the limitation of liability for developers, owners and other stakeholders, while providing a suitable level of comfort for the public, is the requirement for the use of Qualified Persons, with relevant training and experience, to be responsible for both the assessment and remediation components of Brownfields redevelopment projects. ONEIA supports the requirement for Qualified Persons in the proposed Regulation. We support the definition of Qualified Person in the Draft Regulation, but believe that other organizations, particularly OACETT and ACPO, should be included along with PEO and APGO. It is ONEIA's opinion that there are other highly trained and experienced senior practitioners who are currently working on Brownfields projects but who are not members of PEO or APGO who would not be able to become members of these organizations within any time approaching the proposed transition period. It is important that the expertise and experience of these practitioners continue to be available to benefit the Brownfields redevelopment process.

ONEIA appreciates the opportunity to comment on this important Regulation proposal to encourage the redevelopment of Brownfields and the Greening of Ontario in general. Should you have any questions with respect to this submission, please contact the co-chairs of ONEIA's Brownfields subcommittee, Janet Bobechko (jbobechko@blaney.com) or Cecile Willert (Cecile.Willert@JacquesWhitford.com).

Yours truly,



Alex Gill
Executive Director



Janet L. Bobechko
Co-chairs, Brownfield Sub-committee



Cecile Willert