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Ontario Environment Industry Association

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Adam Leus
Brownfields Program Coordinator
Ministry of the Environment and Climate Change
Environmental Sciences and Standards Division
Standards Development Branch
40 St. Clair Avenue West, Floor 7
Toronto, ON
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Re: EBR Posting #012-2861, Update to the Ministry's Approved Model for Modified Generic Risk Assessment (MGRA) submissions

Dear Mr. Leus:

On behalf of the Ontario Environment Industry Association (ONEIA), we are writing to provide comments on the Policy Proposal Notice cited above.

General Comments

Many of the proposed updates will expand the applicability of the MGRA approach to additional properties. ONEIA is pleased with the progress made in updating the MGRA model and approach and with the expansion of the risk management choices available in the model. We are confident that further refinements to the model and approach will help promote beneficial redevelopment of Brownfield properties.

MOE's clarifications and updates to the science and approach are generally appropriate. However, some provisions in the proposed update may have adverse implications for Brownfield redevelopment. Others provisions would impose inappropriate liabilities and costs on Qualified Persons.

Specific Comments

1. Under some circumstances, the proposed changes will generate property specific standards more stringent than generic standards for lead, trichloroethylene (TCE) and possibly tetrachloroethylene (PCE). Detailed scientific derivation information has not been provided to support the new human health component value.

ONEIA requests that further consultation and review of this issue be considered before making changes that may significantly impact costs of Brownfield redevelopment, climate change from increased digging and dumping, and loss of habitat due to excessive paving of impacted sites.

For now, ONEIA requests that MOECC modify the model so that it does not generate Property Specific Standards lower than the Generic Standards.

2. The proposal includes new powers for the Director to impose requirements on property owners within Certificates of Property Use (CPUs). Qualified Persons are inappropriately named in this update. Qualified Persons have no interest in properties on which they have

conducted work, no ongoing ability to be remunerated for the specified requirements and they should not have ongoing responsibilities after completion of their work. Qualified Persons have confidentiality restrictions that prevent the release of information of the type specified without the approval of their client. The responsibility must therefore rest with the property owners who have the ongoing interest in the property and are named responsible in the CPUs.

3. MOECC should revise for clarity the language dealing with the health and safety requirements.

About ONEIA

ONEIA is the business association representing the interests of the environment industry in Ontario. ONEIA was established in 1991 by the private sector to promote environment business to industry and government in the province. Our members include companies recognized for both their domestic and international expertise in technology, consulting and the related legal, financial and insurance services. Through their innovation and experience in Ontario and around the world, our members provide market-driven solutions for society's most pressing environmental problems. Our commitment is to provide feedback to government based on sound science, sound policy and sound economics.

ONEIA's Brownfield committee and members appreciate the opportunity to work with the Ministry of Environment and Climate Change now and in the future to help establish appropriate Brownfield policies that meet the governments' and industry's objectives.

Thank you again for the opportunity to provide our feedback. To follow up on our comments or should you have any questions, please contact our Brownfields Subcommittee co-chair Cecile Willert (cwillert@pinchin.com / 416-368-6555 ext. 1925).

Yours truly,



Alex Gill
Executive Director



Cecile Willert, B.A.Sc., P.Eng.
Co-chair, Brownfield Sub-committee