



OACFP

ONTARIO ASSOCIATION OF CEMETERY
AND FUNERAL PROFESSIONALS

Hon. David Piccini, Minister
Ministry of the Environment, Conservation and Parks
College Park 5th Flr,
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Toronto, ON M7A 2J3

minister.mecp@ontario.ca

November 21, 2022

Dear Minister Piccini,

The OACFP represents most of the bereavement profession's active operators within the province. Our membership consists of cemetery, funeral home, crematorium, and transfer service operators from across the province as well as many other stakeholders within the bereavement sector. Each year, we collectively care for over 85,000 Ontario families at their time of loss and greatest need. Our members take great pride in their stewardship of the environment in their operations.

We are reaching out to you regarding the Ministry of Environment, Conservation and Parks proposition to amend O. Reg. 406/19: On Site and Excess Soil Regulation. Excess burial soil poses significant challenges to our members due to the ongoing nature of their service with no foreseeable "project" endpoint.

Although these regulations were intended for development and construction projects, which have clearly defined beginning and end points, compliance with this legislation is also required for OACFP's members, and the current regulation creates significant challenges in perpetuity; challenges in terms of unending compliance obligations for their day-to-day operations, as well as the cost of compliance—from onerous reporting to expensive environmental sampling to continuously having to source appropriate reuse sites.

The regulation as it exists does not reflect the limited capacity of cemetery operators—both large and small—to comply with these requirements. Additionally, this work should not be regulated in the same way as digging a ditch or moving soil to build a condominium. Funeral and cemetery professionals provide a unique and essential service in Ontario as has been evident throughout this COVID-19 pandemic and should be afforded reasonable accommodations.

Similar to how cemeteries were grouped with golf courses and granted an exemption from the provincial Pesticides Act, OACFP is seeking an exemption from the On-Site and Excess Soil Management regulation.



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Resolution to this challenge could be achieved by an amendment to the Environmental Protection Act, ONTARIO REGULATION 406/19, ON-SITE AND EXCESS SOIL MANAGEMENT, Section 2. (1) Non-application of Regulations by adding a subsection (1) 6. To include the following:

6. Cemeteries - "cemetery" means;

(a) land that has been established and licensed as a cemetery under the Funeral, Burial and Cremation Services Act, a private Act or a predecessor of one of them that is related to cemeteries, or

(b) land that was recognized by the Registrar, Funeral, Burial and Cremation Services Act as a cemetery under a predecessor of the Funeral, Burial Cremation Services Act that related to cemeteries, and includes,

(c) land that, in the prescribed circumstances, has been otherwise set aside for the interment of human remains

This issue not only makes the work of cemetery and funeral professionals more difficult but also impedes the ability of the bereavement sector to provide the necessary services Ontarians need at a time-sensitive, emotional, and stressful time. Providing cemetery operators in Ontario with an exemption to these cumbersome regulations would improve service delivery by making our work more efficient.

We would welcome the opportunity to meet with you and your staff to discuss our recommendation further and to outline other measures which your office could undertake to support and promote the capacity of our members to provide essential services to the residents of Ontario.

Thank you for your consideration,

Darren Denomme,
Executive Director

Ontario Association of Cemetery and Funeral Professionals (OACFP)

c.c. Hon. Kaleed Rasheed, Minister of Public and Business Service Delivery
Carey Smith, Registrar/CEO of Bereavement Authority of Ontario