



ISSN 1488-9080

Legislative Assembly
of Ontario
Second Session, 37th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 37^e législature

**Official Report
of Debates
(Hansard)**

Monday 10 September 2001

**Journal
des débats
(Hansard)**

Lundi 10 septembre 2001

**Standing committee on
justice and social policy**

**Comité permanent de la
justice et des affaires sociales**

Nutrient Management Act, 2001

**Loi de 2001 sur la gestion
des éléments nutritifs**

Chair: Toby Barrett
Clerk: Tom Prins

Président : Toby Barrett
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Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
3330 Édifice Whitney ; 99, rue Wellesley ouest
Toronto ON M7A 1A2
Téléphone, 416-325-7400 ; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY**

Monday 10 September 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DE LA JUSTICE
ET DES AFFAIRES SOCIALES**

Lundi 10 septembre 2001

The committee met at 1031 in the Royal Canadian Legion, Branch 154, Caledonia, Ontario.

NUTRIENT MANAGEMENT ACT, 2001

LOI DE 2001 SUR LA GESTION
DES ÉLÉMENTS NUTRITIFS

Consideration of Bill 81, An Act to provide standards with respect to the management of materials containing nutrients used on lands, to provide for the making of regulations with respect to farm animals and lands to which nutrients are applied, and to make related amendments to other Acts / Projet de loi 81, Loi prévoyant des normes à l'égard de la gestion des matières contenant des éléments nutritifs utilisées sur les biens-fonds, prévoyant la prise de règlements à l'égard des animaux d'élevage et des biens-fonds sur lesquels des éléments nutritifs sont épanchés et apportant des modifications connexes à d'autres lois.

The Chair (Mr Toby Barrett): Good morning, everyone. I wish to extend a welcome to this regular meeting of the standing committee on justice and social policy for today, Monday, September 10. We're meeting in the Royal Canadian Legion, Branch 154. We're very pleased that the Ontario government and the standing committee are visiting Haldimand county. This may be the first time a standing committee has visited. We'll let the historians work on that one.

As members of the committee would be aware, we travel to St Thomas tomorrow, then Chatham, then Clinton. We finish this week in Owen Sound, on Friday. The following week we travel to points east and points north.

The agenda for the standing committee is Bill 81, An Act to provide standards with respect to the management of materials containing nutrients used on lands, to provide for the making of regulations with respect to farm animals and lands to which nutrients are applied, and to make related amendments to other Acts.

Our order of business today is delegations, and we have had a significant response from delegations. During the course of the day we allocate 15 minutes for each delegation and in many cases, hopefully, there will be opportunity for members of all three parties to make comments or to offer questions toward the end of that 15-minute period.

WESSUC INC

The Chair: Our first order of business: I would ask Wessuc Inc to approach our witness table. Pull up a chair, sir. It's important to speak into the microphone. Everything is recorded for Hansard. For the purposes of recording, could you give us your name and then please proceed.

Mr Bruno Puiatti: My name is Bruno Puiatti. I'm project manager with Wessuc Inc. We're a biosolids management company and we also specialize in the cleanout operations of water and waste water treatment facilities. We're quite honoured to be here to present a few issues and concerns that we have with Bill 81. We are also pleased that Bill 81 does incorporate biosolids in it.

Again, Wessuc specializes in the cleanout of water and waste water treatment facilities and is a leader in the land application of biosolids. Wessuc formally supports Bill 81 in principle and sees it as an opportunity to elevate Ontario's biosolids management industry. Wessuc executes best-management practices in all its agricultural operations and has made a conscious effort to raise the bar in the industry by implementing innovative technologies and creative practices that protect the environment.

Do you guys have access to these handouts?

Mr Garfield Dunlop (Simcoe North): Yes.

Mr Puiatti: I'm just going to briefly skim over our land application technologies, and in the appendix there are a couple of diagrams and pictures just to get you guys up to date with what we're talking about here.

As it pertains to the land application of liquid biosolids to agricultural fields, Wessuc has taken great strides in setting new industry standards. We have adopted the following technologies to our draghose injection system: flowmeter technology, shutoff valve technology, high-flotation equipment—which is common practice in the industry—and a 23-foot-wide injection bar.

The above technologies decrease the potential for runoff, increase aesthetics, decrease odours, maximize nutrient availability to crops, decrease nutrient loss into the natural environment, decrease soil compaction and ensure a uniform spread.

Depending on soil type and various site-specific field conditions, separation distances should decrease due to decreased environmental risk when employing the above

technologies. When spreading technologies that decrease the risk to the natural environment are used, Wessuc would like to see legislation formally integrate concessions in reduced separation distances.

To date, the service from the Ministry of the Environment has been inconsistent across the board. Some offices have done the best with what resources they have. Others have been quite public about putting a low priority on biosolids. This is unacceptable from our perspective. The MOE cannot continue administering biosolids on a provincial level unless things change drastically.

Wessuc would like to see consistency across all administering and/or enforcing offices. These agencies should provide fully trained and experienced officers who have the capacity to understand site-specific conditions and who have a strong working knowledge of soil chemistry and soil physics.

There are a couple of detailed points underneath there that you guys can read on your own.

When reading the bill, it is unclear as to whether there will be delays in issuing biosolids spreading approvals in the future. Regardless if nutrient management planning will or will not replace the C of A process, the governing authority must establish and maintain a quick and consistent approvals process. Ongoing delays, again, cannot be tolerated.

Wessuc is suggesting that a province-wide standard of a minimum turnaround time of 10 business days or less be established for all administering offices in issuing biosolids spreading approvals.

There are several points as to the benefit of getting these C of As or approvals done, and you guys can read that on your own.

Although the land application of digest or cleanout material is an insignificant portion of the total annual volume of biosolids being land-applied as an organic soil conditioner, it can pose significant environmental concerns. When land-applying biosolids from digest or cleanout operations, the possibility does exist for mats of hair, large volumes of plastics and other inorganic solids to be disposed of on agricultural fields.

Wessuc believes this unscreened material is not appropriate for land application. If you look at the appendix, there's a little diagram for you showing the back end of our screening unit. When we say material not deemed eligible for land application, when you don't screen out your digesters this is what goes on a farmer's field.

To our main point: Wessuc recommends that government legislate a science-based, decision-making protocol that will allow responsible reapplication of biosolids on agricultural fields less than every five years, should it be justifiable. For instance, should investigations deem an application of biosolids once every four years instead of the usual five, this will allow applicators to follow a farmer's typical four-year no-till crop rotation. Presently the guidelines allow for biosolids spreading every five years on a typical no-till field, which essentially makes

these fields available to biosolids incorporation only once in every seven years.

OMAFRA is staffed with trained professional biosolids program coordinators who have strong agricultural and environmental backgrounds. They are well-versed in the management and land application of biosolids and have a strong working relationship with municipal and agricultural sectors.

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OMAFRA engineers were the designers of the now famous NMAN nutrient management planning software, where biosolids are also integrated. They have worked diligently in making nutrient management planning common practice in the agricultural community. The administering or enforcing ministry should not only consider its duties in the realm of enforcement but must include mediation and liaison between inquiring or disputing parties.

Presently, it is Wessuc's contention that OMAFRA has the experience and knowledge to better administer biosolids as it pertains to Bill 81. Wessuc recommends that OMAFRA be named the lead ministry for biosolids land application programs and enforcement expertise be established through a special unit within OMAFRA in consultation with the Ministry of the Environment.

Municipal storage facilities: mismanaged storage facilities or inappropriate storage facility management can commonly be implicated in poorly run land application programs. Wessuc strongly urges that legislation be passed mandating municipalities to establish storage facilities for at least six months. The storage facilities must be environmentally sound and must be monitored to ensure quality control and to prevent cross-contamination with other wastes.

Municipalities using biosolids land application should fund research and field studies to keep information recent. Relevant findings can feed decision-making processes at the legislative level and allow for upgrades to existing or future legislation. Wessuc recommends that the act require preliminary baseline and ongoing studies to determine the environmental and socio-economic impact that the legislation has on the agricultural and biosolids management industries.

Baseline and ongoing studies will also serve as a useful tool for generating information on which to base revisions to the regulations over time. The goal is to ensure that both the environment and the biosolids management industry improve significantly over time.

In conclusion, a true partnership approach must be taken as Bill 81 continues to develop. It is essential that municipalities, contractors, the province and other stakeholders work co-operatively to ensure the success of the new biosolids management framework in the province. The legislation must reflect reasonable science-based decision-making protocols.

Wessuc recommends the establishment of a biosolids advisory group comprised of industry managers; municipal, OMAFRA and MOE biosolids coordinators; waste water plant operators; and the end user. Wessuc would

also like to participate with legislators and government officials in drafting the regulations to the act as they pertain to biosolids management.

Thank you for this opportunity to speak to you.

The Chair: We have about a minute, a minute and a half for questions. In keeping with tradition, we'll do a rotation. I'll begin with the Liberals. Mr Peters?

Mr Steve Peters (Elgin-Middlesex-London): Thank you very much, Mr Chairman, and good morning, Bruno.

Within the legislation it talks about compliance within five years. What are your thoughts on that? Do you think that five years is adequate? Should you be moving quicker or should we be taking longer?

Mr Puiatti: I think five years is a lot of time for municipalities and contractors to comply. I think the response time on behalf of the contractor would be a lot quicker, because there are less capital costs incurred. When you're talking about storage facilities for a lot of these municipalities, obviously they need funding for that, and you can't build storage facilities within, I guess, four to six, or six months to a year. I think five years is ample time. I think the quicker the better as long as it's done responsibly.

Mr Peters: Just quickly, who accepts responsibility? Where does the liability lie? When you go to a waste water plant and you pick up the biosolids, and if there were higher trace amounts of a chemical or a residue in those biosolids, and you go and spread that on the fields, where does the liability lie? Is it with you for having picked it up, or does the liability still rest with the municipality?

Mr Puiatti: Well, before we get to that point, there are certain quality control measures that have to be established in terms of metal concentrations in the biosolids. Chemicals are tested for, and the MOE has to give us approval in order to haul that material to land. That's why we get a certificate of approval. So as long as the quality control is established, then we take it to the field.

I think ultimately it's the generator's responsibility; however, if there's ever a scenario where litigation is occurring, I think everyone's going to have the finger pointed at them.

The Chair: I now go to the Conservatives. Dr Galt.

Mr Doug Galt (Northumberland): Thanks very much. I have a couple of statements and three quick questions. The first one, you were concerned what it would apply to. I can assure you it's going to apply to all conditioning of soils and all nutrients; it's all-encompassing. The particular bill is enabling legislation so it enables all of that to be included. That's certainly the intent at this point.

On the five years, you mentioned a concern there. The nutrient management plan will be based on what's already in the soil, what crops are going to be grown and what those crops can consume. The intent is that there won't be excessive nutrients put on at any one particular time, so it won't end up going into the groundwater, into the surface water, whatever.

I empathize with your concern about getting the turnaround on certificates of approval. However, if we were talking about biosolids from a community, that community knows years ahead of time what's coming, so there really should not be any reason for panic to get a certificate of approval. They could apply for several years down the road because they have a pretty good idea of what's coming. I guess I have to question the urgency there, although I empathize with it. It's in your point under "Minister of the Environment."

Mr Puiatti: If I can jump in—

Mr Galt: Can I just give you the three questions and then I'll leave them to you?

Mr Puiatti: Yes.

Mr Galt: Second is enforcement, and you have "OMAFRA, in consultation with MOE." Provided it's agricultural people, does it matter whether it's MOE or OMAFRA?

The third question is on your equipment, that hose you drag across the field. I've watched it functioning. It looks tremendous because you don't have all that weight out there. What's the life expectancy of one of those hoses?

Mr Puiatti: Fair enough. The first one was the C of A turnaround.

Mr Galt: Yes. Why the urgency when a community knows way ahead that it's coming?

Mr Puiatti: I think the urgency is because the community doesn't necessarily get the certificates of approval issued in their name. For instance, municipality XYZ hires a contractor to haul and spread the material. Usually it's the contractor's responsibility to obtain the certificates of approval in their own name. So even though the municipality knows that they have a land base requirement of 3,000 acres a year, it's up to the contractor, usually, to obtain those certificates of approval. A case in point: we were just awarded the contract in Brantford. We started with zero licensed fields in the spring of this year.

The window of opportunity to spread biosolids is restricted with weather, crop rotations—the whole gamut. If I have a three- or four-week window of opportunity to get as many loads out as I can, I want to make sure that the only thing that does restrict me is weather and the farmer's ability to receive the material because of cropping conditions.

Mr Galt: It's a total planning problem here.

Mr Puiatti: I don't want my C of A to be sitting on some guy's desk for three to eight weeks. That's what is happening now.

Mr Galt: Then the municipality shouldn't have waited until the last week, when the tank is full, before they get the contract.

Mr Puiatti: I don't understand that.

Mr Galt: They wait until the tank is full. Once they've got to get it out—

Mr Puiatti: It's usually the contractor's responsibility to empty the storage facilities. But the point is—

Mr Galt: It's a problem.

Mr Puiatti: Yes. You don't want the lag to be on the approvals end. Give me all my licences, as long as everything is done properly, and then whatever weather dictates, that's—

Mr Galt: The second question was enforcement. Does it matter which ministry?

Mr Puiatti: I don't think so. I honestly don't think so, but I want people out there enforcing who understand agronomy, have a strong understanding of soil chemistry and soil physics.

Mr Galt: How long can you drag that hose across the field and over stones some thousand feet or so before it explodes or weakens or breaks or wears out?

Mr Puiatti: I think they're guaranteed for four years.

Mr Galt: Four years of dragging.

Mr Puiatti: Well, you're not dragging every day.

The Chair: Thank you, Mr Puiatti. That would wrap up your time. We appreciate that presentation on biosolids.

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AZURIX NORTH AMERICA LTD

The Chair: Our next delegation, I'd like to call forward Azurix North America Ltd. Have a chair, gentlemen. For the purposes of Hansard, we would ask you to give us your name and then proceed.

Dr Mel Webber: My name is Mel Webber. I'm an environment consultant working with Azurix. My colleague is Phil Sidhwa, who is with Azurix.

We appreciate the opportunity to make this presentation. Azurix is heavily involved, as the previous speakers, in biosolids application to land. We support the introduction of the legislation, because we feel that it will facilitate environmentally responsible management of materials containing nutrients.

Azurix currently is probably the largest biosolids management operation in Ontario. They look after biosolids for the municipalities of Halton, Waterloo and Niagara, and the cities of Toronto, Hamilton, Kingston and Belleville. Currently we're spreading 200,000 tonnes of solid material and approximately one million cubic metres of liquid material on more than 10,000 hectares of land in Ontario.

Currently land application is the preferred biosolids management option for more than 80% of municipalities in Ontario. The other options, essentially, are landfilling and incineration. Both of these are expensive, and there are reasons why people are not particularly pleased with them being done.

Land application has been practised for approximately 30 years in Ontario under guidelines that currently are in effect. There has been no documented environmental or health risk associated with this practice. Currently the agricultural value of biosolids going to land is approximately \$250 per hectare, mainly as nitrogen and phosphorous fertilizer. The program in Ontario saves farmers approximately \$5 million of fertilizer cost per year.

Materials containing nutrients such as waste water, biosolids, commercial fertilizers and animal manures represent potential risks when they are applied to land. Improper management of these materials may contaminate surface and/or groundwaters. The proposed Nutrient Management Act will provide authority to establish standards for managing these materials. Azurix North America is very much in favour of the proposed legislation.

Consistent with this, Azurix North America is requesting participation in the development of regulations and standards, particularly as they relate to waste water biosolids under the proposed legislation. We are aware of many biosolids management issues that should be addressed by new regulations and standards, and I want to highlight just a few for you.

Currently there isn't particularly consistency between federal and provincial regulations and guidelines. We would like to see that consistency put in place in new regulations and standards for Ontario.

We feel that provincial regulations and standards for biosolids management must supersede municipal bylaws that circumvent the intent and spirit of the Nutrient Management Act, this to prevent a proliferation of different regulations from municipality to municipality. Regulations and standards should be administered consistently by provincial offices.

Land application of biosolids according to regulations is normal farming practice and should be considered similar to application of other materials containing nutrients, materials such as manure and commercial fertilizers.

Ontario Ministry of the Environment inspection of all biosolids application sites prior to issuing certificates of approval should not be required. They require large resources and create delays in program delivery, as has been talked about in the previous presentation. They should be replaced by strict enforcement through regulations and standards and penalties for non-compliance.

If the Ministry of the Environment is required to approve individual sites, it should be allowed a specific time frame to do so, as again was raised in the previous presentation.

Environmental Bill of Rights review of application site forms is unnecessary. It will delay biosolids application at critical times and will compromise the confidentiality of farmer and landowner information.

We have several other issues that we raise. I'm not going to go into them in the interest of time. I will highlight number 11 on page 5.

The Ontario Ministry of the Environment must take an active role in publicly defending the biosolids management regulations and standards. While it is understood that the ministry's role is as a regulator and not a promoter of the program, it must be able to defend the science behind the regulations on a day-to-day basis to the public.

Azurix is prepared to participate, to contribute to this program, and I have five or so headings here. Azurix is

prepared to sponsor land application of biosolids research and public education programs. They are prepared to participate in the development of new regulations under the proposed legislation to address biosolids management issues specifically. They are prepared to help with the development of a central registry for record-keeping; the development of best management practices using state-of-the-art technology and equipment; and they are prepared to participate in developing the training and licensing system for qualified land application operators.

In conclusion, land application of biosolids saves Ontario farmers approximately \$5 million annually in fertilizer costs and avoids landfilling and incineration. Involving Azurix North America's expertise will ensure that new regulations and standards for biosolids management are both practical and comprehensive and, we feel, will facilitate continued land application benefit to agriculture.

We thank you for this opportunity.

The Chair: We have a short minute for questions. We now go to the Conservative side.

Mr Dunlop: Good morning, Dr Webber. It's a good presentation. Can I ask one question about the saving to the farmers, the \$5 million annually? Can you expand upon that a little bit? With improved technology and regulations, do you think we can improve upon \$5 million in savings to the farmers, if in fact there is a savings?

Mr Phil Sidhwa: The \$5-million saving is addressed through the savings from nitrogen and phosphorous fertilizer equivalents in some of the minerals that farmers get out of the biosolids. We believe those savings can be enhanced and can improve through best management practices, through proper nutrient management planning. We think that number can be higher in terms of savings.

Mr Peters: A couple of times through your presentation you talked about your own experience and expertise and what you could offer. You were very clear in here that the Ministry of the Environment needs to be able to defend the science of biosolids. Some people would think that if you were to offer your expertise, you're going to come at it with a bias because you're in the business. Is there somebody out there we could go to or the government could turn to who is independent, be it a university or somebody out there seriously looking at the biosolids issue and studying it so that they can defend the science, so that we could turn to them for the regulations and standards when they're being adopted? I'm not saying I wouldn't want to hear from you, but I think from the public's perspective, they want that independent view. Who is out there that we could turn to?

Dr Webber: Certainly there are people out there. The University of Guelph has people who are currently doing some work on biosolids application to land. Also, federal agriculture: there are federal agriculture research stations at both London and Harrow in Ontario. There are people there who could be doing more work than they're doing. There hasn't been a lot of provincial or federal support

for research into biosolids recently. I guess my opinion is that there ought to be more. But there are both university and particularly federal and some provincial people available to do this.

The Chair: Thank you, Dr Webber and Mr Sidhwa, for your presentation on biosolids.

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GRAND RIVER CONSERVATION AUTHORITY

The Chair: I wish to call forward our next delegation, the Grand River Conservation Authority. I would ask you to identify yourself for Hansard.

Ms Tracey Ryan: I'm Tracey Ryan from the Grand River Conservation Authority. I'm presenting on behalf of the conservation authority today and bringing forward our concerns as water managers. We have made submissions to previous consultations on intensive agriculture and also to the Walkerton inquiry.

There's a need for source water protection to ensure the safety of Ontario water resources and a provincial water policy framework to address all impacts on water quality, including things such as septic, urban development, agriculture, rural land use change, golf courses, aggregate, whatever. It is required to provide a holistic approach to source water protection.

Bill 81 is one of the tools that is being used to address the impact of nutrients on ground and surface water, and it's very comprehensive in its definition of nutrients. Unfortunately the act potentially falls short of protecting ground and surface water from other potential contaminants in these materials, other than just the nutrients, as well as other materials that originate on agricultural and other lands.

The Grand River Conservation Authority's focus is to strengthen the water protection potential of Bill 81 and its proposed regulations in the absence of a provincial water policy framework. To that end, we have put these forward, with our experience in the delivery of rural water quality programs in which we have offered farmers a great deal of financial and technical assistance and have provided a lot of technical assistance around nutrient management planning in areas of our watershed.

We see that the nutrient management plans, as they are currently written, are an agronomic prescription to avoid the over-application of phosphorous, and the plans need to be enhanced to include best management practices for the management of pathogens as well as nitrogen and other potential contaminants. So there's a need for the plans to focus on water protection as well as agronomy.

The nutrient management plans need to be placed in a watershed context. The plans need to give more regard to the resource constraints on the farm, such as wetlands, hybrid soils, floodplains, cold and warm water streams, shallow bedrock and groundwater recharge areas. If the property had any of these environmental constraints, the nutrient management plan would have to account for these or the landowner would need to undertake their

own sorts of studies to show how these impacts would be mitigated.

There is a need for updated provincial resource information available at the regional scale so that landowners could utilize that, as well as decision-makers.

In terms of monitoring, surface and groundwater monitoring is essential—the monitor changes in groundwater and surface water quality—to implement measures to address trends before serious environmental impacts occur. So there's a need to develop baseline water quality information to enable the province to measure the effectiveness of nutrient management plans across the province as a whole.

Although there are some historical surface water data from the provincial water quality monitoring network, we feel that network needs to be assessed to determine if it is currently adequate.

Individual landowners should be required to file baseline well-water samples with their nutrient management plans. This would provide a very good picture of the quality of groundwater and enable landowners to spot trends that might be associated with their own practices.

In light of new and expanding intensive agricultural operations—and this is very similar to consultations we've provided before—provide a comprehensive water protection plan and undergo more rigorous environmental review. That should include baseline information on ground and surface water as well as assessment of environmental conditions on the property, and that would provide a means of mitigating potential impacts.

Concerning septage and biosolids, the Grand River Conservation Authority supports the proposed ban on land-applied, untreated septage over the five-year period and sees this as a very important strategy for the protection of water resources in the province. But it is critical that a strategy for the alternative disposal of septage waste be developed in the interim.

The Grand River Conservation Authority supports the inclusion of biosolids application in the proposed Bill 81 and its regulations. Our board has been calling for more proactive monitoring and inspection of biosolids to ensure prescribed standards are being used. As with all nutrient management plans, there is a need to include a watershed context in the approval of those lands for biosolid application.

Around implementation, we recognize there's a need for a long-term approach to address the complex challenges facing landowners. This approach must recognize the role that agriculture can play in protecting source water if it is provided financial and technical resources to implement best management practices. There is a recognition that agricultural land use is one of the best ways to protect source water if it's given the proper resources. This requires education, technical support, financial assistance, research and partnerships to implement programs that support water quality improvement and protection.

As you may be aware, many conservation authorities, including the Grand River, deliver rural water quality

programs providing financial and technical assistance to landowners. In the absence of provincial or federal funding, municipalities such as the region of Waterloo, the county of Wellington and the city of Guelph have recognized the importance of these programs and provided core funding for the initiatives in recent years.

A federal and provincial recommitment to financial assistance programs is required to provide clean water for public health. Obviously, OMAFRA through the healthy futures program has begun to support these programs. But the programs must provide a longer-term implementation schedule for effective delivery and support existing rural water quality programs as well as new initiatives.

The province should build on the expertise and experience of conservation authorities' agricultural extension programs rather than creating new ones. Conservation authority agricultural program delivery and development involves many stakeholders, including agriculture, as well as provincial and municipal governments.

The Grand River Conservation Authority's rural water quality program has been used as a model of program development and delivery and has successfully received funds, as I said, from both provincial and federal governments now. The problem with the support from those programs is that the time frame is generally too short and requires existing programs to basically reinvent themselves in order to be eligible. We have had a great deal of uptake by local landowners in implementing manure storages and nutrient management plans and a vast array of other things that the act potentially could cover.

To the end of the role of conservation authorities, we support the ability to delegate components of Bill 81 to provide the opportunity for local, cost-effective delivery. Conservation authorities deliver extensive local stewardship and watershed management programs, and there may be opportunities to discuss where conservation authorities could provide viable, cost-effective service delivery in specific areas consistent with their other watershed programs. They can provide valuable input into nutrient management plans, agricultural best management practices and other regulations based on their broad experience of delivering watershed and agricultural stewardship programs in Ontario.

The Chair: Thank you, Ms Ryan. We have about two minutes for each side. I go to the Liberal Party.

Mr Peters: First and foremost I'd like to just commend what you've been doing within the conservation authorities, faced with 80% cuts in your budget and wonderful programs that have been cut, like the CURB program, which went a long way to dealing with some of these issues. I just want to pay tribute to all conservation authorities. There's some merit in what you're saying as far as the role that you play, because one of the issues is that the conservation authorities don't respect municipal boundaries, that a watershed can go through, like yours—how many counties?—maybe five, six counties and goodness knows how many municipalities. So I see a role for you. Plus, people trust the conservation authorities.

That's one thing that I, coming from a municipal background, have observed. There's a lot of trust all around, and you have a way of getting people to work together, and I commend you on that.

Right now across Ontario it seems to be the new operations that are the ones that are in the news, whether they're in Otterville or in Amberley in Huron county—there have been some in eastern Ontario—and you raise some issues on new operations. I'm not advocating that every new operation go through an environmental assessment process, but would there be some merit in saying, "Let's just pick a couple of the new operations and let's run a full EA on them, just to see"? Would it answer some of the questions and help make it easier down the road to understand a new operation, if we picked a couple of examples and said, "We're going to run it through a full EA," to answer all those issues that you've raised there? Is there any merit in doing that, just to find out?

Ms Ryan: What we would be more interested in is that there would just be the ability, I think more for societal assurance, to be assured that that operation has taken into account all those things. So when they go through the planning, currently it doesn't raise any other red flags as an agricultural operation; regardless of size, it's treated the same. I think there's some concern from society's point of view that all those other things haven't been taken into account that potentially, if you were changing zoning from agriculture to something else, whether it's a golf course or industrial, would need to be done when you do that. So from a societal assurance point of view it may not, in effect, change the operation in any significant way but it would prove that they have taken into account all of those things. What we're saying as well is that a nutrient management plan, regardless of size, needs to take into account the specific environmental resources on that property. Obviously, whether they are submitted to an authority for approval is something totally different, and that seems to be something that's being proposed as size-dependent. I think an EA perhaps is a little more intensive than an environmental impact study or something along that line.

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The Chair: I'll now go to the Conservatives.

Mr Galt: Thank you for a rather interesting presentation. You may be pointing out a problem or hole, or whatever you want to call it, in the bill. The intent, of course, is this is a major step in Operation Clean Water for the province and it's all about ensuring clean water.

I'm wondering, should your area of concern be addressed further in the bill—because it's an enabling bill—should it be addressed further in regulation or should it be a flag up for those who are approving nutrient management plans down the road? Have you thought through where this should be appearing? We're out after first reading, which is more like what you might call a white paper, a government position, but we're still reasonably flexible looking at this. I don't disagree with what you've said. I just want to know how to take this back. Is that a fair question?

Ms Ryan: It's a very fair question. Personally, I'm not sure I have thought that through. I know that in our office we have individuals who do look at nutrient management plans that are submitted through our program, and then they go on to OMAFRA. I know that one of the issues is potentially, just at that scale, as you said, to raise that red flag that those need to be in there. I guess it depends on where you want to ensure that that gets covered, whether it's in the bill or in the regulations themselves. I think at the regulations level you could probably have that in as well. But it would probably be, the level of assurance, that you wanted it pointed out for both the public and those utilizing it as to where it gets placed.

Mr Galt: It's always a struggle to know what to have in the bill and what to have in regulation. Anyway, your point is well taken.

The Chair: Thank you, Ms Ryan. We appreciate GRCA making a presentation to this committee.

AGCARE

The Chair: I would ask our next delegation to come forward, AGCare. Welcome. We would ask you to give us your name for Hansard. Please proceed. We have 15 minutes including comments and questions.

Ms Mary Lou Garr: Thank you, Mr Chair. I'm not Fred Wagner. My name is Mary Lou Garr. Fred had a bit of a medical problem this morning and I'm taking his spot. I am first vice-chair of AGCare. We're happy to have this opportunity to comment on Bill 81. I think you have in front of you our very short brief.

Just to give you a bit of background, AGCare is a coalition of field crop and horticultural producers. We represent 40,000 producers in that 16-member coalition. We've been around for many years basically trying to provide science-based information from the farm perspective to the public to contribute to a greater understanding of what we do on the farm and how technology contributes to the environmentally sustainable food supply that people have.

We were part of the development of several initiatives; the environmental farm plan, for one, which is a form of environmental assessment on the farm. I'm sure you've had background information about that. On my farm I look at 200 points at which my farm can impact the environment. I think that's a pretty good self-analysis of my operation.

We also were part of the Ontario pesticide education program, under which every person applying pesticides now is certified to do so through taking a course and, most recently, an obsolete pesticide collections program.

We are one of the four steering committee members of OFEC and have been working on nutrient management since 1997. We've been part of all the consultations that have taken place and we are happy to be part of this one. We hope that these consultations continue, because it's absolutely crucial that as this is developed into final regulations you do consult with those us who are the primary stakeholders in this.

From our perspective, though, I can only address crop issues. Some of our members are livestock producers, but our representation is just on crop issues, so in that sense we are the consumers of these nutrients. We look at it from our use of manure. We provide a market for many livestock operators to use the manure in our cash crop operations, and we also put a lot of commercial fertilizer on. As users of commercial fertilizer and manure, we will be drawn into this nutrient management planning, probably in the later stages of the phase-in period, although some of our cash crop producers will be drawn in early because they do use manure from, for example, hog operations. So when the hog operation does a nutrient management plan and accounts for the final use of that manure, if I'm taking it on my cash crop, I will be doing a nutrient management plan as well to explain where I use that so that you can follow it through.

We believe that nutrient management planning is important and environmentally sound agricultural production. We use fertilizer, we use manure, and we are also the users of much of the biosolids that are produced in this province, as cash crop producers. That includes sewage sludge and things such as paper waste. We believe that there need to be clear and consistent standards throughout Ontario, and we are supportive of that.

We also believe it's extremely important that this provincial regulation take precedence over municipal bylaws. I know you've heard this before from other groups, but we believe that we need to have consistency across this province. I'll give you one example. I farm in the municipality of Grimsby. Grimsby has a no-firearms-discharge bylaw, which applies across the board in Grimsby; however, we are right on the boundary of another municipality which has a hunting season. So when the hunting season comes, the deer of course all come over on our side of the boundary and we end up with all the crop damage. It's just a tiny example of what can happen when one municipality has a bylaw different from another. We as farmers are all marketing into the same system, so economically, in terms of fairness, we would like to see the provincial legislation take precedence over individual municipal bylaws.

It's essential, however, that all nutrient generators are treated equitably under the act with the same levels of stewardship expected of municipal sewage treatment plants and other industry generators of land-applied materials.

As you develop the regulations and guidelines, we hope that you will develop them looking at the impact they're going to have on Ontario's farm community and hope that you will continue to do what you're doing here, which is consult. If you go back in history, with all the other acts that have been developed—many of the acts developed for agriculture—and I'll use the grower pesticide safety act. That was developed in full collaboration with OMAFRA and with the Ministry of the Environment. In fact, I still sit on committees for grower pesticide safety that include Ministry of the Environment and OMAFRA people and farmers. The reason that was

successful was because you did have farmers there right from the very beginning. When it was time for every farmer in Ontario to be certified to apply pesticides, there was buy-in for that because the farm community had been part of developing it. Then we moved on to pesticide recycling, and you have full co-operation from the farm community on that, and now we have obsolete pesticide collections.

So we have a past history in agriculture of working with government agencies which I see this is the start of. We would hope that as you develop the regulations you might do the same. I know very often regulations are developed by government separate from the stakeholders, but I think it's important in this case, where it's so crucial that agriculture buy into this process, that you take the time to bring agriculture along with you and to allow us to have input as you develop these regulations.

We hope that it will be based on science-based requirements, because there are significant research gaps. I can't address specifics and I hope you don't ask me to. But I know our horticultural members on AGCare are very concerned about whether or not there is enough research into nutrient levels that are needed for crops, as opposed to just looking at a cut-off point: you can only use so much nitrogen on a crop. I hear the example used of cabbage. Apparently, with cabbage you will see results from added nitrogen no matter how much you put on, so someone at some point is going to say, "Here's your cut-off point as a cabbage producer. You cannot use over this amount of nitrogen." There has to be more research to determine where that cut-off point is, because what you're saying to that grower is, "You'll have to accept less economic return by having smaller cabbages and using less nitrogen."

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That's one example. The horticultural people feel, and you may have already heard from the fruit and vegetable growers, that there is a need for much more research. We would hope that would be done.

One key area we believe still needs to be addressed, or at least formalized, is some way of financially assisting farmers to meet the needs of this legislation. Because the benefits of this are going to be shared by broader society, at AGCare we believe that some of the costs of this should be shared as well with that broader society. I know you've heard from other groups about the economics in the farm community and I know you're well aware of it. It's just a difficult time for farmers to be putting out major amounts of money to implement some of these without any return. Building a manure storage is a very good thing to do and we all know it's a very good thing to do, but if it costs \$80,000 and it doesn't return one penny to my operation, then I really have to find a way to do that. We think if broader society believes this is a good thing to do, there should be some commitment from broader society to share in those costs.

The final point is that the legislation as it's written now does not identify a lead ministry to carry this act forward. We believe that it should be the Ministry of

Agriculture, Food and Rural Affairs. We believe, and I'm sure you've heard from others, that there should be a dedicated unit within OMAFRA which includes the Ministry of the Environment staff so that dedicated unit could look at farming and the peculiarities around farming, and could look at the sites. I farm in Niagara, so my situation is very different from someone who farms in Lambton county and is surrounded by nothing but farms. We believe that a unit within OMAFRA that certainly has the Ministry of the Environment there would be the best way to handle this legislation. These local advisory committees are pretty crucial as well, so that I as a farmer know that whoever is looking at the situation understands agriculture in my area.

That Ministry of the Environment person still has the ability in the end to lay a charge. If a farmer is doing something that contravenes the Ontario Water Resources Act or the Fisheries Act, the Ministry of the Environment person still has the ability to lay a charge. Many of the cases that will be surfacing as problems are not going to be cases that need charges. They're going to be cases of management: the cash crop farmer who is spreading manure beside his neighbour who is having a barbecue that night in the backyard, that sort of thing. So having the Ministry of Agriculture as lead is absolutely crucial.

Thank you very much for this opportunity. I'm prepared to answer questions.

The Chair: We have two minutes for each party for questions. I would now begin with the NDP.

Mr Tony Martin (Sault Ste Marie): Good morning and thanks for coming. The one issue you raised that I think at the end of the day is probably going to be one of the more crucial elements in this is the question of who pays for the implementation of the regulations. That's always the kicker at the end. You can put as many regulations in place as you want, but if you don't have the money to actually help those people who are being asked to work with you, then it becomes very, very difficult.

There's no doubt that there is money in the food industry. It's just not working its way back into the pockets of the farmers in the way that at one time it did and, as I think some of us suggest, it should. When you say that the cost should be borne by more than just the farmer, could you elaborate on that a bit and maybe talk to me a bit about it? Should it be something we put on the tax base or should it be something that is levied somehow—and I don't know how you do it; I don't have any answers to that—to others up the chain that in fact are making some pretty good money in the food industry?

Ms Garr: I think it should be the broader tax base, because that is the broader society that is benefiting from it, and those are the other players in your industry as well, the taxpayers of Ontario. There are some good programs—and I heard healthy futures mentioned before. The way healthy futures works is that it's a government-funded program, but then there's an advisory committee, on which I happen to sit, which consists of agricultural and industry representatives. We're the people who

advise the minister on the applications that come in and whether or not they should be funded. I think something like that would work. There's \$90 million in that program. I sometimes think even if you took that chunk of money and used it now for this, it could go a long way toward helping agriculture meet what they need to in this act.

But I think it should be that broader tax base. I don't know where you would levy it. We do not have a society that's willing to pay any more for food than they already do. I've accepted that as an agriculture producer. People are accustomed to an economical supply of food and that's what they expect, and we've been doing that for them for a very long time. So I don't think you're going to be able to recover it from the food industry specifically. I think the water resources of Ontario have a broad-based impact on everyone in this province, and I think that's where the funding should come from.

Ms Marilyn Mushinski (Scarborough Centre): I really appreciate your submission this morning. I'm not quite sure I'll ever look at cabbage in quite the same way. Do you think that government should subsidize major industries like the big, new, high-tech farm factories that are emerging as the new farming techniques in Ontario? Do you think we should be subsidizing them for being environmentally responsible?

Ms Garr: By "subsidizing," you're saying should we assist them with the cost of meeting the requirements of this act?

Ms Mushinski: My sense is that when you speak of responsibility for implementation costs, that's what you're referring to.

Ms Garr: I'm not sure in the end how decisions will be made. It might be something like the way healthy futures is administered, where you have decision-making by a committee, for example. I believe a farm is a farm. It can be a large farm or it can be a farm like ours, which is a family farm with our son farming now with my husband. They're both farms. But I think the very large operation that's spending several million dollars, many million dollars, on their operation, new, probably can afford to put in the manure management that's required for that.

What you're going to run into as time goes on is our farm, the family farm, that doesn't have the natural resources to meet these requirements. We've been farming in an environmentally responsible manner, but depending on what rules come out under these regulations, we may be in contravention of some of that and may be required to upgrade. It's going to be very difficult to do. If a larger operation needs assistance, then it should be just as eligible for assistance as a smaller operation.

Ms Mushinski: But you don't believe that it's sort of one size fits all; you think it should be subject to ability to pay?

Ms Garr: I'm not sure if that's what I've said.

Ms Mushinski: All right. I think I get your meaning.

Ms Garr: But I do think that most of the difficulty is going to be with the smaller operations. I think if you're

building a brand new operation, you do factor all the costs of the rules you have to meet with that operation into the cost of building that operation.

Mr Galt: I have just a quick couple of comments in connection with the phasing-in, just a couple of things that will come immediately, such as winter application and how that will occur around sensitive areas. You're concerned about consultations similar to pesticides. Yes, we're looking at it very similarly and have drawn some comparisons with the applications, particularly commercial applications. So consultations will be very extensive. I don't think there's any question there. As a matter of fact, we've consulted so much that I think people are tired of us consulting—"Get on with the bill"—and that's what we're doing right now.

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Your comment about cabbage is interesting. The concern we have is nitrogen getting into groundwater and surface water; how to get enough nitrogen there for the cabbage and at the same time not go through to the water. Anyway, thank you very much for your comments and your presentation.

Ms Garr: When I say "consultation," we do appreciate all the consultation you've done to date. I think more crucial consultation will come in developing the regulations, because those are the rules I'm going to have to follow on the farm. If that regulation says, "You cannot apply after October 10," and we have a really wet fall and my neighbour with a chicken barn whose manure I always take every year and whose nutrient management I will take—I don't have the storage to put it in. If I want to apply on October 12, I need that flexibility. I think the regulations can be developed with that flexibility.

Mr Galt: Absolutely.

The Chair: I will go to the Liberal Party.

Mr Peters: I wanted to make some comments on some earlier comments about, should government be there? I agree with you; I think government should be there. We've seen what's happened in the tobacco industry recently, where the government came through to help the tobacco industry with its conversion. Municipalities have been there receiving financial support to make those environmental improvements. Certainly we'll be supportive of that.

Ms Mushinski: Are you talking about the federal government?

Mr Peters: I'm not averse to going after the feds—maybe a Liberal.

You raised an interesting point on technical knowledge and research. I asked a question of an earlier presenter regarding biosolids, and I've had a response to that. You're talking the same way. Who should take the lead to try and keep it, from the public's perspective, non-partisan? It's not one specific group. To have this technical knowledge and to do the research, who should be taking the lead within that area?

Ms Garr: You already have a committee in Ontario called the Biosolids Utilization Committee. I'm not totally familiar with it but I know—

Mr Peters: I'm not talking biosolids. You raised in your presentation the need for research and having technical knowledge. I'm not speaking biosolids, but from your perspective and to understand things, who should be taking that lead?

Ms Garr: I think when it's agronomic issues, it should be OMAFRA that takes that lead.

If I can go back for a second to your comment about the federal government and that you're not averse to going after them, do you know what I as a farmer would love to see happen in this world? I would love to see some federal-provincial agreements. On this one, wouldn't this be a good way to do it? We have lakes that are a federal responsibility; we have conservation authorities that are Ontario's. I would like to see two Ministers of Agriculture pick up the phone and talk to one another and say, "Can we work together on this? Can we develop federal-provincial funding programs for farmers in Ontario?"

We are trying to develop an environmental farm plan country-wide, and it's becoming a bit of a quagmire because we have this division. But do you know what? As a farmer I don't see that division. I have a federal government and I have a provincial government, and I think the Minister of Agriculture in both of them should be concerned about me as a farmer, whatever party they belong to. I think when you're talking funding and money, we could do great things if we looked at both sources of money, but it's a matter of finding a way to co-operate and do that.

There are examples of fed-prov agreements. Maybe this is one that could work.

The Chair: On that note, I appreciate your submission on behalf of AGCare. Thank you.

HALDIMAND NORFOLK PORK PRODUCERS

The Chair: We now call forward the Haldimand Norfolk Pork Producers. I see my neighbour in the audience. Gentlemen, we would ask you for the purposes of Hansard to identify yourselves, and then we have 15 minutes and hopefully a minute or two for comments or questions from the parties represented.

Mr Ed Van Den Elsen: My name is Ed Van Den Elsen. I'm the president of the Haldimand Norfolk Pork Producers. Beside me is Bill Heeg, a fellow producer.

To begin with, I thank you for allowing us the opportunity to speak to these consultations. I'd like to start off by saying that we are very much in favour of the legislation because we realize we need a really clear set of rules to cover the entire problem. There's too much discrepancy at this time between one county or area and the other.

There are three points that I was just going to elaborate on, the first one being conflict resolution through community environmental response teams, or CERTs; second, being left at a competitive disadvantage; and third, protection from harassment.

Point 1, conflict resolution through community environmental response teams. When contentious issues arise, Ontario Pork recommends the use of community environmental response teams. Teams would be composed of diversified memberships reflective of the local area, which include livestock producers and municipal councillors designed to respond immediately to concerns. These CERTs would assess the situation and make recommendations regarding nutrient management within a 48-hour time frame. Members of CERTs would be required to complete an initial training program in mediation as well as receive a brief technical overview on the science of nutrient management.

Establishment through the Ministry of Agriculture, Food and Rural Affairs and the Ministry of the Environment: a CERT member acts in the capacity of mediator or as liaison between farmers and township, building relationships and facilitating open and transparent resolutions of issues. CERTs have a record of consistently developing effective and successful resolutions to conflicts in areas where nutrient management plans are already in place, basically in Huron and Perth counties.

Point 2, being left at a competitive disadvantage. The previous speaker brought up most of the concerns that I'm going to elaborate on too. We hope that today's government recognizes the benefit of the industry to the province and the local economy. It wouldn't be fair to have the producers carry the entire cost of the environmental industry's investments. If neighbouring provinces and US states had more lax environmental rules, it would put us with our costs of production being higher than theirs because there is no way of picking up the extra cost through the marketplace. We're all based on prices coming out of Chicago. We would hope that today's government recognizes that the benefits of these investments are for all society and would design an appropriate program to partner with us to move the agriculture industry forward.

Point 3, protection from harassment. When the nutrient management plan is submitted, we're just a little bit leery about it being made a public document viewed by everybody. It could be used as a tool for, let's say, rural residents who are non-farmers to harass with. If they view the document and see discretionary moves from the paper to what they're doing—let's say putting manure on a corn field instead of what they said they were putting it on, wheat stubble, for example—and having to bring out the Ministry of the Environment or a CERT team to investigate why this was done, it could make the right-to-farm legislation weaker or not have the same powers as it had before.

In conclusion, I just hope this brings to light some of the concerns felt by local farmers in this area. Again, I would like to thank you for the opportunity to address the consultation group here.

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The Chair: We have a couple of minutes for questions. We now commence with the PCs.

Mr Galt: You're concerned about harassment protection. Could you include MPPs in that grouping as well? We'd look forward to the same protection. I'm teasing, of course.

Your points are very well taken. You don't want the nutrient management plan made public in detail. Are you comfortable that it be known that there is a nutrient management plan, that it may have information to a certain level?

Mr Van Den Elsen: Yes. I think that's a fine line: where do you cut off who gets to view it and who doesn't? I think under normal circumstances it's a good thing to be a public document. But as I was saying, it could be used as a tool. I'm sure there are a lot of people out in the country who probably would prefer not to have the hog farmer beside them—maybe disappear. I think we all, probably at some time, when manure is being spread, know what it can be like.

Mr Galt: We may have to smell it for a few days, but we shouldn't have to smell it for 365 days.

Mr Van Den Elsen: No.

The Chair: Ms Mushinski?

Ms Mushinski: Yes, just really one question following up on Dr Galt's question regarding protection from harassment. I would take it from your comments that you would regard this particular legislation as providing among what would be the higher standards of nutrient management. The reason I say that is that you expressed some concern with neighbouring jurisdictions like the United States or other provinces.

My question really has to deal with how we ensure that in making sure you meet those highest standards, you're not going to face ruin because surrounding jurisdictions that have lower standards and can therefore charge lower prices end up actually punishing those who are required to provide nutrient management. Is that your main—

Mr Van Den Elsen: Yes, that's the point I'm trying to make.

Ms Mushinski: When you talk about conflict resolution, you would like to see some kind of perhaps cross-border agreement or at least—

Mr Van Den Elsen: Oh, no, sorry. I was meaning that more in a financial position than with harassment.

Ms Mushinski: OK, so it gets back to what the previous speaker was saying in terms of ensuring that government, either through tax incentives or some kind of federal-provincial agreement, can make sure that the farming community doesn't get stuck with the bill.

Mr Van Den Elsen: Yes, more or less. I know it's a touchy issue, who should be paying for it, and I'm not going to sit here and propose that I have the answers to that. But in the same breath, I don't know whether it would be fair to download the entire costs on increased manure storage. I know personally, when I set up, 210 days was the minimum storage capacity that was needed and it continues to be increased as time goes on.

When it's all said and done, a lot of the existing operations are going to have to have a cash layout to continue to farm under this legislation.

The Chair: Now to the Liberals.

Mr Peters: I want to go back to your first point of the CERT committees. These committees, in my opinion, are going to play a really important role, probably as important as the enforcement, having those people on the ground to try and resolve complaints before they have to go beyond. You talked about harassment, and I don't want to blame any one individual, but let's talk about rural non-farmers. You see quite a move to rural Ontario right now, or there has been. You talked about the importance of municipal politicians being on the CERT committees, the importance of the different producers and their respective organizations being there. What's your thought on having a rural non-farm person or persons on that committee? You talked about the importance of educating everybody and making sure they're well trained. But what do you think of having that rural non-farmer on that committee to maybe bring a different perspective?

Mr Van Den Elsen: I don't see anything wrong with that. It would work both ways. They may also be educated the other way on the different scenarios that will come up from different farms and that. I think diversification is the main thing that you want on this committee. I don't think you want it all municipal politicians or all farmers, because they're basically referees and are going to have to find common ground between the two parties.

Mr Martin: I don't think anybody disagrees that we need to meet higher standards and protect the environment and water and that kind of thing. I don't think anybody disagrees that we need to support the farming industry in our province. It's crucial to any economy that we'll have and also to our ability to feed ourselves. The question, though, at the end of the day is going to come down to in many ways how much this is going to cost and who is going to pay for it. You raise an interesting piece of that, and I can relate to it because I come from Sault Ste Marie, where our major industry right now, Algoma Steel, is in some difficulty.

It's a resource-based industry that is in difficulty at the moment, just as farming is. It's a question of, as we adjust to the new realities of trade and how business is done, can we survive? You mentioned the competitive nature of farming. If we as a government put an extra cost on you to meet some regulation that we put in place, it makes it difficult for you to compete. If the government comes in and helps out with that by providing a subsidy or whatever to the tax base, it may in fact attract countervailing action by another jurisdiction. In farming, is that a huge problem?

Earlier it was mentioned that the federal and provincial governments should get together perhaps and be helpful here, and I don't disagree. But in your experience and knowledge of your industry, and I don't pretend for a second to know it as well as you do, would that kind of support in trying to meet these regulations attract that kind of countervail duty from the US?

Mr Van Den Elsen: I don't know. Bill, would you know?

Mr Bill Heeg: It would be an infrastructure type of grant, first of all. It's not a direct subsidy for production. Those things have always been a little bit different than direct subsidies. So, yes, that is a touchy issue. We'd have to design it in such a way that it wouldn't be countervailable. I don't know. I can't really say at this point what would happen.

Mr Van Den Elsen: All I can add is that as hog farmers we don't want to go back to that again, where we're being countervailed. We've been there, done that and we don't want to do that again. I guess all that can be found out ahead of time, before that decision is made.

1150

Mr Heeg: If I might just make a comment about that, last year I had the opportunity to go to Quebec and we visited a few farms there. We visited a dairy farmer in particular. He had just finished building a new manure pit with solid concrete all the way around and a concrete floor as well, and 90% of it was paid for by the provincial government through some sort of grant scheme they had going. We left that farm thinking, "Wow, how can we compete with that?" Concrete is \$120 a cubic metre. You're talking a \$50,000, \$60,000, \$70,000 investment in that.

He had manure storage then for a year. If that's what we want, if we want all pork producers or cattle producers or whatever to have manure storage for a year so we can comply with this new act—I think most of us have—is it 240, Ed, right now?

Mr Van Den Elsen: I'm at 210.

Mr Heeg: You see what I mean? We have to make some major investments here. Some 90% of the pork in this province is produced by family farms, not corporations. How are we going to come up with that money all of a sudden when we're still in a global marketplace for our end product? So it is a concern.

Mr Martin: Do I have time for one more question?

The Chair: Certainly, Mr Martin.

Mr Martin: You're suggesting, then, that if you're going to be able to compete, and we can find a lot of the money to bring us up to the standards that we know we need if we're going to protect the public in terms of water, for example, the government should be kicking in a fair chunk of that and it should be done through some form of taxation?

Mr Heeg: The previous speaker talked about that as well, who should pay. All of society benefits from guaranteed clean water. I don't know how else you would do that fairly other than to have the general taxpayer, via the provincial government or in partnership with the feds, pay for something like this, yes.

The Chair: Mr Heeg and Mr Van Den Elsen, thank you for the delegation on behalf of the pork producers.

ANDREW WILSON

The Chair: From our agenda we have a final delegation this morning. Is Andrew Wilson present? On our

schedule, presentations from individuals have 10 minutes.

Mr Andrew Wilson: I would just like to thank you for giving me this opportunity to speak today. My name is Andrew Wilson. I live north of Milton. I'm a cow-calf producer. I have currently 70 cows and feed roughly 200 head of cattle a year.

A lot of the ideas that was going to present to this group have already been brought up. There are a few here that I would like to stress and go through.

The overall point about farmers being very aware of the environment and very conscientious is pretty much shown with how the environmental farm plan has been received in the farm community. I think farmers are willing to make changes and are adaptive. That's very important when we're looking at these issues.

Getting down into the nutrient management part, I guess as a whole I am fairly opposed to the idea of the Ministry of the Environment becoming involved in the enforcement of the act. Part of this comes from the fact that I'm part of an Ontario feeder finance committee. This is a feeder co-operative that has a loan guarantee program for cattle producers. One of the things we do is lend money to farmers. We send supervisors out to check that the cattle are on the farms and are being looked after properly. This program is in about its 10th year of operation in Ontario. When we first started sending supervisors out to look at the farms, to see what was going on, making those visits, the farmers weren't really too interested. It took them a while to get used to the idea of somebody coming and checking on the cattle. I think this is going to be a major problem when the Ministry of the Environment wants to go on these farms and enforce this act.

My total opinion is that if this doesn't work, we're into problems. If farmers aren't willing to accept this, then it's not going to work. There's got to be a two-way street and we've got to work together. I see that as being a major block for farmers, having the ministry. I think OMAFRA should be the lead and they should carry the enforcement side too.

I am very pleased to see that the bylaws will supersede any municipal bylaws. I think it's very important to give somebody in western Ontario the opportunity to do the same things that somebody in eastern Ontario can do. It gets away from municipal politicians being able to run on a "get rid of hogs" or "get rid of cattle" basis.

Another issue I'd like to see looked at is the animal units. That was an issue that was brought up 10, 15 years ago or maybe even before that, when we were doing the distances for creating these barns. It's all based on smell; it's nothing about nutrients and what each animal produces. I think the units have to be based on how much nutrient come out of that animal and what that can grow. It's got to be tied into how many cows it takes to grow an acre of corn, how many pigs it takes to grow an acre of corn and so on.

Another issue that has to be looked at, in the cow industry especially, is the fact that in the cow-calf

industry, probably right now the average is six months on pasture. To have 240 days of manure storage doesn't make sense. We're even going further than that. There are a lot of farmers who are pushing nine to 10 months on pasture. There's no sense to bringing in bylaws that say we need 240 days. Why?

I'd like to keep this short, so I'd just like to wrap it up by saying that I know no one has the right to pollute. I feel very strongly about that. Some things we've done on our farm are creating grass waterways, fencing all cattle out of streams and doing as much as we can afford at the time. We do little bits every year, but we don't have the cash flow or the ability to come in and make wide sweeping changes all at once. Another issue with that would be that we do need support.

I tend to think that if society has made a decision—and zero tolerance is a pretty harsh statement—if society puts this up on their list of what's important, then I think society should come along and be a stakeholder and pull along with the financial burden of these projects.

The Chair: We will now begin with the Liberals. Mr Peters, any questions or comments?

Mr Peters: Thanks, Andrew. I think it's important that we hear from individuals as well as organizations. Many times you can bring a different perspective to it.

It was interesting listening to you talk about the 240 days. I'm learning more about the Line Fences Act. I didn't know a lot about it, but I'm learning all about it and some of the problems that exist out there. I was touring an operation yesterday afternoon, and it was interesting. I looked at the cement pad that he had there for his manure and I said, "How much will that hold?" "Three months." So you start looking at those pads, adding so many more, and almost quadrupling it and covering a lot of ground.

It was interesting, when I talked to him, he was telling me that he actually sells 80% of the manure that his cows produce. There is a company that comes in and buys his manure and it is then transported someplace else. How common is that in your industry? For example, for him to have 240 days' or 365 days' storage just doesn't make any sense at all when either (a) they are out in pasture right now or (b) 80% of that manure is being sold. Are there a lot of people like him? What is your opinion? Do we put the boots to somebody like that and say, "We don't care what you do, you're going to have 240 or 365 days' storage"?

1200

Mr Wilson: Obviously, no, you don't put the boots to that person, because he's got a manure management plan. He's selling his manure, right? That's his plan. His plan is to sell it, and I guess what you want is to make sure that he has a good, sound contract for the manure. For me, no, I do not sell any manure, because it's too valuable to me. I use it to grow crops and I wouldn't even think of selling it. Does it happen around me? Yes, it does happen around me. You get poultry farms—we have quite a few in Halton county and we also have a couple of mushroom factories—and they will come in and

purchase or take away the manure for free or pay you for it. I'm not up on those types of contracts but I do know it occurs, and it occurs quite a bit in Halton county with poultry producers.

You've also got to look at the value of the manure to yourself. I don't think they're willing to pay me what I think it's worth.

The Chair: Mr Martin, any questions or comments?

Mr Martin: Just on the comment you made. I wanted to follow up on this being overseen by OMAFRA as opposed to the Ministry of the Environment. You don't think that perhaps OMAFRA—two points on that one—might have a conflict of interest in that they've got a whole lot of other things they need to do to try to support the farming industry and farmers, where the Ministry of the Environment—and the second point—not only concerns itself about farming but is concerned about the whole of the province and making sure that everybody's needs and concerns are dealt with.

Mr Wilson: OK. I'll answer this by just saying, take a look at meat inspection. OMAFRA does that. Tell me it's not in the farmer's best interests to have as many plants going as possible. And they've been doing this for I don't know how long. So they're going in and inspecting these plants and they have no problem; they will shut down plants and they have shut down plants.

So saying that OMAFRA wouldn't do as good a job as the Ministry of the Environment would do, I cannot see that. If you look at the things they've had to inspect in the past—and they've done a very good job when you take a look at meat inspection—and that's a self-interest for the farmer, because the more meat packers we have in Ontario, the more people we have to sell our cattle or hogs to. When you look at what they've done there, we've got some of the highest standards in the world. If they're able to run that and keep it separate from their other goal of helping farmers and becoming better farmers and are increasing production, I think they can do this without a problem.

If we're putting in the Ministry of the Environment for a perception reason so that the other side, maybe the environmentalists, feels that their side is getting dealt with, I think that's the wrong reason for doing it. We've got to get over that and we've got to deal with reality and not worry about perception. This is too important to get caught up in perception.

Mr Martin: The other point you raised in your presentation of course was the question of cost and who should bear that cost. I don't think anybody who's in the industry or close to it or reading the newspapers these days doesn't understand the pressure that's on farmers and the challenges out there with weather and everything else. But there is a part of the food industry that is still, regardless, making some pretty significant money: the distribution systems, the grocery store operations and those kinds of things.

Do you think they should bear any extra burden? If they're making the money, should they be in some way—and how do you do it—perhaps carrying some of

the cost of these new regulations if and when they come into effect?

Mr Wilson: It's just like a tax, then. You're talking about a tax, are you not?

Mr Martin: That's what I'm asking you.

Mr Wilson: That would be my opinion. At some point in time someone is going to pay for this, and whether we put it on the grocery store—where is that going to come from? That's just going to get passed down to the consumer, right? Because it doesn't matter. If you put a 10-cent thing on all the products they sell, they're just going to pass it on. Do you think that's going to come out of their profits?

The Chair: Thank you. I now go to the PCs.

Mrs Julia Munro (York North): You raised a couple of questions that are issues I would just like to come back to. The question of the possibility of the Ministry of the Environment enforcing the act: we heard earlier from one of the other submissions that perhaps there should be a dedicated unit within OMAFRA. I just wondered if, first of all, that is the kind of vision you have in making the suggestion here today.

Mr Wilson: Yes.

Mrs Munro: The second thing: I'd appreciate that from the point of view of the producer, but I wondered if you had any ideas about the concerns that others might have, particularly with regard to the non-agricultural components of nutrient management. I can appreciate the concern you have of the sensitivity of those people who are agricultural specialists who would come in and look at your operation from that standpoint. But my concern beyond that particular area is, what about the question of the bigger picture of nutrient management and those non-agricultural uses? Can you see an issue in terms of leaving it with OMAFRA?

Mr Wilson: When you say "non-agricultural uses," you're talking—

Mrs Munro: Components, I guess, is really better, not uses.

Mr Wilson: The components. Could you define that? You're talking about—

Mrs Munro: I'm thinking in terms of municipal septage and things like this, and when you use the example of meat inspectors, obviously we can all follow that logic. My concern is that when we start talking about municipal septage, we talk about biosolids and things that are non-agriculturally based, do we get into a problem then if we are speaking specifically about OMAFRA?

Mr Wilson: I think OMAFRA should be involved in anything that's spread on fields and used to grow a crop. I don't know where you would cut the line, from where the ministry is involved to—is it when that truck leaves the gate of the producers of the stock? But I feel that as soon as it starts being spread on agricultural land, it should be the Ministry of Agriculture, Food and Rural Affairs. When you get other people overlapping, I don't think that works. It's got to be one group and that's it and they handle everything. It's the Ministry of Agriculture, Food and Rural Affairs that should be handling this.

Mrs Munro: One other question. I thought your point about the need to re-examine the definitions of animal units was a particularly helpful suggestion and it comes back to the issue you mentioned a moment ago in the earlier question, when you gave the example of the use of, for instance, cattle; you know, for a farmer it's too valuable, whereas obviously with poultry there might be a different kind of management need there. I just wondered if you'd care to comment any further on where you'd like to see the animal unit definitions go.

Mr Wilson: The animal unit has to be tied into science. Right now it's based on odour. Well, what's that? There's no science behind it, and if you go and tell somebody what an animal unit is, you're not saying anything that means anything to them. I think it's got to be tied into, "OK, this animal produces so many nutrients. It'll grow so many acres of corn," or "You need 50 pigs to grow an acre of corn, so you need so many acres to cover that bar," and it's the same thing with cows. Every animal is fed differently and their manure is totally different. It's just night and day to the value of the manure that's being spread on the fields.

The Chair: Mr Wilson, thank you very much for coming before this committee.

We'll now take a break and hearings will commence at 1 o'clock.

Mr Galt: On a point of order, Mr Chair: If I may, I'd like to compliment you, if you're responsible for having this committee operate today under all these blue lights. I'm sure Mr Peters noticed that the blue and the red—

Mr Peters: No, the reds are in the background.

Mr Galt: The blues to reds are five to one.

The Chair: Do I unscrew those two red ones or put in some yellow or orange lights?

At 1 o'clock, the Haldimand Federation of Agriculture.

The committee recessed from 1212 to 1314.

HALDIMAND FEDERATION OF AGRICULTURE

The Chair: I wish to welcome everyone back from our break. It just reinforces the importance of food in the province of Ontario. I knew, sitting across from Mr Bingelman, that it was kind of a Mexican standoff: who's going to leave first? But it is a challenge for a small restaurant to get the orders out on time.

We wish to reconvene the agenda of this standing committee on justice and social policy for this afternoon. We're hearing delegations with respect to Bill 81.

Our first order of business is a deputation from the Haldimand Federation of Agriculture. I'll ask Mr Bingelman to present his name. There is a spelling error on the agenda. If you wish to proceed, we have 15 minutes, sir.

Mr Keith Bingelman: My name is Keith Bingelman. I'd like to thank the committee for coming to Haldimand. As long as I've been alive, I don't think we've ever had a committee of any government come into Haldimand, so we appreciate your taking the time.

On September 10 we had an executive meeting and we went over some of our comments on the Nutrient Management Act. We had a little bit of a tough time dealing with this. One thing we had was that there were no regulations that came down with it, so that made it tough to discuss.

While in general agreement with the intent of the act, we are concerned about the potential impact on many smaller farms. The following are some reservations that were highlighted at the meeting:

(1) Ongoing consultations with the farm community must be an integral part of the development of the standards.

(2) While agreeing with the need for standards and regulations, there also needs to be enough flexibility to make them practical, workable and enforceable. They must take into account a large number of variables, including among others classes of livestock; size of operation; soil type, geology and hydrogeology of the area; and cropping practices.

(3) Soil sampling and analysis should be done by an independent government agency.

(4) We strongly urge the lead ministry in administering the act be the Ministry of Agriculture, Food and Rural Affairs.

(5) We recommend that funding be made available for the training of farmers who must meet more stringent operational standards.

(6) We recommend that adequate funds be set aside to make grants and/or low-interest loans to existing farm operations in order for them to meet higher technical and environmental standards.

(7) We urge government to undertake and/or sponsor ongoing research in enhanced and more environment-friendly farm practices.

That is my submission.

The Chair: Thank you, Mr Bingelman, for that succinct presentation on behalf of the Haldimand federation. In keeping with protocol, we will have comments and questions from all three parties if they so desire. In rotation we would now begin with the NDP.

Mr Martin: I appreciate your comment early on in your presentation about the lack of regulation present, because ultimately we all know that's what comes around to bite you eventually and to make this bill useful or not. How important do you and your group think it is that we see regulation as quickly as possible, and do you think we should have the regulation on the table before we actually pass the bill?

Mr Bingelman: I think you absolutely should have regulations on the table before you pass the bill. The farmers need to know what guidelines they're going to use, whether they're going to be building or doing construction and what it's going to cost them, so they can make comments. It's kind of unfair. I read over the bill last night, and it is really unfair to the farmers in this community that we don't know what is coming down. We know there are rules, but how bad or how tough are

they? We would like to have the rules so we can discuss with each other and make our plans for the future.

It's kind of like you going out and telling your architect to build you a new house. He says, "Fine. Give me a blank cheque and I'll build you a new house." I could go and build you a new house for \$250,000 but you might only want a house that's \$150,000 in value. We need something to go along with so we can guide ourselves. It's important to have the standards there.

1320

Mr Martin: The other point you make, which was made this morning in the presentations that I heard, was the concern that's out there with regard to the cost to farmers of the implementation of these rules and regulations. I don't think anybody disagrees that there's some enhancement or toughening up of guidelines and regulations that's required if we're going to have a sustainable environment and industry. But if we're going to move to a place where we're all comfortable and confident that in fact we have some protection, it's going to be expensive; I don't think anybody is fooling themselves to think that it's not. Where do you think that money should come from to cover the cost of that?

Mr Bingelman: What do you mean, where should it come from?

Mr Martin: Should it be the farmer, should it be the industry as a whole that distributes food and sells it or should it come from the tax base?

Mr Bingelman: The farmers would have no problem paying for this, but we have one problem: we don't get enough back to us for our products. How can we go out and spend \$100,000 on a new system when we're only making enough money to put food on the table? It makes it a really tough struggle.

I've got one farmer two miles away from me who has stray voltage coming into his barn. He has lost 10 head of cattle in the last year. I know his manure system is not up to par. He's had to go out and replace those 10 animals. Those 10 animals that are dead do not produce any manure and they also do not produce any income for him. He has had to take money that he could use to build this manure system or holding tank or whatever, but he now has to spend it to buy animals so he can generate income. Liabilities are coming from everywhere. Nobody wants to take any responsibility for this, but he is responsible for everything.

We would be more than glad, and farmers have demonstrated this time and time again, to pay for our environmental plans if we've got the money. If the money is coming to us from the products that we can sell and we can make a living out of that, fine, we can update. But when we don't have the money, how can we update?

The Chair: I'll go to the PCs.

Mr Galt: Thank you for your presentation. Just a couple of comments. You mentioned a concern about the small farm and when these regulations might start. The general intent is that the small farm is going to be five years down the road; the new ones are going to be very, very early.

This concern with the regulation is always there with every bill I've ever been involved in. One of the problems we have is that until the bill is passed, you don't have the authority to make the regulation. It's sort of the cart before the horse or whichever. There's no question that the consultation we've been doing and part of this will help with the development of those regulations and it's going to be ongoing. It isn't going to suddenly stop because a bill is passed. There was a comparison a little earlier having to do with the Pesticides Act, and we've often drawn that comparison to the applicators there and the applicators here.

The one thing that's come up here three times this morning concerns the general feeling I'm getting—and there's no question, when I was parliamentary assistant for the environment—that people aren't exactly happy with the flexibility, you might say, of the Ministry of the Environment inspectors. The question I have is, if you have the same segregated unit operating in one of the ministries and it has agrologists or agricultural engineers, that type of person in there, does it matter whether it's in environment or agriculture, as long as agriculture is doing the approvals of the original plan?

Mr Bingelman: We've always dealt with the Ministry of Agriculture. The plans have always come down to—we have somebody to relate back and forth with, to comment. The reaction of the Ministry of Agriculture was that they generally worked with the farmers, not to get them out of a mess that they could have prevented; they try to prevent it before it got to this problem. This is the reason why I would like to see this in the Ministry of Agriculture. We want to prevent this from getting to the Ministry of the Environment.

Mr Galt: Certainly the bill is all about prevention.

Mr Bingelman: The farmers are more than willing to work along with it but there are some issues here. This is kind of private territory and we would sort of like to keep it that way. It makes it tough. But I would like to see it come from the Ministry of Agriculture because they have usually had more liaison and it has been more of a preventive course rather than coming in and fining farmers and stuff.

One issue I can deal with: in Niagara we had a lot of chicken farmers and at one time, when we had agriculture representatives, the representative realized that the soil down there was being overlaid with the manure. He went to the farmers and told them that this was happening and he arranged with other farmers so that manure could go from one farm to another farm. This did not come from the Ministry of the Environment. It came from the Ministry of Agriculture and it came from our representative. This is the type of thing that we haven't got any more because the Ministry of Agriculture has been stripped. We haven't got anybody to go and talk to with any expertise, local.

Mr Peters: I just appreciate hearing that last point about not having anyone to go and talk to. I don't think you as a farmer can totally rely on technology. You do need that person to talk to. It's pretty obvious with this

piece of legislation in front of us here that you are going to need people to talk to, and it's going to be of utmost importance that those resources are put in place to make sure you do have somebody to go to.

Your point number 3 on "soil sampling and analysis," "an independent government agency": could you elaborate on what you mean by an independent government agency? Are you looking for another ministry to deal with this or is this an independent agency within OMAFRA that you're advocating?

Mr Bingelman: It's more or less in with OMAFRA that we're kind of indicating. There are independent labs out there. It makes it tough—I should get a little more clarification on this. It makes it tough on us to say that when we have labs coming in with different—who is qualified? I think what we're after is the qualifications. When I went to my agriculture representative, because I had done some soil testing here a while ago, he said, "This is who I recommend you send it to." It was an independent lab, but, "This is who we recommend," and that's probably what we're after here, recommendations of quality.

Mr Peters: I guess every hearing date we're going to hear some common themes. One of them today has been about ongoing research. You've raised it and it's been raised in a couple of other points and I think that relates back to your sampling issue.

My next question: I think important players, once this legislation and the regulations are put in place, are going to be the community committees, which are going to potentially intervene in conflicts. Who do you think should make up these committees? Should it just be politicians and producers, and perhaps some non-farm rural individuals on that committee as well?

1330

Mr Bingelman: That's getting into kind of a wide territory. We hadn't really looked into that. When we had our municipal elections, we were looking at an advisory committee here. I imagine we'll probably have some politicians on it.

Mr Peters: Do you think it would be good to have non-farm rural people on this committee, or would that cause a problem?

Mr Bingelman: Are you—

Mr Peters: I'm just thinking out loud.

Mr Bingelman: This advisory committee you're thinking of, where will they come into play?

Mr Peters: If there's a conflict that exists and a complaint arrives on somebody's doorstep, this committee is going to go out and try and act as mediators.

Mr Bingelman: Most of the groups that have been around now that are in this community have been strictly farmers. There may be the odd politician on it, but I think just strictly farmers themselves. If there happens to be a conflict, the person who is beside him is probably not going to be satisfied with our answer; it doesn't matter who you put on to it, even if you bring in people from the Ministry of the Environment. So I think you're going to have to be fair here. You have to watch for where

harassment comes, who is going to side in with what. Are we trying to farm or are we—

The Chair: Mr Peters, any more comments? OK.

Mr Bingelman, thank you for that presentation on behalf of the Haldimand Federation of Agriculture.

NORFOLK FEDERATION OF AGRICULTURE

The Chair: From our agenda, our next delegation is the Norfolk Federation of Agriculture, if you wish to approach the witness table. We have 15 minutes. We'll ask you to give us your names for the purposes of Hansard.

Mr Mike Strik: Mike Strik.

Mr Bauke Vogelzang: Bauke Vogelzang.

The Chair: Do you wish to proceed?

Mr Strik: Thank you. We're glad to have the opportunity to speak to the members here today with regard to the Nutrient Management Act. I would like to go over some statistics that I just read recently which deal with the amount of manure that's produced in the province. The statistics show that in 1998, there were 30.9 billion litres of manure produced, which is less than what was produced 10 years ago. We find that the amount produced by cattle and hogs declined significantly. We've had a small increase in poultry. When you add it all up, the amount of land that would be required to spread that manure in Ontario would amount to 3,000 litres or 700 gallons per acre. So that's not a whole lot when you look at it that way.

The problem is that things have intensified, where you have 20% of the farmers producing 67% of the manure produced. This is where the technological advances in agriculture have allowed farms to increase in size. But we have the other problem that it's also economically important to increase in size because of our declining returns.

I know the intent of the original bill included healthy water, to protect the water that we drink. This legislation right now just covers nutrients. Hopefully you will also consider some of the other pathogens and dangerous chemicals and even antibiotics that recent news reports have shown have been found in drinking water.

The problem that we see with the act right now, as has been mentioned, is the fact that the regulations are unknown at the present time. In Norfolk county, I would say the majority of the farmers have small-sized units. There might be the odd large unit, but on the whole it's a family-sized operation. We see the main concerns from this act as the regulations and the costs associated with it. It might put them at an economic disadvantage to the larger units that can spread the costs over a larger size operation.

I would like to point out that we have been proactive over the years with regard to the environment. We've had a healthy uptake on environmental farm plans. We also have been supportive of the nutrient management plans that the industry has promoted over the last number of

years when the province came to light with the intensified livestock operations and what to do with the manure.

I would like to go over some of the different parts in the Nutrient Management Act.

Again, it has been stated before that we would like to see the Ministry of Agriculture, Food and Rural Affairs be the lead. We feel that this ministry is a lot better to deal with farmers. They should know the problems and would be better equipped to provide solutions.

We would also like to see nutrient users other than farmers included. I'm thinking of golf courses and nurseries.

Also important is whether the government will study the economic impact that this legislation will have on agriculture.

In part II in the act, we would like to see nutrient management advisory committees and have OMAFRA inform the farmers of the standards and provide training for farmers, and also provide any financial assistance for incentives to upgrade their operations.

In part III, the enforcement system must have provisions for an appeal process.

In part IV, with regard to inspections and orders by provincial officers, it should be a provincial agency so it will be consistent across the province. Also, we want to make sure that these officers are aware of the biosecurity protocol. They need to be aware of that.

Part V of the act: again, we need a good appeal process.

Part VI, the enforcement: penalties should be levied but, again, we need an appeal process.

Part VII, delegating power: we are a bit concerned with these people having too much power. Also, we don't like to see fees being included for farmers to meet the standards. We do like the provincial aspect of administration over municipal administration. This is where we have the same protocol across the province.

Part VIII: we'd like to see any judgment referred to the Normal Farm Practices Protection Board. I'd also like to see some statement in there with regard to soil testing, manure testing and the testing of biosolids.

That concludes our report.

1340

The Chair: We have a couple of minutes for questions and rotation. We'll start with the Liberal Party.

Mr Peters: Gentlemen, thank very much for your presentation. I think it's important. One point you make that I think we need to give serious consideration to is the other nutrient users out there. I don't think it's fair to just point the finger at one segment and allow another segment to spread nutrients and not deal with that. I think that's something we, as this committee winds down, need to deal with.

Norfolk county: a lot of sand, different soil. Is this something we need to take into account as we tour around the province? In Norfolk we're going to see the sand. We're going to be in Chatham on Wednesday and it's going to be different down there. In eastern Ontario

it's going to be different. From your perspective, dealing with Norfolk county, is our soil type something we need to take into consideration when it comes to spreading nutrients?

Mr Strik: Yes, it is, and that's why I said we'd like to see soil tests. The different soils do have different capacities, different requirements and also the problem of leaching. This is where the Ministry of Agriculture, as has been stated before, has been lacking in research. We don't know what those capacities are. This is important especially if we do increase in size. The problem hasn't been in Norfolk—like I said, we're small units—but if we start getting larger units there will be different parameters to consider. So this is where soil testing is quite important. As well, in Norfolk in the sands, water testing probably should be included in that too. We have a baseline water testing program that the federation has out. It will give you the conditions of the water now and, if there's an operation that's added to or expanded, we can tell if changes have been made to the water by these tests.

Mr Vogelzang: Yes. We believe that not only the soil type but also other aspects—agriculture is changing drastically. The evolution is actually going faster and faster all the time. New things are coming on stream. Management practices are changing at an ever-increasing pace. So it's not only the soil types that we're dealing with but also the management practices and agricultural production. Nutrient uptake in the future may rise to the point where we say that the guidelines we started out with aren't adequate for the crops we are growing. We're looking at 200 bushels of corn now, and in time that may be 240 and 250 bushels. Therefore the need for nutrient application is going to increase, and I think the act needs to be flexible to allow for adaptations in that regard.

Mr Martin: You mentioned the change in administrative practices as a concern, and in your opening presentation you talked about farm intensification as being a problem or at least contributing to some of what we're seeing by way of environmental challenges. Your statistics indicate that the actual quantity of manure produced is less but you're saying it's produced on fewer operations. Is that what you're saying? Would you like to expand on that a bit?

Mr Strik: Yes; 20% of the farmers account for 67% of the manure produced. So there are fewer larger farms but the size of the farms is large. That's not only animal units; they also have increased acreage. In our nutrient management plans that we've been dealing with, a lot of these operations also increased their land base to look after spreading the manure.

Mr Martin: With that, what are you suggesting re this piece of legislation?

Mr Strik: Some concerns we'll be looking at, if you set limits on gallons per acre, say, are the arrangements with other farmers, and that's going to involve transportation of the manure. Also, these farmers will have to have plans for their fields. They have to have their soil

tested so they can determine the amount of manure that's applied to their fields.

Mr Martin: How much do you think this move to farm intensification and new management practices is the problem as opposed to anything else?

Mr Vogelzang: The implementation of the act? How much of a problem that will be?

Mr Martin: We're here because we have a problem out there with the management of waste and the impact it's having on water. How much of that is this issue of farm intensification as opposed to other things?

Mr Vogelzang: It's interesting that you phrase it that way, because we feel we are actually proactive, that we haven't got serious problems yet. Therefore the timing of the act coming on stream and eventually being proclaimed, hopefully, we feel is perfect. We feel we are beating the problems. We're of European descent and we know they have problems there that they're trying to fix now. Intensification was a big problem there. The timing to enact this legislation we feel is actually perfect because there is a tendency toward intensification, but we can't wait too long.

1350

The Chair: We'll go to the PCs.

Mr Dunlop: Thank you, gentlemen, for coming today to represent the Norfolk Federation of Agriculture. I take it that you agree in principle that this legislation, as a government bill, is overdue and you agree in principle with it.

Mr Vogelzang: Well, we feel it's due.

Mr Dunlop: You had a number of comments that were like amendments to each section when you gave your presentation, so I take it that you agree in principle with the bill.

Mr Strik: Yes, that it will be province-wide over the municipal bylaws, where you could have neighbours in another municipality with different rules to follow. That's where we see it as being positive.

Mr Dunlop: Second, and it's a very quick question: are you happy with the five-year implementation?

Mr Strik: Yes.

Mr Vogelzang: I think we are because, in order to do it right, you'll probably need to have that length of time, especially in view of what was mentioned before, that we need the flexibility, and things are changing so fast. We need a certain time span to do it right the first time and yet have enough flexibility after the fact so that it can be changed and adapted to future needs.

The Chair: Thank you, Mr Strik and Mr Vogelzang. We appreciate that submission from the Norfolk Federation of Agriculture.

From our agenda we have a cancellation. I'll just check on the Ontario Ginseng Growers Association. I understand they are unable to—

Mr Peter Grandoni: Sir, I'm the one who cancelled. I was under the impression that I had to have a prepared brief.

The Chair: No, not necessarily. If you did wish to make a presentation, by all means, sir.

Mr Grandoni: Do you have the time?

The Chair: Yes, we've had the time allocated here.

Mr Grandoni: I can wait until the end, if you'll let the other people present, if you have time in the end. I'm concerned about the double standard.

The Chair: If you want to do the presentation now, that would be great. We'll just get your name and then we'll have 15 minutes. This is on behalf of the Ginseng growers?

Mr Grandoni: We had a dairy farm and we were involved, being on the urban fringe, in the impact—

The Chair: We'll just have to back up for a minute here. I called forward the Ontario Ginseng Growers Association.

Mr Grandoni: Let them talk and I'll wait.

The Chair: OK, we had a bit of a mix-up. I understand the Ginseng growers had to cancel this afternoon.

ONTARIO PORK INDUSTRY COUNCIL

The Chair: Going down our agenda, I would now ask for the Ontario Pork Industry Council. For the purposes of Hansard, could you give us your names, and then we have 15 minutes. Please proceed.

Mr John Alderman: My name is John Alderman.

Mr Franklin Kains: My name is Franklin Kains.

Mr Alderman: I'd like to start with telling the committee who the Ontario Pork Industry Council is. The Ontario Pork Industry Council is a voluntary membership organization. Our members include veterinarians; meat processors; individual producers; producer organizations; researchers; transporters; suppliers of genetics, equipment, feed, feed ingredients, pharmaceuticals; and anybody who has anything to do with the pork industry in the province.

I'm a member of the OPIC board of directors and Frank is a project leader for our OPIC environmental committee.

Our members would like to congratulate the government for its introduction of the long-awaited nutrient management legislation. As members of society, we are encouraged that the proposed Nutrient Management Act is a part of the Ontario government's Operation Clean Water strategy. Environmental stewardship is the responsibility of all members and segments of society. Clean water and air should be everyone's goal. Our members have been and will continue to be proactive and leaders in environmental stewardship. However, agriculture alone cannot fix, nor does it cause, many of the environmental challenges our society faces today. There must be an overall strategy. We are pleased to see that this is part of that strategy.

The agriculture sector, and the pork industry in particular, has been the centre of public attention and concern in recent times. The concerns are real to those expressing them. Some are very valid, both from producers and from other responsible members of society. However, many are based on imagination, lack of knowledge of modern practices, mistrust and fear of change.

People, both producers and society, have no confidence or comfort that there are planning, rules and standards, monitoring, enforcement and responsibility to protect them and their environment. This legislation should restore confidence in all society. It may not satisfy everyone but it must restore confidence in the system.

I'd like to give you, before we get into our specifics, three reasons why I am interested in the environment and in this act. I operate with my wife a pork farm that overlooks Wildwood Lake, between St Marys and Stratford. When we started that farm, my 65-year-old neighbour thought I was huge. By today's standards I'm small. We have 100 sows farrow to finish; he used to have four in his day. Times change and operations get bigger.

I'm also responsible for the hog group at Cold Springs Farm in Thamesford, Ontario. We coordinate the production of about 3,000 pigs a week in our own facilities and through about 30 independent farm families in the province.

Here are the three reasons why I think this is important. Each day as I drive to work, within three kilometres of my place I have three farming operations that to me really reinforce the need for uniform, province-wide environmental standards. The first one is a new, 4,000-head hog finishing barn, just completed. Several neighbours have said to me recently, "How do they get to build those huge barns in this area?" With confidence I can say, "This is Oxford county. We have nutrient management legislation. In order to get a permit, the people had to have filed a nutrient management plan in order to get the permit and proceed."

As I look across the road, I see a 300-sow farrow to finish that is, in animal units, about two thirds of the size of the other one. It was built about five years ago, with no requirement for a nutrient management plan. The farmer doesn't own any other land; he doesn't rent any other land. All the manure is applied in that farm, but he doesn't have to have a nutrient management plan, and I guess it's OK.

The third is just a little farther down the road and it's a huge dairy operation—huge from my perspective. They milk about 250 cows. It was built through the period, most of it, from 10 years ago to five years ago. Again, a nutrient management plan wasn't required. Last summer, as I drove to work, every time the hay was off there was a coat of manure. Six times, manure was applied to the same field of alfalfa. As a farmer, I'm saying that seems like a lot of manure to me. As a pork producer, if I put it on once or twice, I'd have neighbours wondering what I was doing. It may be fine, but my point is that I don't think there's any requirement for the nutrient management plan to be followed.

So that's the old and the new. We need uniform standards that everyone accepts, both in agriculture and in society.

Frank, if you want to get into our specific points, and then we'll have time for a few questions.

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Mr Kains: In our written submission we had listed, I believe, 11 points. I'm only going to take seven of those and expound on them for the things we would like the committee to consider in their review of this act.

The first one would be participation in the development of the regulations. We look forward to what the Nutrient Management Act can do for us. Its promise is to regain the confidence of the public to the extent that we are managing in a responsible manner the nutrients that we produce. The key to implementing the act and gaining its acceptance will be the development of the regulations and the standards, which will follow the passing of the act itself. We would ask that this process be done with the input of the stakeholders such as us—in fact all stakeholders—so that the rules developed are both effective and fair and we can achieve the broadest acceptance for those who will be affected by them.

The second point that we would make would be an annual review of those regulations. Soil testing, to determine fertilizer requirements for crop production, has been done for many decades. However, nutrient management planning, the key element in this new act, goes well beyond soil testing to include many other inputs, such as the crops that were grown previously and the analysis of the manure. These are all put into the formula to develop the nutrient management plan. This is a relatively new exercise and it is still evolving as more information is gleaned from research. For this reason, we would like to see a provision in the act that an appointed panel of a cross-section of stakeholders review the regulations and standards annually. The panel review would be performed with the latest technology and scientific knowledge available as guides. The process must be as open and factual as possible and not subject to political and emotional influences.

Our third point would be an economic impact statement. This new act may require changes on many farms and municipalities—we're here talking about farms specifically—and in some cases, it's a considerable expense. Many farmers have built their operations to the standards of the day or even exceeded them. They will now find themselves facing large costs to make those changes necessary to be able to comply. We would ask that economic impact studies be conducted to help determine the types of programs or the amount of support that would be appropriate to encourage and assist in implementing the proposed controls.

Our fourth point would be the establishment of the local committees. We welcome this provision. These will give the public the opportunity to raise concerns they have related to nutrient management issues in their area, without having to make a formal complaint through the regulatory agency. We support the proposal of Ontario Pork, which I believe you would have heard last Wednesday, to broaden the role of the local advisory committees to include county environmental response teams. These teams would respond quickly—they were suggesting 48 hours—to a concern and make recommendations to

resolve the situation for non-enforcement issues. These teams are made up of peers from the farm community and representatives from the public drawn from municipal organizations. They have a great opportunity to resolve disputes, encourage compliance and diffuse concerns before they start to fester.

Our fifth point would be one of biosecurity. This biosecurity is a major issue on Ontario farms, specifically Ontario swine farms. Healthy pigs grow faster. They are more efficient. They take significantly less drugs and enjoy a better level of welfare. If disease should break, results can be devastating. We only have to think of the foot-and-mouth crisis in England this past spring—and, in fact, it continues as of this week—to appreciate how sensitive an issue this is among our swine farmers. We start with healthy stock and then institute biosecurity protocols to maintain that health level. As pig diseases can be brought into a barn by people, that protocol will include a requirement that visitors have been away from other pigs for a specified period of time. We would ask that the act specifically require that inspectors follow the biosecurity protocols of the farms they visit, unless there are exceptional circumstances which are listed in the act for inspections.

The establishment of classes would be our sixth point. We believe the Nutrient Management Act should apply to all farms, independent of size. Large farms have been the target of public concern. However, there can be no more justification for practices that can lead to pollution of waterways and groundwater on smaller farms than there is on larger farms. Our fear is that the public may not gain the full confidence that nutrients and agriculture are being handled responsibly if the exemptions for compliance are too broad. We believe that all farms, indeed all generators of nutrients and users of nutrients need to meet the same standards.

Our final point would be the act has a provision to supersede municipal bylaws. We strongly support section 60, that regulations in this act supersede those bylaws of the townships that address the same subject. Livestock farmers across Ontario have had to comply with municipal regulations that have varied widely. For the most part, these variations and requirements have not been science-based. With this new act, the standards for nutrient management will be consistent and at a high level across the province. We would ask that this intent of the act remain and that other acts such as the Municipal Act cannot be used to circumvent this intention.

In summary, then, seven points: that stakeholders be involved in the development of the regulations; that the regulations and standards be subject to an annual review; that economic impact studies be completed to determine the effect of the new standards; that county environmental response teams, or something similar, be established as a first response to a complaint; that biosecurity protocols be established for inspections; that the standards apply to all those who create or use nutrients; and that the Nutrient Management Act supersedes township bylaws so that the rules are consistent across the province.

Do you have anything to add, John? That is our submission. Thank you.

The Acting Chair (Ms Marilyn Mushinski): Thank you, Mr Alderman and Mr Kains. We probably have one minute left for questions, so Mr Martin, it's your turn. You've got one minute.

Mr Martin: Just briefly, obviously you understand the comprehensive nature of this and the need for it to be all-encompassing. Who should oversee it? There's some suggestion today, very strongly, by previous presenters, that it should be overseen by OMAFRA. But if you consider the comprehensive nature and the fact that it affects everybody, an argument might be made that the Ministry of the Environment might be the more appropriate group to do it.

Mr Kains: I'm going to let John address that. He has some good thoughts. Your thoughts on it.

Mr Alderman: Which particular ministry it is probably doesn't matter to us. The fact that the people in the ministry are trained and understand agriculture and have the proper background and so on, I don't see that it makes any difference. One of the points we've had in our submission is that in the act there isn't anyone that actually oversees it, and we need some direction, and I would agree with you that the act needs to come out and say that. In the end, we don't need, when there's a problem with our ministry—it needs clear direction. As producers, most people can live by the rules if they're fairly applied and if they're properly generated. I don't know whether that's answered your question.

Mr Martin: Yes, thank you very much.

The Acting Chair: Thank you, Mr Martin. Thank you, gentlemen.

Mr Peters: Do we not each get a question?

The Acting Chair: No, unfortunately. I specified at the beginning that you had one minute, and it was Mr Martin's turn.

HAMILTON-WENTWORTH PORK PRODUCERS' ASSOCIATION

The Acting Chair: The next delegation is Raymond Wilson for the Hamilton-Wentworth Pork Producers' Association. Good afternoon.

Mr Raymond Wilson: Good afternoon. My name is Raymond Wilson, and I am vice-president of the Hamilton-Wentworth Pork Producers' Association. I own and operate a small family farm with a farrow-to-finish swine operation with up to a maximum of 20 sows and a crop of 140 acres in cereals, corn, soybeans and hay.

The Hamilton-Wentworth Pork Producers' Association would like to show our support for the much-needed Nutrient Management Act. Difficulties arise, however, in trying to adopt a uniform policy for all producers. Every pork operation has its own uniqueness. We find that one size does not fit all nor does one style of production. Examples: some have farrowing only, some have farrow to finish, some have finishing only, some crop their land, some rent their land out; it's all different.

As well, the soil types of the rural areas of the new city of Hamilton range from heavy gumbo clays to loams to sand and gravel. There are deep soils in some areas, and there are other areas where there is only a couple of inches of soil on the top of the bedrock. All require different management practices.

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We submit the following concerns and recommendations for consideration by the justice and social policy committee:

First, the community environmental response teams: we strongly recommend the use of local county and regional environmental response teams. Local people are the best to assess problem situations as they are the most familiar with their local area. When mediation is necessary, the mediation officers must be properly trained—and I underline “must”—and have a well-grounded knowledge in agriculture for each locale.

Biosecurity: biosecurity is a major concern in our industry. It is recommend that all officers be properly trained in biosecurity measures and that they be fully aware of biosecurity procedures, such as wearing required attire, showering, disinfecting etc for each premise that they wish to enter.

Record-keeping: the record-keeping is not always done electronically. Some producers do not have computers and continue to use a manual system. It is therefore recommended that both paper and electronic records be acceptable.

Geophysical studies: the requirement for preparing geophysical studies to determine soil types and groundwater flow is redundant. We recommend using the soil maps available from the Ontario Ministry of Agriculture, Food and Rural Affairs and the water-flow maps available from all the conservation authorities.

Land use: as the public must be protected through the Nutrient Management Act, protection of agricultural lands is a must for it to work properly. We are concerned that the needless waste of agricultural land to grow houses is reducing the agricultural land available to accept nutrients. There is a need to protect existing agricultural land which, no doubt, will be needed in the future to accept nutrients.

Funding: our pork industry is a viable one driven by efficiency to keep our costs as low as possible, but it is not a supply management system. Changes necessary to comply with this act may be very costly to our producers. We urge that these costs be considered when finalizing legislation and/or funding be made available if necessary, such as grants, loans etc.

The pork industry in our area is primarily family farm operations. We live, work and play on our farms, and it is for our own good as well as the public good to protect our environment.

This concludes my submission, and I thank you for the opportunity to present it to this committee.

The Acting Chair: Thank you, Mr Wilson. We have perhaps three minutes for each party to ask questions, and we'll start with the government side.

Mr Galt: A couple of quick questions. First, thank you very much for your presentation. I don't have much argument with too much of it. When you talk about local people being on the advisory committee, response team, whatever, you're comfortable with all interest groups, including the ones that might not be from a farm background, that would be the full community, or do you think it should be limited?

Mr Wilson: I think it should be agriculturally based. We don't want to have to educate non-agricultural people when we go out to do an inspection or something like that if there was a call for it. If we have some non-farm person, we don't want to have to educate them before we go.

Mr Galt: I suppose a facetious comment: maybe that's our problem.

Mr Wilson: That's possible, yes.

Mr Galt: I'm a little surprised with your statement, it's under geophysical studies, and it ends up with, “and water-flow maps available from the conservation authorities.” I thought I was hearing a great criticism that we didn't understand our groundwater and our aquifers and where they flowed and that we needed a lot of study and that that was a big section out of our puzzle in this whole area. You're saying that we should use the maps. Maybe there are maps out there that we're not aware of.

Mr Wilson: All of the conservation authorities' boundaries are based on the watersheds.

Mr Galt: Surface water.

Mr Wilson: Yes. And I realize you're looking at underground water, sub-water, yes.

Mr Galt: But you're absolutely right with surface water.

Mr Wilson: Yes, surface water is no problem, but then that is where a lot of the nutrients are going to get in first, into the surface water.

Mr Galt: I guess maybe when I do reread this you say, “water-flow maps.” I was thinking about the next step when it comes to groundwater. Your statement's OK when I reread it.

Mrs Munro: I just wanted to come back to the issue that you raised at the very beginning about the uniform policy for all producers and kinds of differences that would come about because of the style of production. My question to you on that is, because you have indicated at the beginning that you are supportive of this direction, would you agree that there would be ways by which you could measure that would allow for that kind of flexibility, for individual operations to be measured in a way that was appropriate for them? Do you see that as a possibility?

Mr Wilson: You're meaning measured as to output?

Mrs Munro: In terms of nutrient management, yes.

Mr Wilson: As in output of manure? That's what your aiming at.

Mrs Munro: Yes.

Mr Wilson: There again, output of manure can mean a lot on efficiencies, too. As an example, one producer may need four sows to get 32 pigs, which is eight pigs

per sow. Maybe I can get 12 pigs per sow. So I only need three sows, where he needs four. Now, who's going to put out the most manure? Four sows or three sows? A lot depends on efficiency and whether you're big or small isn't really going to matter. It depends on the efficiency that you can get out of those pigs or out of anything, out of the cows. You know, if you can get more milk out of 40 cows than 47, you might as well milk 40; you're going to have less manure. So efficiencies I think are a big thing as well. We have to aim for more efficiencies in our livestock operations as well. I've never mentioned that; we didn't want to get this too wordy, but that's part of the deal, the big scheme of things: you have to look at efficiencies.

Mrs Munro: I appreciate your bringing that—

The Acting Chair: I'm sorry, Mrs Munro. We're running out of time.

Mr Peters: In the previous presentation we heard that in the year 2000, 4.6 million hogs were marketed in Ontario. You're talking efficiency, and I think there's a view out there by some individuals that, as we've seen the new intensive livestock operations starting up, there are more hogs out there. Is that true? Are we seeing more hogs or is it just a consolidation within an industry of some of the smaller operations looking for those efficiencies?

Mr Wilson: I think some are consolidating. The little guys are being squeezed out, you know, and being forced to quit—maybe not forced but just dropping off because they can't compete. The market now is a big question. We don't have as many of our depots as we used to have to take our pigs to to drop them off. The little fellows would go and drop off their pigs at a central depot and then they'd be shipped to the packing house. Now a lot of them are directly shipped right from the barn, and the producers have special contracts now with a certain packer, where before all the pigs were sold through the pork board; in other words, the pork board had to take ownership of them before they went on to a packer. So things have changed in that regard and that is some of the reason.

Mr Peters: Quickly, one only needs to pick up either a mainstream media publication or an agricultural publication and we're seeing legal battles springing up all over the province. Is this legislation the step in the direction that is going to help us help put an end—I wouldn't say put an end; everybody has their right to express their views, but is this a positive step forward that is going to help us avoid legal confrontations down the road?

Mr Wilson: No, I don't think it will. You're still going to have some legal confrontations. What happens if you cannot get your manure out because of weather conditions and something happens at the barn, you have a spill of some sort and it goes to the neighbour's property and something happens on the neighbour's property? What happens if you have a spill with the sprayer and the spray goes down the stream and goes on to the neighbour's property and spoils his lawn, spoils his grass? You're going to have a lawsuit. That can happen.

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I don't know. I think you're still going to have litigation; there's still going to be litigation. The whole crux of today's society is to litigate. If you can get in and pound somebody, why, go ahead and do it and try and get as much money out of him as you possibly can. I think that's the way society is going. I hate to say it. We're seeing more and more of that and the courts are getting fuller and fuller and fuller all the time with more litigation.

Mr Martin: Just one quick question. Early in your presentation you speak to the fact that one size doesn't fit all, and yet we've heard today so far that what we need is a regulatory regime that applies to everybody. Does your comment in any way challenge that?

Mr Wilson: Maybe what we should look at is the size of operations. One size will not fit all. There are some people who want a big, massive operation and others only want the family farm.

Mr Martin: But this regulatory regime that we're looking at putting in place, should it be different for the bigger operations than the smaller operations? Is that what you're saying?

Mr Wilson: To be fair, I don't see how it could be much different. You have to have similar policies for both. A little manure can cause as much damage as a lot of manure. Like, a woman can be a little bit pregnant and still be pregnant.

Mr Martin: So, then, what were you referring to in your comments that one size doesn't fit all? What were you telling us in that statement?

Mr Wilson: More so that every pork operation is unique in its own way, and like I say, size does not fit all. We heard the submission just before about the huge operation with the great number of sows, and then I've only got a maximum of 20 sows. Certainly, don't consider anything on income. If I have efficiencies, I can make money and survive on 20 sows, but maybe they have to have a big conglomerate and need the huge number of sows and want to work on a big conglomerate basis. This is why I say one size does not fit all.

Mr Martin: But you are telling us, though, that in terms of a regulatory regime, it should apply to everybody in the same way? Are you saying that?

Mr Wilson: I think it would have to. I really think it would have to, including hobby farms. I think that was mentioned earlier in the one before, on small farms and that.

The Acting Chair: Thank you, Mr Wilson.

PETER GRANDONI

The Acting Chair: The next presenter is Mr Peter Grandoni. Mr Grandoni, you have 10 minutes.

Mr Peter Grandoni: Members of the panel, we have had a dairy farm; at present we have beef. We are hard up against urban subdivisions, and as a result, in the last 30 years we have had some very serious impacts from subdivision storm sewer runoff through our farm, plus

raw, untreated sewage overflows on every tributary of the creek, which is Shriner's. It has four tributaries; the Beaver Dams has one. There are raw sewage overflows on all of them heading west to the Welland ship canal and then into Lake Ontario.

The reason I'm bringing this up is not that we farmers are against measures to avoid pollution and destruction of the ecology and the environment. If you have followed what has happened in southern Ontario as a result of urban development, you would understand this.

Right now, I understand we're talking about limiting the spreading of manure on recharge areas in Ontario, particularly in the sandy soils that recharge the water to the aquifer. Where I come from in Niagara Falls, the former tender fruit lands, Fonthill's sandy loams were a recharge for this one creek, which was a fish spawning, wooded, shaded creek. It has been entirely paved over with rooftops and blacktop. As a result, the base flow to the creek has diminished greatly. Also, when the watershed of this creek—I'm using this as an example so that you understand; I've been directly involved in it. Before, this watershed, which is approximately 2,500 acres, had dairy farms and most dairy farms had a vineyard. When we were kids, we watered the cows in the creek and we waded in it. Pike came up to spawn in the spring. We caught catfish in it. There were blue herons. There was everything in there. Now, as a result of urban storm sewer runoff and raw untreated sewage overflows—I understand it takes one inch of heavy rain to trigger them; they're automatic. Hopefully they're not stuck in place, open—the creek is almost dead. You have a few carp in it. The bottom of the creek, which had sandy-bottomed pools—we used to wade in them—is now black.

So I cannot see how we farmers can be—possibly we are to blame in some instances, but not completely. I'm saying that this is a double standard. If we want to have clean water, if we want to preserve the ecology, then we certainly must preserve the better agricultural lands. In our own case, we fought off in 1978 a housing unit subdivision up against the line fence of our farm, and I've never heard the end of it from the surrounding land speculators. I'm the black sheep.

Anyway, you have to look at the whole picture. As I stated, we're not against controlling manure runoff, the spreading of manure in the wintertime. In fact, we've controlled our manure as much as possible with a concrete containment area since 1971. Previous to that we had a loafing barn and nothing got out of that. I believe that you have to have a certain number of days storage, depending on the individual operation, as has been stated previously.

Furthermore, on the double standard, you have garbage dumps. I think the time has come for the province to ban any further new garbage dumps, to look at incineration. You've got the technology. They're doing it in Japan and Europe and some states in the States; either that or composting. Definitely recycle. You can do that at an incinerator. I understand that can be done.

You're placing garbage dumps in Niagara Falls. One was placed right on top of flowing springs, which was an old Hydro dump. They've put pipes around it. The leachate from there goes into their sewers, and these sewers have raw sewage overflows in them, which were put in with the permission of the Ministry of the Environment. I was at a meeting at city hall where one city councillor, who is now the chairman of the parks commission, said, "I put a motion on the floor that we put this out in the back through the farms," and I stood up. I said, "Mr Mayor, you stick it in your own backyard." The mayor hit the gavel and he said, "Another outburst like that and I'll close the meeting." Another time, on the Beaver Dams Creek, I questioned if they actually had raw sewage going in it—I saw the contractor putting the pipe down from Highway 20 to the creek—and he wouldn't answer me. He called up security. He said, "Call up security." I said, "Never mind, I'll walk out on my own." I did.

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I'm just pointing these things out. It's not just us farmers. If you're going to control pollution, if you're going to clean up Lake Ontario, you'd better stop the expansion of Toronto, because if storm sewer water can do this to a creek, what's it doing to Lake Ontario with all of Toronto and all your subdivisions? You're not going to clean that lake up, believe me. It's nothing but an oversized septic tank.

These garbage dumps are lined with plastic. In Niagara Falls, you have a dump right now. It was a quarry. They're still quarrying rock. It's lined with about five feet of loose—they call it clay. It's the overburden that they pile up, and then they line the dump five feet, compact it, then put plastic, heat seal it, and then dump garbage in it. I watched them one day. I stood at the fence. I trespassed, yes. I went up to the fence and I watched. I wish I had had my camera. They were piling garbage in there. The fellow on the compactor got on his call horn and said, "You're trespassing, buddy. Get out," so I did. I'm just saying, if it's so safe, why couldn't I watch him? And yet you're going to inspect us farmers without a search warrant, and I'm against that. If you come on my property, on my farm, you have a search warrant. If you want to get your SWAT squad, go ahead. It's not right to treat us farmers like a bunch of criminals, like you're going to use force to get into our farms. Then if we can't pay the fines, according to this, you're going to put a lien on the property to pay it on our tax bill, and if we can't, you seize the property.

When you put a limit on the number of livestock that a farmer can produce, you're putting a limit on his income; you're freezing it. Yet under this new market value speculative assessment, farm taxes and homeowners' taxes go up automatically.

I like the way the politicians put it. "We didn't have a raise this year on your taxes, but it's market value assessment. If the property next to you goes up in value, that means your property is worth more on a speculative assessment system." I'm saying, if you freeze our

incomes, freeze our taxes. You're not freezing the people who build these mansions out in the country and then complain about us.

The other point you'd better understand is on this 1,000-foot minimum distance.

The Acting Chair: You've got about one more minute, Mr Grandoni.

Mr Grandoni: OK. This is important. You circumscribe 1,000 feet around all the severances around a farm. Where is he going to spread his manure with 1,000 feet? And with the wind direction, who is going to get the smell?

I've got a lot more to say, but I've used up my time. I have here an example of contractors dumping on that Beaver Dams Creek. What is going to happen to the water quality in that? If you want it, you can have it. I've got a whole bunch of them. I'd like to put this in. They dump indiscriminately. The conservation authorities can't do anything. Their hands are tied. The other thing is, they have politicians who are pro-development on the board of directors so the staff can't do their job. We've had 28 years of it in Niagara Falls.

It's the same thing with the Ministry of the Environment. Nobody does anything. The contractors and the urbanites come out there and they block our field drainage because they want a level lot, and then we've got to worry about spreading manure, dust and noise. I don't like to do it spitefully. If I can avoid spreading manure, I'll do it. But there are some times when, according to the weather, you have to spread it if you want to get rid of your stockpile.

I presented a lot of negative points which I felt had to be said, the double standards. If we're going to control pollution, it's everybody's job, the municipalities' and the developers'. I can't understand why developers can be allowed, like on the Oak Ridges moraine, where they're going to pave it, blacktop it, roof it, and they can develop the upper reaches of a stream that was fish-spawning, fill it in and pipe it, and you're worried about us farmers putting cows to drink in a creek. Let's wake up and look at the whole picture.

The Acting Chair: Thank you, Mr Grandoni.

Mr Grandoni: I'm sorry if I've offended anyone, but it had to be said.

The Acting Chair: Thank you very much for your presentation, sir.

OXFORD COUNTY FEDERATION OF AGRICULTURE

The Acting Chair: The next presenter is Nancy Walther, president of the Oxford County Federation of Agriculture. You have 15 minutes for your presentation.

Ms Nancy Walther: Good afternoon. My name is Nancy Walther. The Oxford County Federation of Agriculture supports the concept of one nutrient management strategy for the province of Ontario. We also support the idea of local communities to aid in developing solutions to local problems. We support the position of the OFA;

that is, that this committee should be local farmers who understand local agricultural conditions.

However, we strongly believe there are areas of Bill 81 that must be reviewed, and I will briefly list those areas and then discuss them individually.

- (1) Who is covered by this act?
- (2) Biosecurity and entry by provincial officers.
- (3) Appeal to the director.
- (4) Permission of director being required.
- (5) Who will pay for these improvements?
- (6) Privacy of information.
- (7) Electronic filing of information.
- (8) Restriction of access to lands following application of prescribed nutrients.
- (9) Restriction of access of farm animals to water and watercourses.
- (10) Section 55, "Delegation of powers."
- (11) Exemption of personal liability for government employees.

You have in front of you a copy of part of my presentation. I know you haven't had the chance to read it, so I'll read part of it and then maybe if you want to discuss it at the end of five minutes, I'd be glad to discuss some points.

We strongly believe that the use of nutrients should be covered under Bill 81. Thousands of tonnes of nutrients are sold in the urban areas of this province and their users will not be licensed, nor will there be any trace of their use. Large corporations such as landscaping and home garden centres, grocery stores and big-box stores may purchase, process and distribute materials containing nutrients to those individuals who are not licensed, and yet those users will not be covered. If this committee truly believes in Bill 81 and that it will protect the environment, then all users of nutrients must be covered under this bill.

We believe the authority which may be given to provincial officers regarding entry must respect the need for biosecurity on animal farms and that this health precaution must be in the legislation. The outbreak of foot-and-mouth disease in the UK has heightened the need and concern for biosecurity measures here on Ontario farms. We also believe that the provincial officers must be able to show reasonable and probable cause before entering on this property. That is one of the main things that we discussed at our board of directors, that they must have cause before coming on and there must be notification.

Under subsection 31(8), we believe the director must respond to all requests for review, or the appeal process becomes redundant. By failing to do anything for seven days, the director confirms the order of the provincial officer, and that is a complete dereliction of the duty of the director. The director must respond in the affirmative or the negative.

Permission of the director being required: we question the continuity between subsection 29(4) "Compliance," and the need to get permission from the director in subsection 33(3).

Who will pay for these improvements? We as the members of society trust that all society will benefit from all the potential regulations of Bill 81 and therefore will provide the money to pay for the improvements, buildings, structures, courses and licences that will be necessary for the complete implementation of Bill 81. The vast majority of farmers have been excellent stewards of the land. We must be good stewards, as it will be our wells that are polluted first if we pollute our land. We are not currently in a large economic boom and we do not have the extra dollars necessary for the capital costs associated with this bill without government support. Many of the products we produce may be purchased across borders. Those farmers are not subject to the same environmental regulations, and therefore have a lower cost of production. Importing these products would compromise the environmental standards of the province of Ontario.

We believe the compulsory electronic filing of nutrient management plans or strategies is not necessary. Also, rural communities do not have the same accessibility to the Internet that our urban neighbours enjoy. If all farmers are required to complete nutrient management plans or strategies, those plans or strategies should be kept on the farm and the farmer would only provide such documentation when required to do so. We believe this for three reasons: privacy of information; to minimize the bureaucracy necessary to monitor 50,000 plans; and the ability of older farmers and smaller farms to file electronically.

We believe that nutrient management plans or strategies should be kept as simple as possible, requiring only essential information, and that certified crop advisors should be designated as preparers of nutrient management plans or strategies. They already have the necessary skills and practical knowledge along with many years of working with nutrients and farmers, as well as having the historical data from many farms on file.

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Restrictions of access to lands following the application of prescribed nutrients: geophysical studies must be prepared by qualified persons, and the cost of those studies should be assumed by society as they will be a benefit to society regardless of the future uses of the land.

Restriction of access of farm animals to water and watercourses, section 6(b): if prescribed nutrients are safe to be applied to the land, why would there be any necessity to keep animals or persons from entering that land?

Section 55, "delegation of powers," and section 6(d): there must have been great debate concerning cattle around water and watercourses. We believe that unless this government is prepared to assume the cost necessary to permanently keeping all livestock, including wildlife, out of our streams, this issue will be very difficult to enforce. This one regulation would in itself force many cow/calf operators out of business. Many of those operators use land that is around water and watercourses.

I'll just deviate for one second. In Blanford-Blenheim alone we have the most bridges in I think all of Ontario.

Having the bridges, we also have the most waterways. Also, Blanford-Blenheim in Oxford county is going to be one of the largest hit with this impact if we have to do deviation from watercourses. Our farms will be out of business in that area alone.

Exemption of personal liability for government employees: in conclusion we, the Oxford County Federation of Agriculture, believe that if this bill is as important as you apparently believe it to be, this government must remove section 55, "delegation of powers," from Bill 81. Gathering and keeping any information must remain a function of the government if government is to have any control now and in the future. We as Ontario Federation of Agriculture members have seen what happens to costs when outside organizations take over farm business registration.

If there are exemptions from personal liability for government workers in regard to this legislation, if they are acting in good faith, then perhaps if farmers are acting in good faith when they are trying to comply with this act, they too should be spared personal liability.

The OCFA is looking forward to discussion regarding the regulations of this bill as all of our directors found it difficult to comment on a bill when we could not deal with the regulations.

That is the end of my presentation. I've gone very quickly over it. Ten minutes is a tough time.

The Acting Chair: Thank you very much, Ms Walther. There are perhaps two minutes each.

Mr Peters: I just wanted to make a comment on the previous gentlemen. I remember when I was mayor of St Thomas and the reeve of Port Stanley would call me up every summer when the beaches were posted in Port Stanley, and it was always the city's fault because of the bypasses from our pollution plant, and it was true. You raise a really good point, that we have to accept a collective responsibility for what we've done to the water. You can't just point the finger. As a former municipal politician, I can vouch for that.

Nancy, you wear two hats in an interesting way because you are involved with the OFA, but you're also a municipal politician. You also have seen at first hand some of the issues that a municipality faces when somebody wants to expand their operations.

From your viewpoint, maybe taking off your federation hat and wearing your municipal politician's hat, had this legislation been in place already, could it have solved some of the issues that you've had to deal with at a local level, or, even with this legislation, would we still see what is happening in the Otterville area? Would it still have come to the surface?

Ms Walther: To be quite frank, I think it would have helped us with some of the debate we would have had. If you had asked Oxford county for some guidance in this area with regard to sand plains and water recharge areas, the one thing we would have asked the different ministries to get along with was regarding perhaps a bladder or some monitoring process on that type of soil. Clay and sand are two different kinds of aspects. Having said that,

that would have benefited us and we might not have been, I would say, in the pickle we would have been in right at this very moment.

I don't know whether everyone is aware of that situation. I'm sure you've all heard about it. I come from Norwich township in Oxford county. I am the councillor for ward 1, which is asking for environmental assessments on Norfolk sand plains. I endorsed that resolution because I can see that down the road perhaps there is some kind of tool that must be in place to make sure that everyone has safe groundwater. If that sandy soil can take what has been given to it, then that should be the end of the discussion.

We have faith in our nutrient management plan, and that is what we're standing behind, because we feel that it's one of the best ones around. Our hands are tied at the moment as a municipality. As a federation I think we need some assistance in that area.

I hope I've answered your question.

Mr Martin: I think you've done a really good job of touching on the areas of concern that the farmers you represent will have with this bill. One that keeps coming up most regularly here today: I don't think there is anybody who isn't committed to doing the best that they can for the environment, but they don't understand the responsibility we all have to protect that. In many instances it's a question of cost; that's what it boils down to. Who can afford to do this and how do we help people afford to do it? You've raised it as well.

You've also raised the issue of other jurisdictions that don't have, when this is done, as heavy a regulatory regime to deal with, and you have to compete with them. Any suggestions to the government, of which we are all a part, as to how we might deal with that cost, and how we may then have to deal with the competition out there that will be dumping, for all intents and purposes?

Ms Walther: Regarding the cost and compensation, the one thing I firmly believe is that it will be the province that will have to assist the transition time period between one and the other; in other words, before the regulations and the bill actually come in and what is demanded of us. If you are a family farm, no way can you change your earthen lagoons, which we haven't even discussed, because that's under these regulations, and those kinds of case scenarios where they may have to be constructed or they have to be taken out of the earth and then put a bladder in or a monitoring system on the sand plains. All that kind of transition to the betterment of the water for all the people will add a cost. That farmer cannot pay for that.

Mrs Munro: I wanted to come back to an issue you raise on page 2, the question of privacy of information, and it's certainly one I can appreciate. I wondered if you could give us a sense of what you would see as an appropriate alternative to that?

Ms Walther: Unfortunately, in our own municipality the nutrient management plan got into the hands of the public. I'm not saying that's a good thing or a bad thing, but we weren't prepared. They had the whole plan. That

whole plan is designed to make sure that the farmer knows where his nutrients are on his piece of property. Because it was a public document, what they should have had was a top sheet giving the lands that we're supposed to but not the inside: the slope, the watercourses, where he should have been away from and all that; that's his, personal. That nutrient management plan was designed for him. The top sheet to show where the nutrients are supposed to go and what lands are supposed to be on it I believe are OK for the public to see, but not the guts. That's his business.

Mrs Munro: That's really what I was asking you.

Ms Walther: We've already gone into conflict with it because of that. We're at court. I can't say much more about that.

The Acting Chair: Thank you very much, Ms Walther, for your presentation.

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HENRY KOOP

The Acting Chair: The next presenter is Mr Henry Koop.

The Chair: Welcome, Mr Koop. For individuals, we have a 10-minute presentation. Please proceed.

Mr Henry Koop: Good afternoon, ladies and gentlemen. My name is Henry Koop. My brother, my son and I and our respective wives operate a family farm in the Niagara region. We have laying hens for the production of eggs on our farm as well as grapes. We grow grapes for wine, juice and for the fresh table market, all in the Niagara region. As some of you know, I'm also chairman of the Ontario Egg Producers.

Mr Galt: Just a point, Mr Chair. He is representing a group. I think he should get the 15 minutes.

The Chair: Oh, I'm sorry. Yes, the group is making a presentation, but I think Mr Koop is here as an individual. Thank you.

Mr Koop: You'll see as I go through my talk, because I am the official spokesperson for our egg producers, I do go from the family-based opinions. I can't help but bring the egg producers into it.

Mr Galt: Just trying to help you out.

Mr Koop: Thanks, Doug.

I appreciate the opportunity to meet with you here today in a community where Bill 81 will have a direct impact on each and every family. We commend the government's efforts in drafting this important piece of legislation.

The time has come to develop a nutrient management law to protect our environment, promote harmony among all residents in rural Ontario and maintain jobs in communities like Caledonia.

The egg producers in and around this community share the government's interest in developing clear, consistent and reasonable standards. That's because we're deeply committed to preserving our way of life.

Family farms like mine have a vested interest in balancing agricultural production with environmental pres-

ervation. The way I see it, it's the only way to ensure our livelihood.

In my capacity as chairman of the Ontario Egg Producers, I have had the opportunity to meet with many members from this and neighbouring counties as well as from across the whole province. I can tell you first-hand that they all share the same conviction to protect our environment. In fact, many farms have instituted self-managed programs that ensure they handle manure in a way that minimizes any environmental impact.

There's no doubt in my mind that farmers must conform to proper, province-wide management practices. However, we must be allowed to continue our operations in an effective and efficient manner.

Some suggest that a minimum amount of land may have to be owned by each farmer based on the number of livestock. However, such a requirement would result in considerable inefficiencies in farming operations with limited acreage without addressing the environmental concerns they gave rise to. Therefore, I don't believe that minimum acreage regulations are required to protect our natural resources.

The government is right to develop clear and consistent nutrient management standards to ensure that we live in a healthy and sustainable environment, but it must handle Bill 81 with care. Please recognize that farmers produce a lot more than food. We produce communities. Laws that place additional burdens on farmers also place additional burdens on rural communities. Let's ensure that all new legislation allows the family farm to carry on, free from arbitrary legal constraints and overbearing costs.

This is a very critical point for egg producers. Our management practices are homegrown solutions developed by producers whose livelihood relies on agricultural production that's consistent with preserving our environment. It is only common sense for the government to consider many proven practices that reflect the ministry's goals, those goals to promote the economic development of rural communities.

We recognize that farmers must conform to proper, province-wide management practices. However, they must also be able to manage their operations in an effective and efficient manner, free from arbitrary legal constraints and overbearing costs.

On the value of nutrients, for the farmer, manure is not a waste product, but a valuable fertilizer and soil conditioner. We have 250 acres on our farm, and the manure is a very valuable asset, I can assure you.

New regulations should not limit the use of poultry manure based on the size of the farm provided that egg producers handle it in accordance with a nutrient management plan. It's critical that the new legislation recognize the nutrient value of poultry manure.

On enforcing new regulations, it makes common sense that the new guidelines operate under the Farming and Food Production Protection Act. That means OMAFRA should supervise practices around manure handling. As

such, we expect the Ministry of Agriculture to be involved in enforcing new regulations.

On funding new initiatives, the Ontario Egg Producers are self-sufficient in terms of educational and training programs. Adopting new practices based on new legislation will be no exception. However, the government still needs to help our family farms in terms of capital investments. Otherwise, the new legislation will slap an additional burden on our backs even though we have stringent environmental practices already in place.

The government already issues tax credits to big industry for reducing air pollutants. It also provides money to municipalities to improve their sewage systems. Providing financial support to farmers would be a consistent strategy for the government.

On implementing new practices, many egg producers have a nutrient management plan already in place. However, we recognize that this legislation will require a more formalized and universal system. Because investments will be required in education and capital improvements, a minimum of five years will be required to ensure a seamless transition.

We've outlined these and other recommendations to Minister Coburn and would be happy to discuss them in greater detail with you following this formal presentation.

One final note: many egg producers are family-run operations, just like my own farm. For these farmers, success has more to do with the number of family members who gather around their kitchen table than it does with the number of eggs they produce on their farm. Let us focus on preserving our natural resources, promoting harmony between all residents of rural Ontario and protecting jobs in these local communities.

On behalf of myself and our egg producers, I appreciate this opportunity to meet with you today and look forward to working alongside the provincial government to ensure our rural communities continue to thrive in a healthy and sustainable environment.

The Chair: Thank you, Mr Koop. We do have a couple of minutes for questions, and I go to the NDP.

Mr Martin: Thank you very much for a very detailed and thoughtful presentation on this important matter. I think, from listening to you, that you understand the need to do this, and to do it in partnership with the wider community, if we're going to protect our environment and protect the sustainability of the family farm.

You raise an issue that has been raised here on a number of occasions today, which is the viability of the farm. If you put too much regulation that requires investment that is unduly burdensome to the family farm, then you'll end up with families not being able to be in the business of farming and the more intensive farming operations then taking over, because that seems to be where we'll end up if there isn't some assistance here.

Where do you think is the most appropriate place for the money to come from that will be required to implement the new regulations that will be put in place to deal with this issue?

Mr Koop: Thank you for the question. There are a couple of things we have to remember, and I mentioned the fact that the government already has a policy of assisting in environmental situations. That's all we're really asking for, that they continue that same strategy when it comes to this environmental concern. Our family farms are environmentally friendly. They certainly feel that it's important to them, and I stressed that throughout.

The other point was, give us time for implementation, both to help come across, to get built whatever has to be built, or to get funding in place and those kinds of things. So that's really our position on that.

The Chair: I'll now go to the PCs.

Mrs Munro: Thank you very much for coming today and giving us your thoughts on this. My question relates to page 3 of your presentation, at the very top of the page, where you raise some concern about any new legislation recognizing the nutrient value of poultry manure. The reason this struck me was that it crossed my mind that it was consistent with comments that were made earlier with regard to the importance of science and the need for the appropriate work to be done in that area.

I'm just wondering if you have confidence at this point that there is the science that would be appropriate to base any legislation on.

Mr Koop: What we've done as an egg industry, and I'll speak on their behalf: we've already begun testing scientifically the contents of the manure because it varies from farm to farm. That's part of the reason we've begun this; actually, we got into this before this committee was formed. Not to say that we're way ahead of you, but we were thinking along the same line as the government. So, yes, we are finding that it does vary, and the other thing, as I think some of your speakers have mentioned today, is that the crops' requirements vary. So just trying to put one rubber stamp may not totally fit. We've got to look at the big picture.

Mr Peters: Henry, I'd like to go back to page 2, where you say you don't believe that minimum acreage regulations are required. I'm reading something that one of your directors—it was an article that appeared in the St Thomas paper. He makes the comment that sound practices must be based on how one handles nutrients, not how much one handles.

Have you within your industry developed those sound practices as to how you handle nutrients and not so much how much one handles?

Interjection.

Mr Peters: So you're advocating this. Obviously Murray, in his comment in the local paper, has advocated this. Have those sound practices been developed, and could those be provided to this committee so that it at that point can be given consideration?

Mr Koop: There are a couple of things. One is that a lot of them are homegrown, as I mentioned, management practices. We're building on this. As I mentioned to Ms Munro earlier, one of the things is that we've started testing the nutrient content of the manure. We've also started developing the management practices more

formally. The ones Murray refers to there would be informal, so at this point I can't go to a book and page and say this is the way it's working out, but we're in the development process right now, Steve.

The Chair: Thank you, Mr Koop. On behalf of the committee, I appreciate your making a submission.

Looking at our agenda, the Ontario White-Tailed Deer Producers' Association, we've just received notice that they are unable to attend this afternoon.

There is a presentation from the Haldimand-Norfolk Organization for a Pure Environment, HOPE. The person, who was here, I think is making some copies of their brief. This will be the last presentation of the afternoon.

We'll have a five-minute recess.

The committee recessed from 1504 to 1516.

HALDIMAND-NORFOLK ORGANIZATION FOR A PURE ENVIRONMENT

The Chair: Our next and final delegation for today is the Haldimand-Norfolk Organization for a Pure Environment, also known as HOPE. I welcome you and I would ask you to identify yourself for the purposes of the Hansard recording. Please proceed.

Ms Marina Martin: Thank you very much for the opportunity to speak with you. My name is Marina Martin. I am chair of HOPE and speaking on behalf of HOPE. I am also speaking as a farmer who has over the years run a small, 50-acre market garden operation and as a farmer who has been directly impacted by adjacent spreading of both sewage sludges and paper mill sludges. So I can speak directly to the impacts on neighbours. I'm also speaking as a health professional in this community who is in at least 30 homes a week in this rural area. Lots of farmers bend my ear, so I have an understanding of how the community sees this. And most of all, I'm speaking as a mother.

My talk is going to be entitled What About the Children?

First of all, in terms of my personal experience with sludges of both sorts, it's all there on the first page, the basics being that in 1991 the paper mill sludges were applied next door. We had permanent effects from them, including health. Also, they were spread right through a floodplain on the creek that feeds our pond and our own creek. Without consultation ahead, no contact with neighbours, the ministry could not know that there was a floodplain there. The entire floodplain, including the creek, was spread with paper mill sludges. There was nothing done by the MOE.

The applications were twice as heavy at the back of the farm as at the front. There was a low area that feeds directly into our woods where there is an important slough, part of an extension of the North Cayuga slough forest. Over the years, all the mature oaks in that slough have died, whereas none of the oaks in the rest of our 25-acre forest have died. That's impact directly to farmland. Because we run an organic farm and have a specialty

customer, we are impacted in that we can't plant anything near the fencelines.

The second application was only last summer and that was sewage sludges from Hamilton. Again, it happened while we were away or at work—we found out afterwards—and again, it was done within 10 feet of a ditch along the road, which is way beyond the regulation. We immediately called the farmer and asked him to berm it so that the liquid wouldn't get into the ditch. He complied. Two weeks later when we came home from our holidays, the berm was removed. There had been extensive rains and there was a ditch drawn right into the road ditch, which went across the road, under the road, into our creek. We have a pond which is fed by the creek. We have it stocked with smallmouth bass. It's a half-acre pond and we swim in it. It is now full of algae. Direct impacts from neighbouring farms. We did not know this was going to happen; we could not comment. Otherwise, something could have been in the management plan. So those are the starts.

The second page: What About the Children? As a preamble, I wanted to say that I want to put a human face on this, what the toxins that are included in the sewage sludges and the paper mill sludges do to people. This is really important. Children in particular are affected. I have a case here. You have a test result from McMaster University, which is a very small part of her problem. We will call her Dawn.

Environmental sensitivity exists. People aren't born with it; they might be born with a predisposition to be affected. Environmental sensitivity is caused by exposures. Children are the most sensitive to them. Current levels of what they call "acceptable toxicity" are based on the adult male population. Children are six times more sensitive. For example, they take in six times more air per unit of body weight than an adult male, so they have six times the exposure to airborne toxins. They play on the ground, they eat dirt, they sit in the grass, and many of the toxins are absorbed through skin.

You can't always say this sludge application—sometimes you can; I have a case mentioned in here where you can—or this exposure at school caused the problem. The problems are incremental. They develop over a period of time and generally you don't see the problem right away.

The child Dawn, now 20 years old, raised on a local farm, was diagnosed with hypothyroidism at age 10½—that's the endocrine system—and pseudotumour cerebri, that is, fluid pressure on the brain, and blindness at age 11½. The symptoms were extensively investigated and determined to be due to environmental stressors. After that, mononucleosis at age 16. And I forgot to write one down in here: meningitis as a result of one of many lumbar punctures that were done to take fluid off the brain. Erythema multiforme, an entire body rash, lasted many months—excruciatingly painful. Those are all the immune system. Mesenteric adenitis only this year, again an autoimmune disease.

Known exposures: age one, severe respiratory distress requiring emergency treatment from adjacent farm 2,4-D

spray when wind volumes were high and she was playing outdoors. Ages five to 10, she was in a school which was later investigated at the recommendation of the allergy specialist and was found to be very poor in air quality. So those are two—incremental, remember. Third, half a year before she came down with serious symptoms, paper mill sludges next door and very highly disturbed on a windy, dusty day, with plowing, disking etc. The air was full. We did not see it happen until we were in the middle of it and we took her away.

In any case, costs—and this is what's important to you. You have an incredible problem in having to deal with nasty wastes that nobody wants, and they're expensive to dispose of. You must investigate the cost of not disposing of them properly: some \$100,000 in hospitalizations, MRIs, ultrasounds, CT scans, lumbar punctures, doctor's visits; \$500 a year, medications from insurance; family, \$40,000 over three years for diagnostic tests and treatments that were not covered by insurance.

Aside from that, schooling was markedly affected. She missed three years of school. She missed about 40% of all her high school years and was not able to complete high school. Fortunately, it has a happy ending. She was able to get into university and is now in the third year.

Symptoms: the worst were neurological symptoms. They were insidiously progressive: difficulty breathing, walking; severe, unrelenting headaches, dizziness, nosebleeds and earaches that were untreatable; loss of IQ—three grades, according to the testing at school; progressive blindness called papilledema.

I would like you to look at the picture that's in your package. I would like you to look at the tests from McMaster University. Those are—

The Chair: Ms Martin, could I interrupt just for a moment on maybe a cautionary note with respect to medical records. I don't know whether this is this person's real name and whether these are the real records.

Ms Martin: You have the real name, yes.

The Chair: Just a caution. For example, in hearings like this or in the Ontario Legislature, members of the provincial Parliament are protected by parliamentary privilege. I guess I'm unclear on the legalities. I just want to caution you that it's unclear whether the protection extends to witnesses before a committee and whether it is, for that matter, appropriate to present someone's personal medical history in public.

Ms Martin: OK. I don't mind, as long as I've put a note on here that for sure I don't want the press to get a hold of pictures or medical records. I don't mind. I think it's very pertinent to this committee, because faith has to be put on what is happening here and I don't think people sitting around the room listening to a lot of presentations will really understand until they hear a personal history.

The Chair: Yes, I understand your reasoning behind it. I just have a concern with the confidentiality of medical records. I don't know whether this has been distributed to the press.

Ms Martin: No, it hasn't. I've put a note on the front of each one that the press can't have it.

Mr Galt: Mr Chair, every comment does get recorded in Hansard, and she should be aware of that.

Ms Martin: The name is a pseudo name. For credibility, the real name is on yours only.

The Chair: I see. I'm just looking at this actual printout of a record. It's hard to read, but I do see several names. I just might, for your protection, maybe ask for the opinion of a lawyer.

Ms Martin: I don't mind you having a record and I don't mind the province having a record. I do mind the press having a record.

Mr Avrum Fenson: It would be appropriate to get the consent of the adult who is the subject of these records before making them public.

Ms Martin: Yes, I have her consent.

Mr Fenson: You realize of course that this document becomes a permanent record and is in the legislative library exactly as you gave it.

Ms Martin: OK, yes. Is it possible for you to white out the name on the one document or just return it, then? It's up to you.

The Chair: I will now call on the clerk for an opinion. It is important that we proceed with caution and I will ask our clerk.

Clerk of the Committee (Mr Tom Prins): I just had more of a question. Is it just this one page that contains—

Ms Martin: That's the only page that has the real name. I felt I needed to put the real name so that it would be credible.

Clerk of the Committee: OK.

Ms Martin: Otherwise it could be any story.

The Chair: The clerk has made it clear to me he is going to remove this page and I'm going to remove this page as well.

Ms Martin: That's fine. You will see the vision missing and you will look at those eyes in that picture and see the distress. It was not caught in time to save all her vision.

The worst symptoms were neurological symptoms, which were insidious and progressive. I've just told you that. The very worst symptom of all is at the end and that was the hallucinations that lasted for years. Just to give you a feeling for the impact of an illness like this, I've written for you and I hope you'll read it, at the bottom of page 2, the nature of the hallucinations. I felt in presenting this report that actually these hallucinations were very apt symbols for the issues to be dealt with in this brief: a pig with a slit eye. That is the horror of what happens to people when they are exposed to toxins.

Crises occur and that's when you find out. You can go for years without really knowing, having vague symptoms. Often it's too late for them to do anything and for the immune system to be saved.

The Centers for Disease Control have issued a health alert for sewage sludges causing environmental illness. Sewage sludges contain runoff from industrial waste and pathogens produced by the city and town populations that generate them. That's everything such as gas stations,

pesticide companies, household cleaners that get flushed down the toilet etc.

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It has been determined that 117 types of viruses survive in the sewage treatment process, including polio, hepatitis A, echo, retro and adenoviruses. Meningitis is a disease you can get from it. Paralysis, encephalitis, infectious hepatitis, gastroenteritis—major illnesses can be caused. In an article in *Applied and Environmental Microbiology* in January 1996 about airborne bacteria and pathogen indicators during land application of sewage sludges, it states that they are very high in fecal coliforms and fecal streptococci, and they recommend that the maximum application be three tonnes of dry weight per acre, as opposed to our current eight. The people most likely affected are the people who are workers in the field, and the risks are increased to other people with wind and agitation, water runoff etc.

Heavy metals are consistently present in sewage and paper mill sludges. They are predominantly arsenic, lead, mercury, chromium, copper and cadmium. Hamilton's sludges are very high in copper, and testing determines that levels of all the above heavy metals are often over current regulatory limits, and there are no punitive actions being taken as a general rule. Just for an idea of incremental effects, cadmium is close to the most toxic level that is allowed in food right now—and remember, that's adult males. Cadmium is also very high.

Chemicals, dioxins and furans: there is no safe level of these determined, yet levels of 40 parts per trillion are regularly found in sewage sludges being applied to farmland in Ontario today. Two parts per trillion is the average on a farm field. Cattle grazing on treated fields eat an average of one kilogram of soil a day. That becomes concentrated in milk and dairy products. That is our most significant source of dioxins and furans in a child's diet today. These are neurotoxins. Other chemicals are endocrine disrupters such as phenol groups. Others are immune system distressers. Waste treatment digesters breed antibiotic resistance because the bugs that survive the digesters are antibiotic resistant because there are antibiotics in sewage.

Let's face it. Sludges are bad for your health. They affect children, they affect ecosystems, they affect rare species, they affect farmers who apply them and they affect their neighbours.

Recommendations: reduce levels of pathogens, heavy metals, chemicals and drugs in the waste stream through education, safe recycling and enforcement and committed financing. Phase out the practice of spreading sewage and paper mill sludges on agricultural lands as soon as possible. Treat and dispose of these wastes with respect. Notify all potentially affected citizens as well as municipalities of all permits under consideration, so they can bring their knowledge of a site or of an at-risk individual to full attention before the permit is issued. Assess on a continuing basis health hazards, including cumulative effects.

Snake in a baby bonnet: this is about being fooled. On the surface, it looks OK. The progressive renaming of

sewage and paper mill sludges to “biosolids,” “nutrients” and “fertilizer” is deceptive at best, as these sludges are full of toxins and pathogens. Language is a powerful tool of persuasion, and this language lulls the cash-poor farmer into believing that what he is doing isn’t all that bad. Perhaps he isn’t aware of the liability issues arising. For example, in the US, a lawsuit in New Hampshire where a sludge neighbour’s death was directly attributed to sewage sludge spreading. A few days after the spreading, he died and it was attributed. Or of the risk of disease to his own children who are obviously surrounded by it. As an example, a 14-year-old boy died unexpectedly two days after inadvertently crossing a spread field, and it was directly attributed to the sewage sludges.

He may not know that currently the regulations and standards are slack, that they aren’t being enforced, that the ministry is moving to self-management and that the MOE, through decreased staffing and enforcement, are facilitating mass disposal on farmlands, which has increased from one third of the stream to two thirds of the stream. He may not know that he’s placing the financial and emotional investment that he has in his farm at risk. He may not realize, because obviously he’s getting free fertilizer, that maybe he’s deciding he’s going to risk his health, so he obviously isn’t going to realize that he’s risking his neighbour’s health, his neighbour’s land, his neighbour’s security and the ecosystems downstream.

The Chair: On behalf of the committee, can I ask you if you can just wrap up and give us a conclusion? We’ve gone over time.

Ms Martin: OK. There are some really important things. Does my time include all those—

The Chair: Actually, your time was up about five minutes ago, so we do have to adjourn these proceedings.

Ms Martin: OK. The most insidious wrong with Bill 81 is the shift in responsibility for sludges from the MOE to OMAFRA, which has no history of environmental regulation or enforcement and also could have a conflict.

A scary quote from the Minister of Agriculture: “This legislation will supersede anything we have now.” As it stands, Bill 81 gives unconstrained control over an unwritten book and affects untold lives.

There’s no provision for liability. Is it the minister, the municipality, the hauler, the farmer, the landowner?. The

MOE will not guarantee the quality of sludge and the hauler will not warrant that there are no environmental effects.

The lack of a preamble to Bill 81—critical, glaring. It is a shocking precedent of making laws without adequate prior consideration of why. The Environmental Protection Agency, the Environmental Bill of Rights and the Environmental Assessment Act all have it. Why is it not here? It does not give a guideline for people to make the decision. Bill 81 is as deceptive in what it doesn’t say as what it does say.

You can read the recommendations. Ominous man in a dark uniform: obviously Big Brother. This legislation is repeating the same errors and omissions that contributed to the death of seven and acute and chronic illnesses of 2,000 in Walkerton. There are no enforceable instruments related to the sewage sludge. These sludges must not escape management under provincial certificates of approval for waste disposal which is enforceable.

It just gives a few examples of where it’s not enforced. The MOE has authority to enforce and, as well, to amend certificates. It just doesn’t happen. This piece of legislation is much weaker than what we currently have.

A big thing missing, alarmingly, is that there is no duty. The success or failure depends on the strengths and weaknesses of standards for safe management of wastes under the jurisdiction of the ministry. Alarmingly, there’s no duty under this bill to pass any regulations whatsoever and there are no deadlines or time frames for standards.

The Chair: Ms Martin, we will have to wrap this up. We have your brief as well. So on behalf of the committee, I wish to thank you and to thank HOPE for that presentation.

I’d like to open it up to the committee. With respect to arrangements, the bus is waiting outside. We are at the Ramada Inn in St Thomas this evening. Are there any other logistical issues? Seeing none—

Ms Martin: Does anyone have any questions?

The Chair: I’m afraid we’re finished with the whole presentation.

The bus is leaving just before 4 o’clock. Our hearings for today are adjourned.

The committee adjourned at 1540.

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