

April 8, 2022

Laura Blease
Senior Policy Advisor
Environmental Policy Branch
Ministry of the Environment and Climate Change
40 St. Clair Avenue West, 10th Floor
Toronto, ON
M4V 1M2

Submitted via email: mecp.landpolicy@ontario.ca
and submitted online via Environmental Registry of Ontario (ERO)

Dear Laura Blease,

**RE: ERO # 019-5203 – Implementation Pause of Excess Soil Requirements in Effect
January 1, 2022**

The Ontario Federation of Agriculture (OFA) is pleased to provide comments to the Ministry of Environment, Conservation and Parks (MECP) regarding ERO 019-5203 – Implementation Pause of Excess Soil Requirements in Effect January 1, 2022. OFA is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We are passionate and dedicated to ensuring the agri-food sector and our rural communities are included, consulted, and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses.

OFA fully supports the overarching principle of beneficial reuse of excess soils in Ontario. We support setting clear rules and procedures to direct the appropriate reuse of excess soils and enforcement when those rules are not followed. We have heard the concerns of our members over the illegal dumping of excess soils and agree that it must be stopped.

OFA strongly opposes pausing the provisions under the excess soil regulation. We do not believe municipalities and construction firms require more time to properly understand and implement the recent requirements. We believe there has been sufficient time and effort around communicating the new requirements to the regulated sectors, and there is no need to pause those requirements.

Implementing a pause of the excess soil requirements is likely to cause confusion among the regulated sectors, especially considering the excess soil regulation and accompanying registry are already in operation. We believe these should be allowed to function without interruption. Confusion over regulatory requirements can have significant implications and longevity among the regulated community and should be actively avoided whenever possible.

Furthermore, we have seen significant movement forward on these new regulations and a pause threatens to slow that momentum, likely requiring more effort to return to the level of understanding we are at now. In lieu of a pause, and in the spirit of helping the regulated sector achieve compliance, we recommend MECP take this time to shift the focus from enforcement towards educating regulated entities of their compliance obligations. Except in situations of deliberate and egregious non-compliance, progressive education efforts have proven effective in building the capacity of organizations to understand and implement their regulatory requirements.

OFA appreciates the opportunity to provide comments on this regulatory proposal. We look forward to continuing to work with MECP through the Excess Soil Engagement Group to ensure that excess soils are reused responsibly, and our agricultural lands are never compromised.

Sincerely,


Peggy Brekveld
President

cc: OFA Board of Directors