

The proposed changes don't rectify some of the most problematic components of the regulation including:

1. Significant environmental impacts – O. Reg 406/19 yields an estimated **increase in CO2E of approximately 90,000 tonnes/year**.
2. Landfill dumping – fill is being taken to landfills at an alarming rate as a result of O. Reg 406/19.
3. Housing delays – an estimated **delay of 3-6 months** per project.
4. Homeowner and taxpayer costs – Estimated **cost increase of \$600,000,000** to homeowners and taxpayers per year.

Additional recommendations:

1. **Clean table 1 soil/topsoil should be exempt from O. Reg 406/19** after baseline sampling requirements produce table 1 results.
  - ✓ Goal achieved - Significantly reduce costs, eliminate emissions, and get houses and infrastructure projects built faster. Low risk and non-contaminated sites don't get overburdened with requirements meant for APECs.
2. **Reduce sampling requirements.** Decreased baseline and secondary (non table 1 compliant) sampling requirements. Give QP's more discretion.
  - ✓ Goal achieved - Significantly reduce costs and get houses and infrastructure projects built faster.
3. **Allow like project areas and reuse sites to reuse soil** (table 2 reuse site should be able to receive table 2 soil) –
  - ✓ Goal achieved - Reduce emissions and costs. Ensure soil is used as a resource whenever possible. Prevent previously reusable soil from going to landfills.
4. **Expedite receiving site approvals.** It shouldn't take multiple layers of government to approve soil movement per new stringent O.Reg requirements –
  - ✓ Goal achieved - Significantly reduce the costs of new homes, get houses to market faster, and decrease emissions. Deter double handling of soil. Facilitate local fill movement.

At minimum, there is not enough time for changes to O. Reg 406/19 to be rolled out before January 1<sup>st</sup>, 2023. The industry needs more time to absorb the changes and create plans to become O. Reg 406/19 compliant. What the MECP is proposing necessitates big changes, new employees, training, document creation, additional testing, registration etc. Similar to the beginning of 2022, projects will grind to a halt while project leaders adapt and plan for the changes to the regulation.

Furthermore, many aspects of the regulation conflict with Bill 23 and will significantly slow housing starts in 2023 and beyond. We respectfully recommend that the MECP reviews O. Reg 406/19 for conflicts with Bill 23 prior to changes being finalized.

As always, we appreciate the opportunity to comment and can provide additional comments and support if needed.