
**NEW BRUNSWICK
ENVIRONMENT INDUSTRY ASSOCIATION**

*Annual Brief to the
Minister of Environment
& Local Government*

**Respectfully Submitted
November 20, 2002**

NBEIA  AIENB

TABLE OF CONTENTS

- 1.0** *Introduction*
- 2.0** *Background*
- 3.0** *Previous Topics (1999, 2000, 2001)*
- 4.0** *Current Concerns*
- 4.1** *Qualified Site Professional*
- 4.2** *Environmental Farm Plan*
- 4.3** *Composting*
- 4.4** *Mandatory Certification of Operators of Water Supply Systems*
- 4.5** *Procurement of Environmental Services*
- 4.6** *Climate Change*
- 5.0** *Summary of Recommendations*

1.0 INTRODUCTION

The New Brunswick Environment Industry Association (NBEIA) represents members who routinely conduct business and associated activities related to the environment industry sector within the Province. This document represents the fourth annual brief to the Minister of the Department of Environment and Local Government (NBDELG) where NBEIA Board of Directors (Board), acting on behalf of its membership, is afforded the opportunity to present to the government, relevant environmental and interrelated issues the membership feels should be acted upon. During the past year, the Board solicited input from within the NBEIA membership and, in this Brief, raises key issues that we would like to bring to the attention of NBDELG. This document is a consolidation of key concerns that have been submitted to the attention of the NBEIA Provincial Policy Forum and have been reviewed and approved by the Board.

2.0 BACKGROUND

The New Brunswick environment industry sector comprises more than 200 companies, employs over 2,500 people and generates nearly \$250 million in annual revenues. Environmental services and products relating to monitoring, pollution control and prevention, restoration, remediation, waste management, water supply, waste water treatment, as well as numerous associated services are supplied globally by the New Brunswick environment business sector. In New Brunswick, more of the environmental revenues are generated from the provision of environmental services than from the provision of environmental goods. The environment industry is involved in many of the economic undertakings which occur within the Province and continues to provide challenging, dynamic and rewarding opportunities for young New Brunswickers entering the work force.

Incorporated in 1994, the NBEIA represents, and acts as a voice for, a large percentage of the environmental business community.

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“In New Brunswick, more of the environmental revenues are generated from the provision of environmental services than from the provision of environmental goods.”

“The NBEIA promotes the highest standards for environmental products and services.”

We have continued to foster links with the various levels of government, the private sector and other related non-governmental organizations.

The NBEIA promotes the highest standards for environmental products and services through its continued commitment to education and professional development for both member and non-member organizations, groups and individuals.

3.0 PREVIOUS TOPICS (1999, 2000, 2001)

Previous Briefs were presented to the Minister of the Department of Environment and Local Government (Minister) in 1999, 2000 and 2001. These Briefs put forth the NBEIA’s concerns and recommendations focusing on the following areas of the environment industry:

1999

- Solid Waste Management
- Groundwater Protection
- Environmental Infrastructure
- Climate Change

2000

- Septic Systems
- Organic and Nutrient Resource Management
- Green Procurement
- Site Assessment and Remediation-Risk Based Corrective Action (RBCA)
- Training and Education

2001

- Septic Systems
- Water
- Urbanization
- Home Heating Oil Tanks

In preparation of this Brief, the NBEIA has reviewed the recommendations put forward by our members and the response of government from the previous three briefs. From NBEIA's perspective, NBDELG has been very responsive to our concerns and has reacted to many of our previous recommendations. The following is a brief summary of the status of some of the issues brought forward by the NBEIA:

- Solid Waste Management – “Waste Reduction and Diversion – An Action Plan for New Brunswick” outlines the Province’s intentions related to management, reduction and diversion of solid waste until 2006. This plan has been implemented by the Regional Solid Waste Commissions.
- Water/Groundwater - In response to increasing concerns for the public with regards to water supply, the NBDELG has successfully enacted Regulation 2000-47 under the Clean Water Act which provides a legislative framework for the protection of groundwater supplies.

The NBEIA, through the Environmental Trust Fund, prepared a public information brochure entitled “All About Your Well”, which was distributed to over 120,000 residences in New Brunswick.

- Green Procurement – A number of provincial departments have instituted green procurement policies for purchase of goods and services.
- Site Assessment and Remediation – In May 2002, a revised “Guidelines for the Management of Contaminated Sites” was issued by NBDELG. The revised Guidelines further streamlined the process. NBEIA continues to work with NBDELG on the process and recently co-hosted, with the Atlantic PIRI Committee, a conference in Moncton on contaminated site issues.

Other issues brought forward in previous briefs have been recognized by NBDELG and have been addressed by the Province to varying degrees.

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In summary, the NBEIA considers the Brief an integral part of our services to members, one which provides our members with an opportunity to provide input into the regulatory process.

4.0 CURRENT CONCERNS

The following section reflects concerns, issues or interests which have been brought forth by NBEIA members in 2002. In some instances, topics put forward during previous briefs have been revisited with appropriate follow-up recommendations.

4.1 Qualified Site Professional

The May 2002 “Guideline for the Management of Contaminated Sites” (Guideline) describe the general management process to be used for contaminated sites in New Brunswick. The Guideline defines the roles and responsibilities of the parties involved in the management process, including the Site Professional who is the person retained by the Responsible Party to provide professional services as per the defined management process.

The Guideline is a major step forward in the management of contaminated sites. However, concerns have been expressed as to how a person qualifies as a Site Professional. Under the current Guidelines, the site professional is “a person whose qualifications meets or exceeds the general requirements described by NBDELG”. Furthermore, the Guideline states that “the site professional is an active member in good standing of an applicable professional organization and that NBDELG will evaluate the requirement on a case by case basis”. With the exception of this general statement, there is no formalized process to ensure that the site professional meets the qualifications required.

In several jurisdictions in the United States, including the State of Massachusetts, the responsibility for the management of contaminated sites has been transferred from the regulators to the private sector through the Licensed Site Professional (LSP) program. A LSP is an experienced professional in the field of

hazardous waste site assessment, cleanup and removal. An LSP must have at least 5 years experience conducting and overseeing assessments, removals or cleanups of sites (7 years without an appropriate degree), suitable technical background and good moral character.

The LSP program places a greater responsibility for site remediation on the private sector. This licensing program ensures that LSPs who oversee or perform assessments or cleanups of sites meet high professional standards, and that the private clients who hire the LSPs will have the ability to assess and remediate all but the most serious sites without waiting for government input.

In Massachusetts, the LSP process is managed by a Board of Registration of Hazardous Waste Site Cleanup Professionals (LSP Board) which determines whether an applicant meets the qualification criteria to obtain a license to work as an LSP, administers a licensing exam, issues the licenses, ensures that LSPs meet requirements for continuing education, and disciplines individuals who do not uphold professional standards.

Any person who meets the LSP Board's licensing criteria and who passes the LSP Board's examination can become an LSP. The LSP Board is required by law to license only individuals who are appropriately qualified by their education, training and experience. The LSP Board disciplines any LSP whom it finds in violation of professional standards. The LSP is audited on an annual basis to ensure that opinions comply with environmental laws and regulations.

With this in mind the NBEIA recommends that:

- Qualification standard be developed for “site professionals” in New Brunswick The qualification standard could be expanded for Atlantic Canada;
- The qualification standards be rigorous and consider the “site professional’s” education, training and experience;

“... NBEIA recommends that Qualification standards be developed for site professionals in New Brunswick.”

“NBEIA recommends that “Potatoes New Brunswick” is consulted for impact of wellhead protection zones in agricultural areas.”

- Continuing education be a requirement of a “site professional”; and
- A regular review is carried out of a “site professional’s” qualifications.

The NBEIA offers to assist NBDELG in the development of these standards.

4.2 Environmental Farm Plan

The Environment and On-Farm Food Safety Committee of “Potatoes New Brunswick” is a group of potato producers who work proactively as volunteers examining agri-environmental issues that are of concern both to themselves and the general public. The Committee promotes public awareness of the benefits of the good agricultural practices being used by potato producers and of new practices to enhance protection of the environment, food safety and sustainable potato production.

The committee continues to be instrumental in dealing with challenges facing their industry such as: soil erosion, nutrient management, and on-farm food safety issues. Many of these producers have already implemented extensive soil and water conservation practices on their farms including building diversion terraces and grassed waterways and adopting cross-slope planting to control soil erosion. There remains acreage to be protected. The Atlantic Environmental Farm Plan has been introduced, but more farms could benefit from participation in this process. On-Farm Food Safety concerns are a new and emerging issue which the committee felt should not be dealt with separately.

The Committee members saw an urgent need for further producer-led proactive promotion of both the Atlantic Environmental Farm Plan and the On-Farm Food Safety Guidelines. The producers on the committee also observed that there were many overlapping issues and practices common to both activities. This committee decided upon an innovative effort to promote both the Environmental Farm Plan and On-Farm Food Safety at the same time, thus saving the potato producer’s time and achieving a better understanding of the interdependence of many of the issues.

“Potatoes New Brunswick”, representing the potato industry in New Brunswick, remains concerned about potential impacts on individual producers from strict implementation of wellhead protection zones. There is concern that inflexibility in the implementation of these zones will impact on producers. Suitable Best Management Practices (BMPs) will need to be carefully evaluated to ensure their feasibility and acceptance with producers. Additional efforts toward adaptive research and technology transfer initiatives will be needed involving producer groups at the grass root level.

With this in mind NBEIA recommends that:

- Potatoes New Brunswick is consulted for impact of wellhead protection zones in agricultural areas.

4.3 Composting

With an increased emphasis towards waste diversion being the center focus of the NBDELG agendas, there will undoubtedly be more projects aimed towards recycling organic and nutrient waste streams through composting technologies. It is felt that the New Brunswick government has not yet taken necessary steps to make New Brunswick a viable bulk compost sales market, therefore many composting initiatives that depend solely on local markets for the sale of their compost will face unnecessary economic difficulties.

Some of the issues which the composting industry is facing are:

- Easy access to topsoil excavated directly from floodplains, and natural habitats within NB with minimal environmental regulatory requirements serves to maintain topsoil prices that are too low to allow compost suppliers to participate. Access to “Cheap Topsoil” is the single most negative factor inhibiting bulk compost sales opportunities in NB.

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“NBEIA recommends that NBDELG take sufficient measures to enforce their topsoil mining regulations.”

- There is no minimum organic content specified for topsoil. A minimum organic matter specified would act in conjunction with NBDELG’s current groundwater conservation and protection strategy for the municipalities. Studies have shown that poor quality topsoil establishment is a major contributor to groundwater impacts.

Once a compost producer can sufficiently demonstrate that the finished compost product contains the required characteristics for the proposed application (and meets with both CCME and Canadian Compost Criteria of Bureau de Normalisation du Quebec (BNQ) and Canadian Food Inspection Agency (CFIA)) there should not be any further limitations placed on the compost application project. Compost applications throughout North America have consistently performed beyond initial expectations and with no negative environmental impacts.

History has shown that in other geographical markets, the compost industry can thrive and grow. The growth and success of composting operations in turn provides valuable spin-offs to industry for the improved management of their wastes, as well as local job creation. In addition, there are immeasurable benefits to sustainable agriculture and mining, conservation of our provinces limited resources and most importantly the protection of the natural environment to sustain wildlife habitat, and the enjoyment of future generations.

With that in mind, NBEIA recommends that NBDELG:

- Take sufficient measures to enforce their topsoil mining regulations;
- Encourage all levels of provincial and municipal government (Parks, Municipalities) and crown corporations to adopt minimum organic matter specifications in their topsoil purchases;
- Encourage cooperation with other Provincial Departments and Crown Corporations to support compost utilization for environmental compliance and mitigation efforts; and

- Reduce restrictive policies on compost applications.

4.4 Mandatory Certification of Operators of Water Supply Systems

The certification of operators of water systems is very important for the water industry because it:

- ensures operators have at least a minimum level of training and understanding;
- underlines the importance of education and training;
- ensures operators will be better able to address water quality;
- ensures that operators will be able to deal with issues as they arise and be able to implement proactive procedures; and
- force managers to hire staff who are capable of being certified, thereby improving the quality of operational staff.

Making certification mandatory is a legitimate role for a regulator. While a regulator may establish test procedures and acceptable limits for various test parameters, this still does not ensure a safe system. A water sample is only a “snap shot” of the system. One of the best ways of ensuring a system’s overall safety is ensuring staff are well trained and certified to a level required for a particular system.

In some respects, mandatory certification goes hand in hand with the concept of full cost pricing for water. With mandatory certification, purveyors will have to make the hiring of qualified staff and the training of existing staff, a priority. An expected outcome of mandatory certification of operators is an increase in water and sewer rates within municipalities.

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“NBEIA recommends that NBDELG implement mandatory certification requirements for operators of municipal water supply systems.”

With this in mind, NBEIA recommends that NBDELG:

- Implement mandatory certification requirements for operators of municipal water supply systems.

4.5 Procurement of Environmental Services

Environmental consulting services, particularly engineering geoscience and biological assessment, design and remediation services are sought by various levels of government and the private sector. The Consulting Engineers of Nova Scotia recently reported that “selection of a consulting engineer is one of the most important decisions a client makes.” Typically the selection of service providers of environmental services, particularly professional services, is price driven rather than based on qualification criteria, such as, but not limited to:

- technical competence;
- managerial ability;
- experience on similar projects;
- qualified personnel available for the project’s duration;
- proven performance;
- financial stability;
- location and/or local knowledge; and
- professional independence and integrity.

In many instances, price based selection results in service providers being unable to provide services which meet both client and regulatory expectations. This can result in project delays and may pose a threat to human health, safety and the environment. When Qualification-Based Selection procedures are implemented, the client focuses on the selection of service providers meeting a set of qualitative criteria. Once a service provider is selected, a fair fee is negotiated directly related to the scope of services required.

With this in mind, NBEIA recommends that:

- Various Provincial Government Departments which procure environmental services place a greater emphasis on selection utilizing Qualification-Based Selection procedures; and
- NBDELG encourage government and the private sector to adopt similar service procurement procedures and inspire the environmental industry to continually improve the level and quality of service provided to clients.

4.6 Climate Change

Over the past three years, the New Brunswick Government has demonstrated significant leadership and vision on the important issue of climate change. It was our Premier who hosted a Climate Change Conference on behalf of the Conference of New England Governors and Eastern Canadian Premiers in March of 2001, culminating in an Action Plan being adopted by the Premiers and Governors in August of that same year.

The NBEIA encourages the Government to continue to stay at the forefront of this global issue by initiating action within New Brunswick which will mitigate our contributions to the emissions of greenhouse gases, using policies, education, and indeed, regulation where appropriate. It is our belief that taking sensible measures now will be beneficial for New Brunswick through the conservation of energy, thus increasing our overall competitiveness; the contaminant reduction in other air pollutants more directly related to human health impacts; as well as giving our institutions a significant lead in responding to the eventual requirements established on the international stage.

New Brunswick has established an excellent reputation in terms of its expertise in environmentally-related fields within industry, academia, government, and the consulting profession. In a

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number of instances, this expertise has been developed and honed due to Provincial initiatives, resulting in both action within New Brunswick, as well as the significant exporting of our capabilities to the North American market, as well as overseas. In New Brunswick we already have significant capabilities in the fields of energy conservation, air pollution control, agricultural and forestry engineering, and environmental management. By fostering active responses to the climate change issue, the New Brunswick Government would not only be recognized for its commendable vision, it would create a platform for increased economic activity, including the export of our expertise.

With this in mind, NBEIA recommends that:

- New Brunswick put forward a Climate Change Action Plan which will put the Province ahead of the Kyoto debate, and will result in social and economic benefits to the Province.

5.0 SUMMARY OF RECOMMENDATIONS

The New Brunswick Environment Industry Association, based on input from our members, offers the following recommendations to the Minister of Environment and Local Government on the following key areas:

QUALIFIED SITE PROFESSIONAL

- Qualification standards be developed for “site professionals” in New Brunswick. The qualification standards could be expanded for Atlantic Canada;
- The qualification standards be rigorous and consider the “site professional’s” education, training and experience;
- Continuing education be a requirement of a “site professional”; and
- A regular review is carried out of a “site professional’s” qualifications.

ENVIRONMENTAL FARM PLAN

- Potatoes New Brunswick is consulted for impact of wellhead protection zones in agricultural areas.

COMPOSTING

- Take sufficient measures to enforce their Topsoil Mining regulations.
- Encourage all levels of provincial and municipal government (Parks, Municipalities) and crown corporations to adopt minimum organic matter specifications in their topsoil purchases.
- Encourage cooperation with other Provincial Departments and Crown Corporations to support compost utilization for environmental compliance and mitigation efforts.
- Reduce restrictive policies on compost applications.

MANDATORY CERTIFICATION OF OPERATORS OF WATER SUPPLY SYSTEMS

- Implement mandatory certification requirements for operators of municipal water supply systems.

PROCUREMENT OF ENVIRONMENTAL SERVICES

- Various Provincial Government Departments which procure environmental services place a greater emphasis on selection utilizing Qualification-Based Selection procedures.
- NBDELG encourage government and the private sector to adopt similar service procurement procedures and inspire the environmental industry to continually improve the level and quality of service provided to clients.

CLIMATE CHANGE

- New Brunswick put forward a Climate Change Action Plan which will put the Province ahead of the Kyoto debate, and will result in social and economic benefits to the Province.

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