

# Brownfields' Qualified Persons may comprise new profession, conference told

by Dwight Hamilton

The long-term intent of the regulations concerning Qualified Persons (QPs) in the *Brownfields Statute Law Amendment Act* is to provide opportunities "through the education facilities in Ontario to build a profession in this area," Brian Nixon, director, land use policy branch, Ontario environment ministry (MOE), told a national brownfields conference in October, adding that the government wants to "establish a professional class involved in cleanup."

As an interim measure, the government is looking to specify as QPs the members involved in site remediation of existing professional organizations. Said MOE senior analyst Chris Lompart: "There's a long term interest in building capacity of this profession. There may also be a requirement to have different approaches in the long- and short-term, just recognizing the desire to get the legislation up and running fairly quickly, while taking adequate time in determining what the best long-term approach is to QPs."

Participants at Brownfields 2002: A National Perspective on Community Building and Redevelopment, hosted by the Canadian Urban Institute, heard that Professional Engineers Ontario (PEO), the Ontario Association of Certified Engineering Technicians and Technologists (OACETT), the Association of Professional Geoscientists of Ontario (APGO), the Canadian Environmental Certification Approvals Board (CECAB) and the Canadian Environmental Auditing Association are among the organizations the government is considering granting a role related to the legislation.

In his presentation, Lompart noted that in making a decision about whether in the short term QPs should be professionals licensed by bodies like PEO or APGO, or individuals certified by organizations like OACETT or CECAB, the government is considering which attributes are central to public protection. Licensed professionals, he noted, have "high inherent

accountability" and "lower inherent specificity of competency," while certified practitioners have "higher inherent specificity of competency" and "inherent accountability to market/industry."

(In their work with MOE on the QP requirements over the past year, PEO and APGO have argued that all phases of environmental assessment must be considered together for the purpose of determining the requirements for a QP because they build on each other and those certifying the early stages must give professional opinions on the need for further work that is within the practice of professional engineering and professional geoscience. The two licensing bodies have also stressed the high degree of professional accountabili-

ty provided by licensing under the Professional Engineers and Professional Geoscientists acts. The PEO/APGO submissions are available from the Government Briefs page in the Publications section of [www.peo.on.ca](http://www.peo.on.ca).)

Nixon told the conference that because the ministry is not seeking to get into the approvals business, it is proposing a framework where QPs undertake the cleanup and certify it in a defined document to be posted on a public registry.

Elaborating on the role of the QP, Lompart stated the government is exploring the possibility of enshrining three types of QP in the regulations—with different qualifications—to certify risk assessments, as well as Phase I and II envi-

## PEO reinforces QP position

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Mr. Brian Nixon, Director, Land Use Policy Branch  
Ministry of the Environment  
6th Floor, 135 St. Clair Ave. West  
Toronto, ON M4V 1P5

Dear Mr. Nixon:

On behalf of Professional Engineers Ontario, I would like to thank you and your staff for taking the time to meet with me and PEO and APGO representatives to discuss the status of the Qualified Person (QP) regulations under Bill 56. From my perspective, I believe the meeting successfully clarified that, as currently defined under Bill 56, the QP would be practising professional engineering and/or professional geoscience and, as such, would be regulated and governed under the existing statutes of the Professional Engineers Act and the Professional Geoscientists Act. The filing of a record of site condition involves taking professional responsibility for the opinion or certification requirements called for in your legislation.

I trust that you and your staff are now in a position to move this matter forward, and to recommend to your minister that in order to achieve the requisite public accountability for the brownfields legislation, the QP must be defined in regulations as a licensed professional engineer (P.Eng.) or a professional geoscientist (P.Geo.). As we explained, PEO is required by statute to enforce against any unlicensed practitioners.

If we can be of any further assistance, please do not hesitate to contact us directly.

Yours very truly,  
Richard W. Braddock, P.Eng.  
President