

December 2, 2022

Reema Kureishy
Environmental Policy Branch
40 St Clair Avenue West, 10th Floor
Toronto, ON M4V 1M2

Submitted online and sent via email to mecp.landpolicy@ontario.ca

RE: ERO 019-6240 - Amendments to Certain Requirements under the Excess Soil Regulation

Dear Reema Kureishy,

The Ontario Federation of Agriculture (OFA) is pleased to provide comments to the Ministry of Environment, Conservation and Parks (MECP) regarding the proposed Amendments to Certain Requirements under the Excess Soil Regulation.

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 is committed to protecting agricultural lands in Ontario that grow food for today and for future generations. We maintain that agricultural activities make the highest and best use of arable land, and that agriculturally managed landscapes provide environmental and ecological co-benefits for the people of Ontario in the process of normal farm practices. Healthy and productive agricultural soil is a non-renewable resource vital to food production and human wellbeing. Our soils are the foundation of terrestrial life and worthy of our respect and careful stewardship. Feeding a growing global population will depend on how well we manage this valuable, finite resource for future generations.

Agricultural producers are often receivers of excess soil to improve site growing conditions and productivity. Our primary concern is to ensure that agricultural lands remain productive and free from potential contaminants that could threaten our local food safety and supply. Eliminating the risk of contamination to agricultural lands is paramount. While we understand that the Excess Soil Regulation is being amended to make it more practical and focused on higher-risk projects moving soil in the province, we remain concerned with any lessening of the regulation related to movement of soils onto agricultural lands regardless of the source.

Excess soils generated from project areas “used for an agricultural or other use, a residential use, a parkland use, or an institutional (e.g., schools) use” may still contain contaminants that, if then applied to agricultural lands, can threaten food safety and productivity. Furthermore, it is unclear how a project area can be confirmed to be low-risk if the Project Leader is exempted from completing an Assessment of Past Uses. This would appear to add unacceptable risk to reuse sites that must trust the integrity of the source site owner or project leader.

Locally, agricultural producers receiving excess soil are governed by fill or site alteration bylaws enacted by their municipality. These bylaws usually build upon the requirements for testing and oversight required in provincial regulation. Lessening the conditions in provincial regulation may result in undue burden falling to farmers receiving excess soil, whereby local requirements for quality assurance of soil received are put upon the farmer. OFA believes the generator is responsible for ensuring the quality of excess soil meets all provincial quality requirements for application to agricultural lands.

OFA appreciates the opportunity to comment on these proposed amendments to the Excess Soil Regulation. While we do not wish to increase regulatory burden on farmers to access and reuse excess soils as fill on their property, we will continue to monitor the implementation of the Excess Soil Regulation to ensure negative impacts to agricultural lands are prevented.

Sincerely,



Peggy Brekveld
President

cc: OFA Board of Directors