



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)**

Thursday 20 September 2001

**Standing committee on
justice and social policy**

Nutrient Management Act, 2001

**Journal
des débats
(Hansard)**

Jeudi 20 septembre 2001

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

**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



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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

Thursday 20 September 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE LA JUSTICE
ET DES AFFAIRES SOCIALES

Jeudi 20 septembre 2001

The committee met at 0900 in Parkway Place, Peterborough.

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. We wish to welcome you to this regular meeting of the standing committee on justice and social policy for today, Thursday, September 20, 2001. We're meeting in Parkway Place, Peterborough. Our agenda continues for the standing committee, Bill 81.

Peterborough is one stop in a three-week tour for this committee. We held hearings in Toronto and then commenced essentially a rural tour of Caledonia, St Thomas, Chatham, Holmesville down in Huron county, Owen Sound, Peterborough today. We travel to North Bay tomorrow. We have an agenda this morning. We have a large number of presenters, a lot of interest from this area and neighbouring counties; Northumberland, for example.

Mr Steve Peters (Elgin-Middlesex-London): Is that Dr Galt's riding?

The Chair: Dr Galt's riding. I'm very pleased that local MPP and cabinet minister Gary Stewart twisted some arms to bring the Legislative Assembly to Peterborough today.

PETERBOROUGH COUNTY
CATTLEMEN'S ASSOCIATION

The Chair: Our first delegation from our agenda, I wish to call forward the Peterborough County Cattlemen's Association. Good morning, sir. If you wish to

have a chair, the microphone will come on automatically. All delegations are recorded through the Hansard recording device, so we'd ask you to give us your name. We have 15 minutes. I think all delegations have been asked to perhaps present for 10 minutes. We do wish to have comments and questions from members of the committee in the remaining five minutes. OK, sir, if you wish to proceed.

Mr Samuel Wood: Good morning. My name is Sam Wood. I'm a farmer from Peterborough county. I have a small cow-calf herd, about 15 cows. I'm also an active member of the Peterborough County Cattlemen's Association.

I appreciate the need for the new legislation and support its basic concepts. On my farm, lessening the environmental impact of my livestock has always been one of my major priorities. Several years ago I completed an environmental farm plan on my property. Since then, I have fenced the ponds and installed a windmill to provide power to an alternative water source for my cattle. This year, I plan to build a buffer strip around my barnyard.

The environmental farm program is a good one and I feel every farm operator in Ontario should have one. I would like to see government continue funding this program.

In speaking to farmers in my area, one of the major concerns I've heard about the proposed new legislation comes from its financial implications. "How are we going to be able to afford to do this?" is a common question. Given the increased standards that will be expected of all Ontario farmers, there must be financial assistance to help us meet these new standards. There also has to be a significant phase-in period of five years or so to give everyone the chance to do the upgrades necessary. I think it's important that all nutrient managers, not just those in agriculture, should complete nutrient management plans. Owners of pristine urban lawns and golf courses can do as much damage or more to the environment than farmers. I also think it's important that farmers should be required to complete one nutrient management plan per entire operation, not just per farm, because many farmers have more than one farm.

When this act becomes law, farmers support the development and use of agriculture committees. These committees must include farmer representation. These committees must be the first point of contact for citizens with concerns related to environmental practices on

farms. Enforcement should be the responsibility of OMAFRA or an independent third party with farmer involvement.

Finally, I'm pleased that the new standards will supersede bylaws of similar focus that have been imposed in many municipalities across the province. As farmers, we're looking for clear regulations that will supersede municipal bylaws that set arbitrary caps or restrictions on livestock numbers at a given site. No other business in Ontario is expected to compete under such a restriction. There must be an effective education program so farmers and others with new responsibilities would be able to adhere to new regulations. Provincial standards must not include caps on the size of livestock operations.

Finally, I just ask, on behalf of all farmers in Ontario, please do not put us out of business with these new regulations. It is crucial that this act meet the goal of protecting the environment while ensuring a viable future for agriculture in Ontario.

Thank you for allowing me to present my thoughts to you today.

The Chair: Thank you very much, Mr Wood. We have two parties here, not three; I know the NDP are on their way. So we have a good five minutes for each side. We could bounce back and forth.

Mr Peters: Mr Wood, thank you very much for your presentation this morning. Your second-last paragraph, where you speak of not including caps on livestock operations: there has been some talk in the document circulated of various livestock units and size as far as operations are concerned. You don't feel that we should be using any livestock unit numbers in trying to set this legislation?

Mr Wood: I don't think the number of animal units is a concern; it's the way they're managed. If a person has 100 cows or if he has 500 cows, if he looks after them properly, there shouldn't be a concern.

Mr Peters: Are you going back and forth for questions?

The Chair: Dr Galt, and then we can come back to Mr Peters, if he wishes.

Mr Doug Galt (Northumberland): Thank you, Mr Wood, for the presentation. I appreciate your thoughtfulness. Just a couple of comments, and then I have a question as it relates to "out of business." Certainly it's not the intent of this government to see farmers go out of business, but I can appreciate your concern. Mr Barrett and I have travelled the province more than once on consultations. We've been looking at this for some two years. Some of the farm leaders are getting a little tired of the consultations and want us to get on with things. It's a very fine line that we're walking to protect the environment and, at the same time, support farmers and make sure that, as you say, they're not put out of business.

Let me just toss you some of the awkward situations that we find ourselves in to develop regulations, and that's a lot of what we're being asked for. One regulation you might tackle for me is winter spreading of manure.

How would you come up with a winter spreading regulation that would be environmentally sound and still look after your needs?

The second one would be very directly related to you and animals that are pasturing. You don't need a 365-days-of-the-year holding tank when they're pasturing. Sheep are similar. How would you write a regulation that covers holding tanks when animals are pasturing for whatever number of months a year?

There's two. How would you tackle those two?

Mr Wood: Winter manure spreading should never happen.

Mr Galt: But when is winter?

Mr Wood: November 1 to April 15.

Mr Galt: And I'd respond, in Quebec they had something like November 15 through to April 15, and the farm public just crucified the government over having those firm lines. Chatham is very different from New Liskeard.

Mr Wood: That's right, but you cannot put manure on frozen ground. It will not go into the ground. It will run off.

Mr Galt: How would you handle the regulation on pasturing and holding tanks as it relates to that kind of thing? How many animals per whatever, and what soil conditions would be satisfactory, where you don't need holding tanks, when they're not necessarily pasturing but out in the wintertime, say, in a woodlot? How many acres per animal and what soil conditions?

I don't mean to put you on the spot. I want to express some of our difficulties and, at the same time, get some good feedback from people like you.

Mr Wood: If you're feeding cattle outside in the wintertime, as long as you have enough material there to absorb any moisture, plenty of straw or sawdust where the cattle are so that the moisture won't run away—

Mr Galt: As long as at the bottom of the hill it's not going into the creek.

Mr Wood: That's right, and buffer strips around water streams so nothing can get into them.

Mr Galt: I noticed you mentioned that in your presentation, about developing—

Mr Wood: Buffer strips are very good. I'm going to put one around my barnyard this year, and I'm going to put a holding tank in. Hopefully, any runoff will go into the holding tank.

Mr Galt: I didn't really mean to be putting you on the spot, but I'm just curious as to your feedback on some of those difficult things we're facing.

0910

The Chair: I'll just bounce back to Mr Peters again.

Mr Peters: Thank you, Mr Chair.

In my mind, an important aspect of the legislation is going to be the environmental response teams or the advisory committees. You made reference in your presentation to the development and use of the agricultural committees. The makeup of the committee is going to be important. One of the issues, as we've seen with the issue of intensive livestock operations around the province, is

the non-farm residents who have moved into rural Ontario. What are your feelings on non-farm rural residents being members of these advisory committees?

Mr Wood: I think they have a place there, but they shouldn't be stacked with the non-agricultural members. They have a place in the community, but not completely.

Mr Peters: Say we had a 10-member committee. Could you give me a rough breakdown of whom you would like to see, out of the 10 members, on an advisory committee?

Mr Wood: I'd like to see at least half of them from OMAFRA and at least two local farmers in that immediate area and two independents.

Mr Peters: How about municipal politicians on the advisory committees?

Mr Wood: Yes, one.

Mr Peters: Thanks.

The Chair: Back to the Conservatives.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): In your presentation, sir, you mentioned that there must be financial assistance to help people meet these new standards. What kind of financial assistance? Would it be tax credits? Would it be grants? Would it be loans?

Mr Wood: It could be any or all three of them. Nutrient management plans are going to be expensive, for one thing, and if we have to do manure storage, that's going to be more money involved. Then, once you've put up another building for manure storage, your taxes are going to go up. I think grants are probably the best way to go.

Mr Beaubien: OK. Do I have time for another quick one?

The Chair: Yes.

Mr Beaubien: Do you think that people who are spreading nutrients or manure on land should be licensed?

Mr Wood: Yes, I do.

Mr Beaubien: OK. Thank you.

The Chair: Thank you, Mr Beaubien. No further questions. I wish to thank you, Mr Wood, for coming forward. I thought your presentation was very crisp and succinct and hopefully has set the tone for the day. I really appreciate the Peterborough cattlemen coming forward.

TOWNSHIP OF CRAMAHE

The Chair: For our next deputation on the agenda I'd like to call forward Cramahe township. Good morning, sir. We have 15 minutes. We wish, however, to allow time for the committee for any comments. If we could ask for your name, and then proceed.

Mr Elie Dekeyser: Good morning, Mr Chair, and welcome. My name is Elie Dekeyser. I'm the deputy reeve of the township of Cramahe, which is located in Northumberland county. I'm also the chair of the new nutrient management committee. We just passed our nutrient management bylaw. We had our third and final

reading on September 17, 2001. The bylaw was created for nutrient management of Cramahe township.

Some of the highlights included in our bylaw:

The objective of the nutrient management plan is to provide for an optimum application of nutrients to soil on a farm-by-farm basis for intensive farms in the interests of protecting municipality water resources and maximizing the economy and biological value of the nutrients.

Fifty per cent of the lands in the farm unit must be owned by the operator for the protection of all. Our nutrient management study consists of three components:

(1) minimum distance separation;

(2) a 240-day-minimum manure storage and contingency plan; and

(3) a nutrient management plan.

Application: no person shall use any land or erect, alter or use any livestock barn or manure storage facility except in conformity with the provisions of this bylaw and the corporation zoning bylaw.

Inspections will be done by an enforcement officer.

A nutrient management plan committee will be established by bylaw of the municipality to assist with the complaint process for the nutrient management bylaw. The committee will operate as a group of peers from the farm community. It is intended that they will review complaints and consider enquiries regarding the farm management practices that relate to the nutrient management bylaw and that they will provide advice regarding the same.

An intensive livestock farm is defined as where the number of livestock units exceeds 200.

Property which is leased or rented must have signed documentation from the owner or owners for the application of nutrients.

We also sent a letter to our MPP, Doug Galt, in response to a list of things we heard about, medications being found in our treatment plants, which are of great concern to us. Also, I have some notes in here, which you have copies of, that we would like to see what's going on with biosolids and liquid sludge. I will ask the Chairman whether or not I can speak on this right now.

Mr Peters: It's all part of it.

Mr Dekeyser: Is it all part of it? This is the second page then, Mr Chairman. This is regarding biosolids and liquid sludge.

Lands must be tested for nutrients before a certificate of approval is issued to the applicant from MOE.

A second test must be done after biosolids or liquid sludge is spread on the same lands and tests confirming results of metal, nutrients etc before applying any nutrients of any sort on this land.

No nutrients are to be spread after the first test is done by MOE and before the second test after biosolid or liquid sludge is confirmed by MOE.

All copies of certificates are to be sent to the township office bylaw enforcement officer and chair of the nutrient management committee.

Setbacks from wells, tile drainage outlets and waterways are to be 75 to 100 metres minimum; setbacks from

residential, 125 metres minimum; setbacks from built-up areas, 450 metres minimum.

No spreading on frozen ground or snow-covered land and slopes.

Notification to all residents in the area two weeks before applying biosolids or liquid sludge.

Applicant must sign nutrient management bylaw agreement before biosolids or liquid sludge is applied to lands.

Any misuse of bylaw agreement will stop the spreading of any and all biosolids or liquid sludge immediately.

Liquid sludge must be incorporated into the ground immediately.

No trucks unloading onto fields; must use an elevator belt to unload from roadway.

All materials which have been spread to be covered within 48 hours maximum. This is for the biosolids.

Only owners of land can sign the application.

Landowners and the Ministry of the Environment are responsible for any damage, pollution or contamination of the neighbouring lands.

Cramahe township's bylaw will only allow biosolids and liquid sludge from within Northumberland county.

The Chair: Thank you very much, Mr Dekeyser. I apologize for being out of the chair briefly. I will mention that, yes, this legislation is very comprehensive. It certainly does cover municipal sludge, pulp and paper, biosolids and septage; not only animal manure, but commercial fertilizer, for example.

We now have about five minutes for each party.

Mr Galt: Thanks, Lee, for the presentation, and congratulations on your nutrient management bylaw and the extensive work that you've put into it. I have just a couple of questions.

First I should mention, as the Chair has mentioned, this is all-encompassing. Any conditioner, any nutrient going on or into soil on farms is—

Mr Dekeyser: Whether it's biosolids or farm-related nutrients.

Mr Galt: Or commercial fertilizer—a total nutrient-conditioning package for lands.

“No spreading on frozen ground or snow-covered land and slopes”: I empathize with that regardless of what you're putting out there. What if it's two to four inches of snow and two inches of frost and they have the equipment that can inject it into the soil? Would you stop that?

Mr Dekeyser: That probably would be permitted, Mr Galt, because it can't run away. It's already imbedded into the soil. That's actually the best way to apply it, to inject into the lands. We hope everybody can do that, but it's being able to afford to have the equipment to do this.

0920

Mr Galt: How do you handle in your bylaw the fact that a CFA for sludge is for five years, and I think what's been happening and irritating some of the public is that they come out and put the whole five years on in one application. Do you tolerate that in this bylaw—

Mr Dekeyser: Yes.

Mr Galt: —or do they have to put it on annually, a fifth per year?

Mr Dekeyser: They can do it either way, but we will allow it to be applied. So they can apply the whole amount at once, but they can only apply it every five years. They can also break it down if they want to put some on every year. So it's only if the neighbour put on so many tonnes per acre within the five-year period.

Mr Galt: My last question: how did you arrive at 50% of the land's to be owned? What about the poultry producer that has a bunch of broiler barns, maybe 60,000 to 80,000 broilers that he or she owns and they're on four to 10 acres and they sell the manure? There are lots of farmers anxious to buy it. How do you deal with that?

Mr Dekeyser: The poultry is different than it would be from my stock, the hog operation, because it's a drier manure matter. If intensive farming was to start up and that person needed 500 acres for their operation for nutrients, we feel if that person only had to have, say, 10% or 20% or whatever it could be, we could jeopardize that person's business. If he rented that land from me or the neighbours around, and all of sudden they all said, “I'm sorry, Mr Galt, but you can't use our land any more; we need it ourselves again,” you're jeopardizing that person's livelihood. That's the reason why we thought he might have to slow down some but at least you're not going to put him right out of business.

Mr Galt: So it's more for start-up. You grandfather in that poultry farmer, as an example. Thank you very much.

Mr Dekeyser: That's right. I'd just like to ask one thing of the Chair. What ministry is going to be looking after nutrient management? Is it MOE or it is the Ministry of Agriculture?

The Chair: That's one reason we are having these hearings, and this is certainly a question that's been on the agenda: where do we go?

Mr Dekeyser: I feel like we can't serve two masters or two masters can't serve us, because it's two sets of rules.

We have a great concern for our water quality and our air, because they just brought some biosolids again yesterday to our community and, by God, I tell you, that doesn't smell very good.

The Chair: As Chair, I could ask the parliamentary assistant to the Minister of Agriculture for a brief statement.

Mr Galt: In fairness, it's being looked at, but the intent—just so you understand, the enforcement aspect, a separated unit of people from agriculture would be the enforcement unit in environment. All of the approvals and all of the other activity, the education, the training and, as I said, the approvals, would be out of OMAFRA. That's the current thinking. It's not etched in stone; that's why we're out after first reading. But that's the current thinking.

Mr Dekeyser: So if we have a problem, let's say with biosolids or liquid sludge contaminating our water, who do we—

Mr Galt: If it's contaminating the water—

Mr Dekeyser: —from biosolids or liquid sludge, who's going to be responsible? Is the ministry going to be responsible if pollution—

Mr Galt: Regardless of this bill, if there's a spill, it's MOE's job. If there's any contamination going on, it's MOE's job.

Mr Dekeyser: Even after it's spread, Mr Galt? If it's spread on the person's property?

Mr Galt: If it's getting into water, contaminated water, air or soil, there's contamination there, it'll never be OMAFRA's job. It'll always be MOE's job if there's contamination identified.

Mr Dekeyser: I guess what I'm asking is, if there's contamination from biosolids or liquid sludge being applied—in our area by Terratec—who's going to be responsible for the damages to somebody's well? Is MOE going to pay for the costs if you have to drill a new well or is that up to the farmer? Where's that going to end up?

Mr Galt: The charges are the responsibility of MOE in enforcement. When it comes to the other, now you're into some courts. It's up to the courts and all the rest of the things that happen in the lands. It's not something that's laid out in legislation, how that's going to happen.

Mr Beaubien: A very quick question, sir. Thank you for your presentation. In your presentation you mention notification to all local residents in the area two weeks before applying biosolids or liquid sludge. When you mention "all local residents," do you mean the entire municipality?

Mr Dekeyser: No, just the area where they're going to spread the biosolids or liquid sludge.

Mr Beaubien: That's pretty vague, though. Is it 400 feet? We've heard that minimum distance separation in Chatham should be 1.5 miles. That's a long distance.

Mr Dekeyser: I must apologize; I didn't really put that in. Anybody within half a mile of where they're spreading the biosolids or the liquid sludge should be notified. Right now, they're not being notified at all and people are concerned. All of a sudden they see these trucks pulling up and they give me calls, "What's going on?" Yesterday morning I had one.

Mrs Tina R. Molinari (Thornhill): Very briefly, in the consultations in the last few weeks there have been some common themes in some of the presentations. First of all, I congratulate you on your initiative in developing bylaws. I think that's a wonderful first step to be taking.

I don't know if you were present in the audience, but the presenter just previous to you was saying that the provincial should supersede municipal bylaws. That's been one of the questions that's been ongoing: which law or legislation should supersede, taking into account that there has to be some commonality across the province, taking into account some individual differences within municipalities?

What is your view as to the role the legislation should play in comparison to municipalities which take initia-

tives such as yours in developing bylaws, taking that kind of initiative?

Mr Dekeyser: Personally—and I'm talking about my committee at the same time—we felt, and I strongly felt, that a blanket bylaw on nutrient management across Ontario cannot work because we have different lands in different places. London, Ontario, and the Chatham area have different land than Northumberland. We have hills, we have gravel, we have sand, we have all types of land and a lot of hills. In that way, when you set certain setbacks for a well or a residence or anything else, that might be fine for Chatham, but it cannot work where we live because of the hills and the topography of the land.

Mr Peters: Following along on a couple of Mrs Molinari's and Dr Galt's comments, I'll start first with the 50% land ownership issue. In Huron county—I may have these reversed—I think it was 25% land ownership in their bylaw; Bruce or Grey county was talking 30% land ownership. You've included 50% in yours. We're talking province-wide legislation that's going to create a level playing field across the province.

Not knowing what that number is, what is the feeling going to be if, when the regulations are written up, they say 30%? How is Northumberland going to react to that? This is going to supersede your own bylaw, which is 50%, and let's say the standards are set at 30%. What's the reaction going to be in Northumberland?

Mr Dekeyser: Again, I can't talk for all Northumberland. I can talk for our township, and it's very rolling land. That's one of the reasons why we keep on insisting on the 50%. It's for the protection of the operator who's going to go into business. We feel that at 20% or 30%, whatever the number is, you could jeopardize that person's livelihood.

If they rented that land from a neighbouring landowner or wherever, and all of a sudden that landowner decides they need to sell to someone else, or they want to use it themselves, for whatever reason, that person could be jeopardizing his business. I don't want to be saying to a person, "Go ahead, you build your million-dollar barn, whatever it's going to cost you," and then three or four years down the road say, "Excuse me, you can't do this. You haven't got enough land." Like we just said, if we ask, if you need so much land, you've got it. It keeps that person with a little bit of security. That's the big reason we keep saying 50%.

Mr Peters: Another aspect of provincial legislation's potentially superseding your local bylaw would be, we know that the spreading of septage is to be phased out in five years, but right now biosolids are going to continue. Your bylaw reads that biosolids can only come from Northumberland.

Mr Dekeyser: That's right.

0930

Mr Peters: What is the reaction going to be in your township or in Northumberland if this is province-wide legislation which would allow for biosolids to be transported and spread anywhere?

Mr Dekeyser: They're not going to be very happy, I can tell you that right now. MOE tells us all the good parts that are in the nutrients of the biosolids and liquid sludge, but they do not tell us one thing about the heavy metals, the viruses, the bacteria, anything that can contaminate our water, our lands and anything else. That's what they're worried about.

We thought with the sludge coming from Northumberland county—we don't have the industry like you have from Toronto, and that's where a lot of our biosolids are coming from, Ashbridges Bay. It does scare the hell out of people.

Mr Peters: One of the things I think has unfairly happened is that the agricultural community has been the scapegoat for water quality problems in this province. We all need to recognize that there's a collective responsibility.

You live in a rural municipality. A lot of people, probably the majority of your residents, are on septic systems. Right now when they need those septic systems pumped out, they can call the local honey truck to come in, pump it out and go and spread it.

With septage going to be phased out over a five-year period, do you think that the time has come that we need to take a more serious look at what septic systems are doing to the groundwater quality in this province?

Mr Dekeyser: Yes, I do, because they're just as guilty as the rest, or to some degree. In Cramahe township we just amalgamated with the village of Colborne and we have our own treatment plant now. If it comes to that, we could bring the raw sewage from private septic beds into our own treatment plant.

The Chair: I wish to thank you, Mr Dekeyser. We appreciate this from Cramahe township.

INNOVATIVE FARMERS ASSOCIATION OF ONTARIO

The Chair: I now wish to call forward our next delegation. I would ask the Innovative Farmers of Ontario to approach the witness table.

Good morning, sir. We have 15 minutes. We are asking people to allow five minutes for comments or questions, so if you wish to proceed.

Mr Eric Kaiser: Good morning. My name is Eric Kaiser. I farm in Napanee, Ontario, and I'm a director of the Innovative Farmers Association of Ontario. This presentation was prepared by a committee of the board of directors. As you are probably aware, when things are done by a group of people, it tends to be a little longer than it should be. I will likely drop sections when I read it. I'll read it as quickly as possible in the interest of leaving time for questions.

The Innovative Farmers Association of Ontario wishes to make it clear that we fully support the concept of a Nutrient Management Act. We applaud efforts to standardize requirements for nutrient management across the province, and we believe provincial jurisdiction is necessary to achieve this goal.

The concepts behind the Nutrient Management Act parallel the driving force for the creation and continuing mandate of IFAO: advance the knowledge of environmentally and financially sound agriculture. Our whole concept is clearly driven by a desire to reduce negative environmental impacts created by least-cost requirements in the North American food production system. IFAO is farmer-conceived, farmer-driven and farmer-maintained. We have been leaders in environmental protection and responsible use of agricultural resources.

We believe we are in a better position to respond to Bill 81 than many environmental groups since we live day to day with agricultural environmental issues. We endeavour to find positive solutions, not negative rhetoric. We practise what we preach. Any and all comments we make must be accepted as coming from a leading, involved and caring group of farmers—the original environmentalists.

IFAO is interested in how the act will affect individual farmers. As such, our main concern is with the regulations that will follow from Bill 81. Since these details are absent from the act at the time of this meeting, our response must be as general and as sweeping as the act itself.

We feel the act is too open-ended. We are nervous that the government could not decide what legislation they needed, so they implemented carte blanche, allowing rules to be made up as we go along without adequate scientific basis or even experiential justification. The act fails to provide or even acknowledge the need for base levels to be established as a starting point. How is it possible to know if the act is successful if we have no environmental starting points? What assessment techniques will be used to decide if regulations are having a positive or negative effect on nutrient pollution? How will you monitor success? What constitutes success? How big is the problem now? The government assumes no responsibility for creating or providing solutions.

We suggest the agronomic expertise and farmer rapport established by OMAFRA be utilized in creating and enforcing this act. A team approach, led by OMAFRA and encompassing the environmental, natural resources, engineering and agronomy fields, should be used in preparing regulations.

This act fails to be positive. The act does not adequately recognize the diversity of the farming community.

There are many farmers who are not physically or financially capable of doing the work necessary to research and implement fully effective nutrient management systems that are integrated into their crop and livestock operations. Governments have drastically cut areas of research, engineering and extension. The current electronic information system is totally inadequate as a replacement for on-farm or on-site advice. Nowhere in the act are provisions made for education, funding, research and accessibility for farmers. There is inadequate research in the handling and use of all nutrient

sources, including sludge, animal manure and other farm, industrial and urban nutrients.

The act has a totally negative approach. It is of considerable concern to IFAO that a major percentage of the bill deals with policing and penalties. It cannot go unnoticed that 46 of the 64 pages of the act are devoted to enforcement of the act. This government appears to be ready to treat farmers, your food producers, as potential, even likely, criminals.

Fear of public outcry in regard to nutrient pollution is creating a new group to harass. The message is clear: pass the buck, blame the farmers, farmers are criminals who need to be legislated. This group is made up of many poorly financed individuals who may be inadequately informed and easy prey for environmental police. We suggest that it would be better to devote more time and expertise to the development of scientifically based answers that can be used in the implementation of nutrient management plans. Also, it is necessary to have policies that expedite environmental improvement. Assistance provided in a combination of financial aid, technological resources and on-site demonstrations that encourage farmer participation would be much preferred to the adversarial approach taken in the act. There is no mention of government funding at any level or any other assistance in this act.

Farmers are stewards of the land and need the help of society. It must be clear that we farm in North America, not just in Ontario. Except in commodities with supply management, farmers must compete directly with other North American producers. Farmers are price takers and cannot pass on costs. There are negative repercussions for taking part in non-revenue generating activities. There is no incentive to implement plans for the benefit of society at large. If society wants a safe, clean, healthy environment, then society must invest in a food production system that can support environmentally friendly practices. A cheap food policy does not encourage this.

This act does not provide for incentives, grants, loans, moratoriums, demonstration areas or a multitude of other methods of implementation that have been proven to create positive change. The environmental farm plan, land stewardship I and II, CURB and other agricultural environmental programs that provided financial incentives, combined with education, resulted in success stories.

Sections that could require large, open-ended costs should be moderated or provision made for government funding. The sections are mentioned.

This act may disrupt or interfere with present farm practices. IFAO is the outgrowth of activities initiated by a group of individual farmers who sought solutions to problems associated with conventional crop production systems. The problems with conventional management include erosion, compaction, high cost of production etc. The most common response to these concerns was the development of a no-till production system. As is clear from the name, no-tillage is used to prepare, plant or weed the crop. The most significant benefits of no-tillage

farming are listed. IFAO continues to be active in fine-tuning the no-till system and promoting its benefits to agriculture.

IFAO is very concerned with any section of the act and any ensuing regulation that would require the compromise of farmers' no-till systems. Over a period of several years of no-till, a situation develops called the no-till advantage, where soils become easier to manage, more productive and, important in a dry year like this, less drought-prone. One year of conventional tillage has been shown to eliminate all the benefits of the no-till advantage. The loss of sequestered carbon and the increased use of tractors to do tillage could impact our country's commitment to the Kyoto protocol. Sections which could compromise are shown there.

In conclusion, it is clear that this act must be rethought and rewritten. While it is necessary that the act contain the required policing clauses, it must have a much more positive slant. It must provide for the necessary help and funding to allow farmers to improve and maintain the rural environment, while still feeding the residents of Ontario.

IFAO suggests this rethink and rewrite be done by an OMAFRA-led coalition, including lawyers and MOE as part of the team, and not the team leaders, as was apparently done in preparing this first version of the act. We attach a letter that IFAO wrote to Don Hilborn of OMAFRA in the fall. It details some of the things that might be done in the regulations to accomplish our goals.

0940

The Chair: Thank you, Mr Kaiser. This leaves two minutes for each party for any comments or questions. We'll begin with the Liberal Party.

Mr Peters: I appreciate your comments on scientifically based answers. There have been a number of common threads throughout the tours—this is stop number eight—and one of them is the cuts we've seen inflicted on OMAFRA by this government and the fact that a lot of the research isn't being done like it was in the past. I think that is something we really need to take into consideration.

I'd like to go back to your no-till point. In southwestern Ontario, as an example, it's quite common to see the wheat fields right now, the stubble, the manure being spread on that stubble, and next year there is going to be corn planted in those very fields. It was something that was pushed by OMAFRA, to look toward no-till. You have made a point here, but is it going to have some real effects on those farmers who have practised no-till to all of a sudden have to start incorporating this manure into the soil?

Mr Kaiser: We don't know, because we don't know what the requirements will be. We don't know what the effect of the policing will be. We simply don't know, and that's one of our concerns with the act. There are just too many "don't knows" to make an adequate response at this time. That relates to our initial comment.

There is no question that if you incorporate manure you could, depending on the conditions that were

required. We in our case do incorporate manure, but we incorporate it only lightly and we incorporate it in August, at the driest time of the year, when you do less damage to the flora and fauna of the soil, so the compromise is significantly reduced. But we don't know what the regulations are going to require, so I can't give you a straight answer.

The Chair: I now go to the PCs.

Mr Carl DeFaria (Mississauga East): Thank you, Mr Kaiser. I represent an area in the city of Mississauga, which is an urban area. I'm very concerned about your comments with respect to the act. We have members in our party who have been fighting and working for years, like Dr Galt, and Toby Barrett, the Chair, who have been working for a couple of years, speaking to the farming community and trying to develop an act that would respond to their needs. The member for this riding, Gary Stewart, is very involved in that process.

As a city representative I am more concerned about the costs to the residents in my riding. For example, you know that this act also affects urban sludge, paper sludge, all kinds of things that will increase the costs to residents in cities like Toronto and Mississauga. That's what I'm concerned about.

You say, for example, that the government appears to be ready to treat farmers as potential criminals. This doesn't affect just farmers; it affects people in the city. Representatives from the farming community and our government have been pushing for some sort of tax credit, some sort of assistance to farmers. I want you to tell me, should that assistance also go to people in my riding who are in the city, who have to put up with the cost of dealing with urban sludge?

Mr Kaiser: My sister lives in your riding, Mr DeFaria.

You raise a number of issues and it's difficult to answer them all at once. Since I don't have a stenographer to take them down, I'll make an attempt.

There is no question that where the urban sludge belongs is where it came from, just like poultry manure in our case or any other livestock manure. It should go back where it came from, which is on the farmland of Ontario. The problem is that we don't know what else your urban residents have dumped into the sewage system. That's point number one.

Point number two: the residents of Canada enjoy the cheapest food in the world. You're not paying the freight right now for the environmental impact of the production system you're requiring us to use. You can take some of that money from your cheap food and apply it to handling your nutrient problems, and you should. In other words, the residents would have to pay in the form of taxes.

In our case, we don't benefit; in fact, we pay the freight for your cheap food. We don't have another source of income to put in place the policies that should be required to mitigate our nutrient production problems. I see it as a separate problem with a separate solution.

You have the benefit of our cheap food production; we don't.

If I may comment, what we have here is a situation where agriculture is an insignificant number of the population, and it also happens to be an insignificant number of the rural population, and it is those rural residents, those "rurbanites," if you will, who are dictating the policy for your problem and mine. We now have allowed those people to be scattered across the countryside, and they feel they're justified in asking for solutions to problems that you and I both have. Therefore, you have a small percentage of the population, who are "rurbanites," driving the policy both for you and for me.

Mr DeFaria: The point I'm trying to make is that that affects people in the city. As far as the cost is concerned, it's going to affect them in the same way. As far as food, I agree with you that food producers are very important to Ontario, but people in the city pay the market price for the food they eat. So you have to understand that it works both ways: you wouldn't be able to produce the food if there weren't consumers to buy it and consume it.

The Chair: Mr Kaiser, thank you. I appreciate the Innovative Farmers Association of Ontario coming before the committee.

CITY OF KAWARTHA LAKES

The Chair: I now wish to call forward our next delegation, the city of Kawartha Lakes. Good morning, gentlemen. If you'll have a chair, we'll ask you to give us your names for Hansard. We have 15 minutes, and we are asking that you leave time for comments or questions from the committee.

Mr Dennis Zekveld: My name is Dennis Zekveld. With me are Dave Wellman and Richard Danzinger.

On behalf of the city of Kawartha Lakes, I would like to thank you for this opportunity. I'm chair of the nutrient management planning committee for the city of Kawartha Lakes, Dave Wellman is a committee member and Richard Danzinger is the director of planning for the city of Kawartha Lakes. This presentation that we're doing today has the full endorsement of our council. Now I would ask Dave Wellman to go through the presentation.

Mr Dave Wellman: Our committee has been appointed by city council to deal with nutrient management issues. We are comprised of farmers and interested rural citizens.

The nutrient management committee has reviewed Bill 81. Council and the committee support the principle of this legislation. As we will explain during our presentation, we have a number of issues that we feel need to be addressed by the provincial government.

Our committee and council support the underlying need for this legislation. A patchwork of different municipal bylaws, the potential for community division because of the siting of new livestock barns and the negative publicity associated with modern farming

practices, especially following the Walkerton tragedy, are all issues that highlight the need for this legislation.

There are number of positive aspects to the legislation, including the consistency of provincial legislation when dealing with nutrient management; the local mediation of disputes; OMAFRA's leadership of this legislation; and the use of the standard that has been developed through the Ontario Farm Environmental Coalition.

While there are positive points, there are also issues that we feel must be addressed. In the interest of time, we have divided our submission into two portions: the verbal part that we will present to you in a moment, and a supplementary written document that contains straight-forward improvements to the wording of the act.

I'll begin with the need for financial support and realistic expectations. Livestock are the dominant component of most of the farms in the city. According to the last census, there were 1,702 farms in the city, and approximately 1,200 of these farms had one or more species of livestock as part of their operations. Placed in another context, livestock and livestock product sales accounted for \$51.4 million out of \$80 million in total farm gate sales in the city of Kawartha Lakes.

With respect to this legislation, we have heard many producers state words to this effect: "Well, depending on what this nutrient management law requires, we may just decide to get out of the livestock business entirely." It is important to note that this legislation may be the last straw for some producers, when coupled with (1) low returns on a long-term average for agricultural commodities; (2) aging equipment and infrastructure on many farms; and (3) an aging farm community. According to information from the 2000 farm business registration program, 55% of farmers in Ontario are over 50 years old. All of these factors threaten the sustainability of our farming communities.

0950

For many farms there will be significant capital investment required, which could be in the magnitude of \$40,000 to \$50,000 per farm. Without substantial financial support from the provincial government, many of these farms will not be able to meet the legislation's regulations. In many cases this could result in the end of many multigenerational farms throughout our city and all of Ontario.

While this scenario is potentially devastating for the farmer, it could radically change our rural communities as well. It could negatively affect local businesses that depend on farmers' support. As a city we will suffer from having less vibrant farms than we once did, which will have repercussions on rural land use, the tax base for the municipality and the vitality of our community.

It is suggested that farmers may have to pay over and over again for their improvements. While improvements are generally a one-time capital expenditure, if the resulting "improvement" increases the assessment on the property, the farmer will end up paying for the improvement every time property tax is paid. We believe that one of the legacies of this act could be to increase the

property tax burden on many farms in Ontario. As such, it is imperative that the Ontario government examine the tax implications associated with this legislation. After an examination of this issue, it will be necessary for the province to make adjustments in taxation policy to ensure that farmers are not unduly burdened by increased taxes because of farm structural improvements.

There needs to be a large menu of ideas and options available to farmers to comply with this legislation, including low-cost solutions for nutrient management, financial assistance from the province and training and education opportunities for producers. We often note that solutions proposed to a problem focus on a structure or piece of equipment such as the so-called silver bullet, and we overlook the importance of the manager or the operator. The development of the regulations and strategies associated with this legislation need to balance a number of larger issues such as environmental stewardship, financial viability, human capacity and rural sustainability.

There are a number of compelling reasons for this province to establish realistic regulations for this act. It will build upon the stewardship ethic that exists on farms today and has been developed through programs such as the environmental farm plan. It will help to restore confidence and offset doomsday stories about how this legislation could wipe out the family farm in Ontario. From a financial perspective, realistic expectations will lessen the need for financial support from the province.

We will leave this topic by reminding the Ontario government of the old saying, "Be careful what you wish for, because you might get it." We have observed many conflicts with the siting of new livestock barns throughout Ontario, and many groups opposed to these barns have indicated the need for nutrient management legislation. While we are not passing judgment on these large operations, we believe that these large corporate farms may be the only farms able to cope with new regulations, because they have the financial backing to undertake the capital improvements and the staff resources to deal with the paperwork associated with nutrient management plans. In fact, if there is an exodus of existing farmers, it may be easier for these large operations to grow even larger.

Next is the need for a science-based approach to dealing with this issue. While most of the act is based on established scientific principles, there are some areas that require further study or consideration because they seem rather arbitrary.

We believe that this legislation should include the creation of a technical standards board. While the Environmental Review Tribunal will deal with the legal matters associated with the act, the technical standards board could rule on scientific and technical matters as they arise. New technology will continue to develop, and there will be a need to determine whether or not a technology is appropriate for nutrient management vis-à-vis compliance with this legislation. This board could provide proactive judgments. As an example, a farmer

could ask for a ruling on a new technology prior to implementation. If the board accepts it, the farmer can proceed with confidence, or, if the board rejects it, the farmer can pursue alternative arrangements. Because it is a technical committee, qualified scientific and technical people should be appointed to this board. We suggest that the Building Code Commission could serve as a model for the role, membership and legislative framework for this board.

The use of livestock units does not seem to be an adequate measurement standard for this legislation. Livestock units were originally designed to determine odour tolerance, not nutrients, for minimum distance separation guidelines. We suggest the development of guidelines based on equivalent nutrient excretion values would be more appropriate. While we raise this point, we recognize that livestock units are only a trigger which will determine how quickly a farmer will have to complete a nutrient management plan. Because all farms will be required to complete a nutrient management plan eventually, there may be other pressing issues that require a greater amount of attention.

Nutrient management plans will be based on phosphorous values. Above a predetermined point, likely 60 parts per million, the soil will be deemed to be in excess of phosphorus. At this point, a farmer will only be able to apply nutrients to meet crop removal needs. While it is important to use nutrients wisely, it has been pointed out that other jurisdictions allow soil nutrient levels beyond this point. It has been suggested that the risk to surface water with excess phosphorus is well above the 60 parts per million level. Soil type can also impact the amount of available phosphorus, which could unduly restrict some farmers with this issue. We are concerned that farmers in our area could be unfairly restrained compared to producers in other jurisdictions.

Winter spreading of manure is another issue that will require some scientific evaluation. We recognize that winter spreading is not a best management practice. However, we have found very little Ontario-based research on this subject. What little research there is was done at Cornell University and Iowa State University. Both research groups indicated that winter runoff was high only if manure was spread immediately, within 48 hours, before a significant runoff event. In addition, if the government states that manure cannot be spread between two specific dates, virtually every farmer will be spreading the week before the ban takes effect and the week after it is lifted in the spring, regardless of the environmental conditions at the time. With this issue, there needs to be flexibility due to weather events, emergency situations and other occurrences, and the legislation should allow for contingency in the event of unforeseen circumstances.

In addition to further Ontario-based research on this topic, we would suggest doubling separation distances to watercourses and wells for winter spreading and that reasonable precautions related to weather conditions be taken.

Next will be comments related to specific wording in the act.

The attached supplementary document from the city of Kawartha Lakes provides specific suggestions to improve the wording of the act. As we indicated in the introduction, we will not read these items verbatim to you. However, in view of the importance of the wording, we will offer the following highlights for the committee.

First, in the establishment of a registry of information, we urge caution in who has access to this information.

Second, the act prohibits the conversion of other farm buildings to livestock facilities. Once again we would urge caution, because situations may arise, due to fire or natural disasters, which require temporary arrangements to be made.

Third, in the course of investigations, we would ask that officers take every precaution to respect biosecurity provisions and that animal welfare be taken into consideration.

Finally, generally speaking, the provisions for investigations seem quite heavy-handed. The powers of investigating officers need to be balanced by the rights of the individual or the group under scrutiny.

While we have provided many comments on this act, we wish to reiterate that the city of Kawartha Lakes supports the principle of this legislation. We believe that our suggestions will improve the legislation and community acceptance of it. We would also like to restate the importance of the need for significant financial support from the province for farm projects which are necessary to achieve compliance. Finally, a balance between environmental stewardship and the viability of our farm and rural communities is critical to successfully implementing this legislation.

Thank you for considering our comments today.

The Chair: Thank you. That does wrap up our 15 minutes. On behalf of the committee I wish to thank the city of Kawartha Lakes for coming forward.

1000

SAFE SEWAGE COMMITTEE

The Chair: Our next delegation from our agenda: I wish to call forward the Safe Sewage Committee. Good morning. We would ask you to give us your name for the Hansard recording. We have 15 minutes; if you could set aside five of those minutes for any comments or questions.

Ms Karey Shinn: My name is Karey Shinn. I am the chair of the Safe Sewage Committee. It's a Toronto-based organization. We have been in existence for 10 years. We have researched and travelled to many conferences on waste water, water, biosolids, toured many, many sewage treatment plants in both North America and Europe.

We've read the act and we appreciate this opportunity. Without the regulations, however, many aspects of the Nutrient Management Act are impossible to judge in terms of effectiveness in meeting its objectives, such as

protecting the environment, public health and sustainability. The way the Nutrient Management Act reads today, there is a great deal of authority given to the Lieutenant Governor in Council, which I understand is the cabinet, and no explanation of what expertise would inform them.

I have outlined this in terms of recommendations because I didn't understand exactly the best way to do this.

Recommendation 1: in order to provide the opportunity to ensure that this enabling legislation, the Nutrient Management Act, works in the context of the regulation legislation, we request that the standing committee recommend that the province hold formal public consultation, as well as any postings on the Environmental Bill of Rights Registry, when the legislation containing the schedules and regulations is available.

Recommendation 2: that farm and municipal generators of nutrient material be required to include short-term—several seasons—medium-term—three to five years—and long-term—six to 40-year—planning horizons in their nutrient management strategies and individual plans. This is common for large cities. Vancouver, for example, has one. Sustainability will not be achieved without long-term planning. This concept has the benefit of shifting the onus from short-term storage-related issues to long-term management of soil quality and alternative uses.

Farms and municipalities will be generating nutrient material indefinitely and in increasing quantities. At the same time, much of Ontario's agricultural land is being sold off for urban development. Long-term planning will keep the pressure on the quality of nutrient material and open up opportunities for its use.

Recommendation 3: specific reference should be made to the biosolids land application guidelines and the role of the biosolids utilization committee, either in terms of strategy development on a province-wide basis or on the generation of new guidelines or regulations that may be required for new innovative technologies, non-food crops, mine-tailing reclamation, revegetation, brownfield site remediation etc.

Recommendation 4: that generators of nutrient material be required to reduce pathogens to a safe level in the same way that biosolids must meet pathogen reduction targets before specific uses. To reassure the people out here, our biosolids in Toronto do not leave until they have met these reductions.

Calling this the Nutrient Management Act has not reassured the public that what happened in Walkerton as a result of E coli from cow manure wouldn't happen again. There must be some regulation that requires testing of manures in the same way that municipal biosolids are processed and tested to ensure that levels of pathogens are safe for specific land applications. Composting, for example, is a very low-tech process that reduces both pathogens and volume.

Intensive feed operations, from what I've read, grow animals with non-traditional feed, pump them full of

antibiotics and naturally create wastes with high levels of nonylphenols in the case of pigs. There need to be testing processes that capture specific contaminants.

In the absence of a volume reduction requirement, large livestock farms could challenge municipalities for farmland, given that a single pig can generate six to 10 times the amount of biological waste as a human. Permitting large livestock operations should go through the same process as siting a sewage treatment plant.

The definition of "nutrient" should be accompanied by a minimum-quality standard, definition of contaminants not allowed, and in part II, schedules of allowable thresholds for various types of contaminants found in any or all nutrient material, including heavy metals and synthetic toxins. These could cross-reference some 20 years of research done in connection with the USA regulation 503 and other data from reliable research or professional scientific organizations and soil scientists.

On part II, recommendation 5: that approval of strategies and plans be approved in a set amount of time. It is not possible to prevent the generation of waste from livestock or people, because the ministry may be understaffed. If there is a need for phasing in plans from different generators, priority should be quality driven.

Given that small generators may not have the financial resources to perform adequate testing, will the province provide resources to these generators and receivers of nutrient material? To avoid costs to a small farm operation, it might be possible to certify an on-site composting process, for example, that operates to produce an excellent quality manure that does not require testing.

Groundwater flow mapping should be a regional or provincial district responsibility.

Referring to innovative technologies, our recommendation is that a protocol be identified for pilot projects, how they could proceed and how long it would take to generate appropriate guidelines or regulations.

Recommendation 7, respecting certificates to farmers in compliance: a landowner who sells a farm property for subdivision, rezones for recreational use or removes the farm from a properly certified and licensed nutrient management plan must give a reasonable amount of notice to allow time for alternative uses or secure additional storage.

Recommendation 8: that a provincial inventory be compiled and made available to generators of nutrient material of the existing soil quality of farmland in Ontario, the types of nutrient material that are appropriate to apply in those areas and how much nutrient material is being generated in the province. This would inform all parties of any growing surplus of materials, lack of appropriate land for application and the need to look for new technologies and alternatives.

Recommendation 9: that the province identify long-term destinations—landfills or mine-tailing reclamation projects, revegetation projects, brownfield site remediation projects etc—for this material and/or prompt higher quality material for unrestricted use.

A project in Washington state is controlling pressure from population growth around Seattle through a 50-year biosolids forestry program along a 100-mile stretch of interstate highway. The program generates state revenue and reduces sewer rates. I have identified my source.

In Ontario, Domtar has developed a tree-free paper using hemp and cellulose from sugar-cane processing. Cultivating 10,000 acres of hemp for paper pulp can save 40,000 acres of trees. Biosolids would make this more economically viable, as it does require fertilizing. These are just examples of types of projects.

Inspections and orders, recommendation 10: we recommend new officers or more officers be employed so that adequate numbers of trained persons are available to carry out inspection and enforcement in a reasonable amount of time.

Recommendation 11: that there be a requirement to have large signage on all trucks that are used for land application of nutrient material. Unidentified trucks have caused the public to jump to a conclusion that what they are doing must be illegal. For some reason, people think that Toronto biosolids are the worst, and I'll tell you, I've read enough federal research documents to know they're not. So I think it's important that these things be identified so people do know where things come from.

Recommendation 12: that there be a clearly set out process for reporting complaints or suspected violations of this act and accessible information to allow a member of the public to assure themselves that they are not calling in a frivolous complaint or harassing the enforcement agency or director. I have a question here: what approved tests will be applied to verify that an offence has been committed under the act? Some offences may be visually obvious, some may be requiring laboratory testing. Is odour included in this section? If so, what number of odour units over what period of time, for example, would constitute a violation?

Recommendation 13: that foreign owners must put up special bonds or collateral for potential recovery of costs. Many corporations in Canada are subsidiaries of American firms. Non-Ontario residents can run large livestock operations. Recovery of costs from out-of-province owners needs to be addressed in order to avoid financial risks to the public. Declaring bankruptcy and being an out-of-province resident would be an easy way to avoid financial responsibility. Some corporations may not own real property to tax anywhere, and we have experience in Toronto where certain companies have done just that. They've just left the country and not paid, and we've been paying that ourselves as the public.

It is our opinion that the province should be the regulating body, overseeing all the sections of the act. Section 55 creates a third party authority for anything except parts IV, V and VI. What relationship might this third party be to a municipality, farmer or contractor, or not, under the act? It wasn't clear how a variety of these third parties would make decisions that would always be consistent with other third party authorities. How will

conflicts of interest be scrutinized as firms are bought by larger firms that may operate land application programs?

Recommendation 14: that a fair competition provision prevent the creation of a monopoly in the business of land application of a particular type of nutrient product, such as biosolids. This legislation should develop competition as well as opportunities for publicly owned, enclosed regional storage facilities to ensure that compliance with the act is always possible. Some corporations in the business of land application management and operations are so large that if one of these corporations were to lose their licence or go bankrupt, major problems would be created in nutrient management strategies and plans that would have questionable alternatives to turn to. To prevent problems, the province must require long-term planning that identifies landfill sites or pilot projects, as I've stated before.

1010

In part VIII there was an exception made in section 61 for animal wastes disposed of in accordance with normal farm practices and the Nutrient Management Act. We think there should be some preventive treatment by, for example, adequate composting of manures, to guarantee that pathogen levels in any farm manure are reduced to levels that we know will not transfer a health risk from a farm operation to a person. I remind you that the E coli that killed people in Walkerton came from cows on a well-managed farm. There is nothing in this act yet that would prevent a Walkerton-type tragedy happening again, and this exception presents a serious risk.

I contracted tetanus myself as a child on my grandmother's farm and I can assure you that this came from the manure on the pitchfork. I'm very concerned about those types of risks. Also, I think the province could take initiatives here to reduce biosolids in terms of permitting new sewage plants like they have in Niagara that produce no biosolids; composting toilets in parks, which would be a damn sight better than those Port-O-Lets; and composting on farms done far more like they do with the organic farming practices.

The Chair: Thank you, Ms Shinn. We have two minutes for each party for questions. We begin with Dr Galt.

Mr Galt: Thank you for your presentation. Obviously, you read the bill in great detail and put together a lot of good recommendations. I'd just like to respond to a few of them.

As it relates to Walkerton, as you mentioned, it was a well-run farm, owned by a veterinarian, a family type of farm, a small beef operation, and an E coli organism that is devastating to humans but a relatively new organism, as we understand it, 20 to 25 years that it's been around. I believe the virus has moved in antigenic material from Shigella over to E coli. But then we had a flood and then we had wells that weren't sealed and then we had three points in a water treatment system where chlorination should have occurred and didn't occur. It was not an intensive farm operation by any stretch of the imagination. I just want to clarify that.

Ms Shinn: Yes, I understand that.

Mr Galt: In your part I—I guess it's still under recommendation—you're suggesting horses are not included in the bill. Under section 1, which refers to "(a) livestock, including poultry and ratites," and it goes on to fur-bearing animals, but "livestock" certainly includes horses, cows, pigs, sheep, goats and so on. So horses are included there as livestock. The other items are just in case people don't think of them as livestock, they've been added in.

Your comment on Domtar and the hemp: that's not new; that's a very old technology, making paper out of hemp. The biggest problem is what it looks like compared to marijuana, its first cousin. That's why it went out of vogue some time ago. But, yes, the federal government now allows us to grow hemp and we're now able to produce it and it's recognizable, and by all means going ahead.

Ms Shinn: Yes, it's excellent paper.

Mr Galt: There are some other good comments here. It gets to my last question. I don't mean it as facetious, but I'm curious. You're from Toronto. You've made a choice to present in rural Ontario rather than in Toronto; I think it was two weeks ago Wednesday we met in Toronto. Why would you choose, as a Toronto resident, to present in rural Ontario rather than at Queen's Park in the Toronto hearings?

Ms Shinn: I don't think it was really a choice that I would have preferred to make. I'm not really good at the Internet and I could not get to the part of the site of the Environmental Bill of Rights registry that showed me the dates until it was too late. So we phoned, and when I called Mr Prins's office they said you would be in Peterborough and Owen Sound and some other places, and this was one that we thought was fairly close. We do go out to speak to people in communities around Toronto quite a lot, and I don't mind travelling out here. It's very pretty.

Mr Peters: I'm glad you came to rural Ontario because, with some of the urban problems, we don't realize in an urban municipality how bad a polluter we are ourselves. As a former municipal politician who received those calls every summer when the beaches were posted in Port Stanley, I know that municipalities are as big a polluter as the agricultural community. Unfortunately, that brush has painted the agricultural community.

I'd just like to make a few comments. I don't take exception to too much that you say in here, but I take exception to the generalization that "intensive feed operations grow animals with non-traditional feed and pump them full of antibiotics" etc.

I can take you to an operation that is like walking into—you've got to go through two showers and I wouldn't even be allowed in there right now with my cold. One of the keys to that operation is that they're not pumping them full of antibiotics and other things. I just throw that out; I don't want to get combative.

I just saw yesterday or the day before on the Internet that Switzerland has just announced they're going to be

banning the spreading of biosolids. Do you feel that the science of biosolids is understood? We've just recently heard news of residual traces of antibiotics etc turning up in sewage plants. Do you feel that we've done sufficient research in understanding biosolids and what's in them and the long-term ramifications of what's in them, in spreading them on the fields, or is this an area where we need to focus more time, energy and money in researching biosolids?

Ms Shinn: I think in the case of biosolids, the pH of the soil is probably the most important factor. I'm not sure that's in any of the particular regulations that I've read, but there have been huge amounts of research. In the case of Switzerland, there's actually talk in Scandinavian countries of banning agriculture, period, because the whole practice—they can't control the pollution from it at all.

I think that you are always going to find a range of acceptability and non-acceptability of different types of things. The best response that I've ever come across is to actually do something like Toronto has done. We have the most stringent sewer-use bylaw on the continent, that now includes nonalphenols and cylates. Nobody else has this. We have inspectors. I say this because I don't think you can control contaminants once they're put in the environment. They have to be prevented from going into the system.

The history of these pollution prevention plans in the States and at very large installations, like Dow Chemical—often environmentalists have gone in there to work with them to reduce hazardous waste. In doing so, going in there trying to create pollution prevention plans has saved them millions of dollars. They have found ways that they don't have to create wastes in the first place. They don't have to dispose of them in the sewers. It's turned out to be a win-win for a lot of industries.

So we're also encouraging these pollution prevention plans. We are going to have some of the cleanest sludges you've ever seen coming next June. I would challenge other municipalities to pass similar bylaws and work with their industries on pollution prevention planning. My personal preference would be to compost materials, but there are processes that work and many countries do very many different things.

I think there's a caution in the States with regulation 503. They do not certify their land. They certify their biosolids. In Canada we certify our land and our biosolids. Very often, I've heard a lot of misinformation from people: "Oh, these scary biosolids, blah, blah, blah. They're putting them on this land." They don't realize that they may be basing their information on stuff that's happened in the States that is very different from ours. We are not allowed to put biosolids on vegetables; in some cases, they are. It's different and I think that we could be proud, really, of what OMAFRA and the biosolids utilization committee have done here. I think often, when they look for the best regulations, they look at Ontario.

I've really enjoyed the corn and tomatoes this year. I think we're headed in the right direction and I do hope that the Nutrient Management Act begins to address some of the farm-related things and bring them in line with some of the regulations we already had for bio-solids, because I think those have been working.

The Chair: Thank you, Ms Shinn. We appreciate your coming forward on behalf of the Safe Sewage Committee.

CITIZENS FOR A SAFE ENVIRONMENT

The Chair: Our next delegation I wish to call forward is Citizens for a Safe Environment.

Mr Galt: Chair, just a point of interest that the last delegate made, and that was some countries making farming illegal. Just bringing it forward, are they going to eat any more? I'm not questioning her comment; I just think it's interesting that that was brought out and how devastating, should that happen to any country we work with or any province here in Canada. I'm really very concerned about that kind of thing evolving down the road. It might be interesting to know the name of the country she was referring to, if maybe research could check that out.

1020

Mr Avrum Fenson: Sweden.

The Chair: Thank you for that.

Good morning. We have 15 minutes. We would ask you to give us your name for Hansard and please proceed.

Ms Karen Buck: I'm Karen Buck and I'm also from Toronto. We got caught in a time warp and were busy with meetings there.

I'll put my comments to you in concerns and recommendations. So that's how I will go through.

My first concern is that the intent of this proposed legislation regulation is to set and enforce clear new standards for all land-applied materials containing nutrients. Throughout all the literature I've read—the news release, the explanatory note and the proposed act—there is specific and in my opinion more appropriate reference to “land-applied materials containing nutrients” and “management of materials containing nutrients.” I'm saying that this Nutrient Management Act may be misnamed; maybe it should go back to land applications of materials containing nutrients. I think we're looking more to protecting the environment through the management of contaminants in the materials that contain nutrients.

My second concern is that the Lieutenant Governor in Council has broad powers to make regulations establishing standards respecting the management of materials containing nutrients, establishing standards respecting farm practices and other uses and the delegation of authority and prescriptive regulations and exemptions. If they have that much power, because we haven't seen the prescriptive regulation that goes along with what we've seen in the proposed act before us now, we should actually have a formal public consultation to look at both

parts of that legislation together to be sure it is correct in the end.

My third concern is that currently the land application guidelines require land receiving materials containing nutrients to be certified. In this case the land is awarded the certificate of approval. Is the current proposal before us suggesting that this practice will be eliminated in lieu of the certification of a person, licensing of a business or the approval of a nutrient management plan or strategy without the identification of the land in a certificate of approval?

My recommendation would be that if it is moving away from the land, that we definitely have a registry so that all the land applications are tracked and kept as records by the person doing the applications, and also in a registry.

There's a concern about the definitions in part I of the proposed act or as a preface to the particular sections of the proposed act. I feel there are a lot of things that are missing. I have a recommendation that we say we need “adverse effects” better spelled out, in particular the impairment of the natural environment, damage to any property, plant or animal and danger to the health or safety of any person. “Analysis” is missing, in particular chemical analyses. “Contaminant” is missing, in particular chemical contaminants or pathogenic contaminants. There's no definition of Lieutenant Governor in Council; no definition of what minimum quality would be; no definition of other operations, other persons and other uses; “technologies” is missing, in particular those currently thought to be appropriate technologies used for the management of materials containing nutrients, and also innovative technologies; “treatment” is missing, in particular perhaps to septage, which is untreated and so named in the act; types of lawns are missing; types of materials.

I have a concern: in my opinion, the requirement for management plans, strategies and the required regulation contained within the proposed act should not be based on the size of the operation or allow for exemption to regulation. I'm suggesting that everybody be included under the act, no matter what size it is.

I have a concern that the proposed act excludes a regular review of nutrient management plan strategies. I recommend that there be reviews of the plans and strategies and also of the licensing certification and approvals that could go into place.

With respect to a contravention of the proposed act's regulations, is there actually a record of the performance kept in a registry? How many contraventions of regulations would trigger a review of the licensing approvals and certification, and subsequent revoking of any of those?

In 28(3)(a) it talks about “other than the air,” where there's an order for preventive measures. I'm not sure that “other than the air” should be removed from that. I think we are concerned about the quality of the air, especially when it's related to land application.

I have a concern that the current land application guidelines are for agricultural land. This proposed act includes language as follows: “farm practices and other uses,” “farmers and other persons,” and “agricultural operation or other operation,” but never does it identify any of the other uses, persons or other operations. I’d like those identified.

The recommendation would be that the proposed act include not only agricultural lands but other lands, uses, persons and operations and that these be spelled out; and that the regulations be developed not only for agricultural sites but also for sites such as golf courses that receive materials containing nutrients, and for sites that have been used commercially and industrially and would benefit from remediation through the use of materials containing nutrients.

My last concern: the protection of the environment, including the protection of the provincial water resource and the protection of public health, is a matter of regulating the contaminants, both chemical and pathogenic, not the nutrients in the land-applied materials containing nutrients. I’m asking that the act define contaminants, list contaminants and include an extensive monitoring, analysis and quality enforcement requirement for all materials being land-applied that contain nutrients, and that this be a part of the nutrient management plan and strategies.

The Chair: Thank you, Ms Buck. We have two minutes from each side for any comments or questions.

Mr Peters: Thank you very much, Ms Buck, for your presentation today. Part of the legislation is going to include the advisory committees or the community environmental response teams. The makeup of the committee is yet to be determined, and I wholeheartedly agree with your point—it’s been made by virtually everybody—about input into the regulations by farm and non-farm individuals. It’s been the common theme throughout these hearings.

As far as the advisory committees go—and they’re going to play an important role in trying to mediate disputes on the ground at a local level—who would you envision as being a member of those local advisory committees?

1030

Ms Buck: A good cross-section of the people who would actually be involved in the whole process that this act is putting in place, like the land application. I heard somebody earlier saying that OMAFRA should be sitting on it—I would agree with that—the MOE. I think there should be scientists sitting there in case there’s a dispute about a scientific position that somebody is taking or there’s a question about it. Having people who have scientific knowledge would be invaluable. Certainly the farmers and the applicators, and if it’s involving a biosolids program, then the municipality should be involved in that.

Mr Peters: How about a non-farm rural resident, somebody who is living in the rural community but may not necessarily be in the business of farming?

Ms Buck: If they have shown an interest and they’re knowledgeable and willing to look at a situation and come up with a fair judgment, absolutely. I would think that the biggest advantage to the makeup of the committee would be somebody who is absolutely interested in the subject and will actually do work that is necessary and bring in ideas and bring in information. That’s really crucial.

The Chair: Any further questions?

Mr Beaubien: Thank you very much for your presentation. In point 5, one of your concerns, I think you mentioned that everyone should be included in the legislation. I would tend to agree with you. However, the previous presenter mentioned that generators of nutrient material be required to reduce pathogens to a safe level. A pathogen is a pathogen. One will cause a disease. One will kill somebody. So I don’t know what that means.

With regard to sewage treatment plants in the GTA, how many sewage treatment plants have you got? Are you aware or do you know?

Ms Buck: Yes.

Mr Beaubien: How many?

Ms Buck: We have three.

Mr Beaubien: Three. And how many have—

Ms Buck: Oh, we actually have four, and one is rather small.

Mr Beaubien: How many would have tertiary treatment facilities?

Ms Buck: None of them.

Mr Beaubien: None of them.

Ms Buck: Well, it depends what you call “tertiary treatment.” I would call filtering “tertiary treatment,” but I understand that if you use ferric chloride to precipitate phosphorus out of the secondary system, then that’s also thought of as a tertiary treatment.

Mr Beaubien: I don’t want to get into a technical debate here, but unless you have the full tertiary system with sand filters and ultraviolet light to treat your effluent—

Ms Buck: Right. That’s what I would call “tertiary.”

Mr Beaubien:—chances are that we can talk about the farm pathogens and the farm pollution, but I think we have to look at what municipalities—and even though I heard that Toronto probably has state of the art, and I would tend to disagree with that; that there are an awful lot of problems—

Ms Buck: I would tend to agree.

Mr Beaubien: Thank you.

Ms Buck: I think, yes, you’re right. If you’re exposed to the right pathogen at the right time, then you are susceptible to that. You can’t do anything other than do the most careful things with any of the waste water or the biosolids or manures or anything else. We’re looking for what will be most protective of the water and most protective of public health, and it’s going to take all of us doing everything we can.

The Chair: I wish to thank you, Ms Buck, and Citizens for a Safe Environment.

RURAL ADVISORY COMMITTEE
OF THE MUNICIPALITY OF BRIGHTON

The Chair: Our next delegation is the Rural Advisory Committee of the Municipality of Brighton. Good morning, everyone. Just have a seat. We'll ask you to give us your names for the Hansard recording. We have 15 minutes and hopefully time for questions.

Ms Lucille Coyne: My name is Lucille Coyne.

Mr Kirby Hakkesteegt: Kirby Hakkesteegt.

Mr David Dorland: My name is Dave Dorland. I'm chairman of this group.

I would like to thank the committee for giving us this opportunity to speak this morning on such an important piece of legislation that is going to greatly affect agriculture in Ontario.

The Rural Advisory Committee of the Municipality of Brighton is a committee of council made up of a broad cross-section of people involved in agriculture. Members of council, along with local farmers, sit on this committee. The farmers represent a very broad spectrum of the agricultural community, including dairy, pork, beef and poultry production, cash cropping and custom work.

The purpose of this committee is to provide council with input on issues that affect the rural portion of the municipality. We are here on behalf of both the municipality and the farming community. Suffice it to say that members of this committee have a sincere interest in the safety and well-being of residents in our municipality and are concerned stewards of the land.

With reluctance, we agree that in light of Walkerton there must be a need for some sort of nutrient management scheme. After reading the proposed Nutrient Management Act, 2001, several concerns have surfaced. These concerns fall on the very heels of two of the most disastrous crop years that Ontario has seen in quite some time.

This legislation will severely hamper if not destroy the efficiency, productivity and innovative ability of Ontario farmers, who, by and large, act in an environmentally responsible manner.

How can farmers be efficient if their operating and capital costs rise drastically because of the following possible requirements: new or upgraded livestock buildings; new, additional or upgraded storage facilities for manure; earthen barriers around barns, yards etc; new equipment to transport manure; new equipment to spread manure; new technologies to manage manure; educational courses to meet prescribed qualifications; examination fees; certification fees; hiring licensed operators to spread manure; hiring professionals to do geophysical studies; hiring lawyers to defend one's actions; exorbitant fines?

How can farmers be productive if their time is taken up in non-productive activities such as: time spent on paperwork to satisfy the requirements of this proposed act; production delays while waiting for approvals, orders, directives and appeals; time spent waiting for

licensed operators to show up during the busy planting season to spread manure?

Innovation comes from thousands of hard-working farmers, most of whom routinely incorporate responsible nutrient management in their day-to-day operations. How can farmers be innovative when it is the ministry which will determine what technologies, what equipment, what building structures etc will be allowed, prescribed and ordered?

Normal farming practices: how can farmers be assured of being allowed to carry on normal farming practices when article 62(1) of the proposed legislation amends section 2 of the Farming and Food Production Protection Act, 1998, by adding a provision that a normal farm practice does not include any practice that is inconsistent with a regulation made under the proposed act?

Deemed confirmation of order: if a farmer is ordered to undertake an action and the farmer appeals it to a director, the order is confirmed if the director takes no action in seven days. This is not a fair appeal process.

Access to farm properties: the act speaks of inspections without a warrant or court order to enter production facilities. Many producer groups have begun and/or are finalizing a programs such as an ISO 9000 or HACCP, restricting access to their premises for animal, health and food safety reasons in an attempt to keep the food that they are producing as safe as possible. Such inspections by officers under the act could endanger the integrity of the HACCP program.

1040

Lieutenant Governor in Council: we are concerned that cabinet can make changes to the regulations without debate or public input.

Administration and enforcement of the proposed act: if the proposed act proceeds, we would prefer that OMAFRA be the administrator. We are concerned that MOE does not have the same level of understanding, knowledge and expertise regarding nutrient management that OMAFRA has.

Closing comments: many of the issues covered by this proposed act are already covered by the Environmental Protection Act and the Ontario Water Resources Act. There will always be problems that cannot be solved through nutrient management. All our activities rely on Mother Nature and what she brings to us in any given year.

The proposed Nutrient Management Act, 2001, threatens the ability of the Ontario farmer to be efficient, productive and innovative. Ultimately, the costs associated with meeting the requirements of this proposed act threaten the very livelihood of the farming community. Is this proposed Nutrient Management Act really necessary?

The Vice-Chair (Mr Carl DeFaria): Thank you. We have approximately six minutes, so three minutes for each side.

Mr Peters: The first question is regarding enforcement. Your preference is for OMAFRA to be the enforcement agency. Do you feel that there could be a

perception of a potential conflict of interest, that OMAFRA would be siding on the side of the agricultural community, whereas MOE may look at the issue with a wider view?

Mr Dorland: No. I guess when we look at OMAFRA, they have a history of dealing with farmers and understanding the situations that evolve around that. For that reason, we feel they should be the leading administrator on this act. There are great concerns about MOE being more reactionary than actually dealing with what has happened or why it has happened.

Mr Peters: I'd like to pose your last question, your final comment, back to you: is the proposed Nutrient Management Act really necessary? If we didn't have this legislation in front of us right now, and you make comments on what is out there right now, do you feel legislation from other acts is sufficient right now? Why would you ask, "Is this necessary?" You're saying that everything is OK, or you would replace this act with something else?

Mr Dorland: No, I would say that there is legislation that is in place that will cover probably 99% of the problems that this act addresses. Maybe we need to critique some of this other legislation a little bit to help cover that. But on the whole, if these other two acts we referred to were enacted and acted on properly, I believe we wouldn't need this.

Mr Peters: What's your feeling on the spreading of biosolids and pulp and paper sludge on agricultural lands?

Mr Dorland: I have a great deal of concern. In a lot of cases, the farmers don't really know what's coming out of the cities. We hear of heavy metals and whatnot being spread on the land. There's also other contamination in sewage that comes out. People I've talked to who are involved with it say it depends dramatically on where it's coming from, what town it's coming from, how up-to-date their sewage processing plants are.

Mr Galt: Thank you for coming forward with your thoughts and ideas. I just wanted to make a couple of comments. You probably made the best list of costs of any presenter we've heard from. It certainly brings to our attention the possibility, but I did want to respond in that respect. This bill is rather open, and there has been some criticism because of that. But the basis of it is on prevention and on the farmer presenting how he would like to apply the conditioners and nutrients to his or her soils, and then that would be approved by OMAFRA staff. Then you have an approved plan and, as long as you stay within that, everybody in authority should be happy. It shouldn't be a problem. That's what it's based on.

To try and come out with specific regulations on soil types, temperatures, slope of land, slope of rock under land, how close to other buildings or other sensitive areas—a lot of that depends on slope etc. Putting it in specific, hard numbers, the government will never draw the line in the right place.

The normal farm practice comment: they have to be consistent or the courts are going to have a real field day. That's part of the reason that's in there. If we develop a regulation and you're outside of that regulation, the government can hardly recognize that as a normal farm practice. That's part of the thinking there.

Mr Dorland: I guess part of our concern there was what has been dubbed as a "normal farm practice" over the years. Through this order in council, if someone in cabinet decided they wanted to change what we have normally done and maybe said that everybody had to have liquid manure, that could come across as not being a normal farm practice. It is a normal farm practice, but it wouldn't be under the word of the legislation.

Mr Galt: I just wanted to stress as well that this is a bill about prevention and therefore is very different from a lot of other bills. Yes, there's enforcement in there, but the whole thing is about prevention.

The other comment I wanted to make on your very last statement was what we're hearing—at least I'm hearing in my interpretation from a lot of farm groups—is, "We would like to have these rules, this bill, these guidelines set out so that if we work within them, then we have a bit of protection and we're not going to have the finger pointed at us as farmers saying we're the bad guys, when in fact, 90%-plus are trying to do a good job. It's only a small percentage that have created any problems in the first place." Farmers are saying, "If we're within these guidelines, then we're doing a good job. Get off my back with those frivolous and vexatious comments."

Mr Hakkesteegt: What we're reading out of this is it's not dealing with those 10% you're talking about. It's dealing with 90% of us. I think you know as well yourself that there are a good many of us who have innovative, different ideas. I've even sat in on the two-day courses that OMAFRA has put out on the NMAN 2000 program. A lot of this stuff is already being done voluntarily. We have no other aspect to recoup some of those costs. Whereas other organizations this bill addresses have their public to recoup their costs from, we don't have that access.

Mr Galt: I expect in the end what you're going to find out is what an awful lot of farmers are doing—all you have to do is write it down and have OMAFRA approve it.

Mr Hakkesteegt: Pardon me?

Mr Galt: I expect what's going to end up happening here is what an awful lot of farmers with environmental farm plans etc do, which is put it down on paper and have it approved, and that's your nutrient management plan. I may be oversimplifying it, but for a very large percentage of farmers, they're doing an excellent job out there.

1050

Ms Coyne: We are doing an excellent job. This act is controlling to the extreme. I think it's really excessive; I think it's even oppressive. I really don't think it reflects what I think is the Common Sense Revolution, to be quite honest. You look at some of the costs here: hiring professionals to do geophysical studies. This area is all

hilly; the whole of Northumberland is hilly. Can you imagine—

Mr Galt: I'm going to respond with the issue we had with Trent River and the concern about the location of that barn. That's where it comes from, to know the geophysical conditions that would be under that barn, where the holding tank might have been and if it ruptures, what's going to happen. That's where the geophysical request comes in. They're not for a small family farm with 100 cows or 50 cows or that kind of thing. It's already in existence.

Ms Coyne: Yes, but I really believe that most farmers are a body of common sense. What we have coming down on our heads here with this particular proposed act is too much. There are acts in place, and if they are enforced, there really should be so few concerns about pollution from farmers and farm operators.

Mr Hakkesteeg: You still need to feed your nation.

Mr Galt: Yes.

The Vice-Chair: Thank you very much for your presentation.

TOWNSHIP OF RAMARA

The Vice-Chair: The next presenter is the township of Ramara. You have 15 minutes to make a presentation, and we would appreciate if you'd leave at least five minutes for questions, if that's possible.

Mr Basil Clarke: You'll have about 13 minutes for questions because I don't have a big speech. I didn't know what to expect. I'd like to thank the committee for having me here. If I make a fool of myself, nobody in my ward is here, so I'm fine.

I have a few concerns with the new bill. Sludge management—you've passed that over so many times, I don't think there's much more to repeat on it. Coming from a dairy farm myself—I've since retired from that and I'm into sheep—I always believed manure and sludge should be tilled into the soil. I was taught by my father, and we always felt that if you're going to put it on a hay crop, you need 10 inches minimum of growth. If you want to hold those nutrients and if runoff is the concern, then that should solve the problem. But these are just suggestions, and you've got a lot better suggestions.

Our big concern in Ramara township is we have large, large acres of waterfront. I don't see anything in there. Our big concern is that the same rules that apply to agriculture and commercial should apply to residential. Here are just a few short examples. As a farmer you require a licence to use herbicides and pesticides; as a landowner, you do not. There are products you can buy with 2,4-D, dicamba and mecoprop. I realize these are mixed in a lot weaker doses, but there is no limit to how much residential people can put on their house yards. If the real picture here is controlling pollution and runoff, then I think we need to look at the big picture—not just at agricultural lands, but everything. If there are going to be minimum setbacks on commercial fertilizers, it has got to

apply to the homeowner. If there is going to be, say, a limit on pounds per acres—some suggestions I've heard, without soil samples—it's got to apply to homeowners.

Farmers as a rule are very exact at applying fertilizers and herbicides. Farmers apply once a year; most homeowners do not. If a farmer doesn't have a licence, they have to hire somebody that does. I'm going to hash this over because it is our big concern, especially now that we've joined the Lake Simcoe conservation authority. Our big concern is about phosphorus in the lakes. We'd also like this issue handled. Most farmers will grumble about the rules you hand down and we'll accept them. But if they're going to be handed to us, they have to go to commercial and they have to go to residents. I know people who spent \$500 on a house yard—one tenth of an acre. You work that out and it's 700 pounds to the acre of herbicides and commercial fertilizers, right on the waterfront. This is ridiculous. It can't be let go.

How to enforce it? I've had a few suggestions. Maybe everybody has to have a card, including farmers: "This is how many acres I till." You take it in and they check out how much fertilizer you bought. Maybe in the case of a homeowner, it's just stamped. "There, you've stamped it this year, you can't buy any more fertilizer." Or maybe you'll just have licensed people do it, and if the farmers have to take a little makeshift day course, the same as they did for their chemicals, most of us would be fine with that.

It would sure solve the whole problem. All I have to say to the committee is, please don't forget the residents. It's one third farmers, one third commercial and one third residential that is polluting our waterways.

The Vice-Chair: We have approximately eight minutes left, so four minutes for each side.

Mr Beaubien: Thank you very much for your presentation. It was brief, but very interesting, I have to admit, and well balanced.

You heard the previous presenters when they mentioned that they find the act somewhat oppressive and probably too restrictive. Also, in St Thomas last week, we heard from the Middlesex Federation of Agriculture, and I'll read from their brief: that clauses 5(2)(b) and (c) require "Farmers and those operating equipment to meet qualifications and pass prescribed examinations." Their response is that this is overkill.

You've also heard the other group stating that they find the act somewhat oppressive. You heard some of the presenters—I don't know if you were in the audience earlier on this morning—with regard to Toronto having a state-of-the-art sewage treatment facility. I would tend to disagree with that somewhat, because there are not too many municipalities in Ontario that have what we call a tertiary system, with full sand filters along with ultraviolet light, to make sure that the effluent that gets out of the plant is basically potable water.

If you were sitting in my chair—I'm somewhat confused because I hear different messages here. What can you tell me? You had a very brief presentation. I think it

was very well balanced, but can you give an old guy like me some advice here?

Mr Clarke: I'm not sure exactly what you're asking. I know sludge, if that's the issue you want to tackle, has been a problem in our township. We have a very low-lying township, a lot of clay ground, and the biggest concern we have is policing it. I guess you could say the same with the farmers. You're hoping they're doing their job. I'm going to just hit the sludge because it's one that I have encountered a lot. We don't get the proper records as a council as to how many pounds per acre are being applied, and that's a concern.

We could say the same with farms, but being a farmer, I've always been deficient in manure. I never had enough to cover the acres that I wanted to cover for corn and that. I always had to rely on commercial fertilizers, over and above, so I'm not sure exactly what you need from me. I'm not sure what you're asking as far as—

Mr Beaubien: I'm somewhat confused with some of the messages I'm getting. For instance, you mention in your presentation that the sludge or the nutrient should be tilled into the soil. In some places they will inject it six inches into the soil.

Mr Clarke: Right.

Mr Beaubien: Some people say it should just be spread on the land. Some people don't seem to have too much concern with municipal sludge; they seem to have more concern with agricultural nutrient. Nutrient is nutrient, no matter where it comes from. A pathogen is a pathogen. Whether it comes from an animal or a human, it's a pathogen.

Mr Clarke: Exactly. I agree.

Mr Beaubien: Then the previous presenter says, "The act is somewhat oppressive." You say we should license people; the nutrient should be tilled into the land; we should control; we should enforce. You don't seem to think the act is too oppressive.

Mr Clarke: I guess coming from a farm, we do what we're told. I still feel that pathogens should be tilled into the ground to prevent runoff. If this is a concern, if we're concerned with E coli and wells, which seems to be something that comes up over and over—and they like to blame the farmer—then I think we also have to talk about coliform in the wells, which is sewage. If the agricultural will run off, so will the sludge, and our big concern is that the same rules apply. At this point, we're open for what rules you have to suggest. There are so many, how do you pick any one that's right? That's your job. Mine is just pleading to you that the same rules apply to everybody.

Mr Peters: How do you respond to the advocates, the soil conservationists, the no-till people who have been practising no-till operations? Now we're going to consider ensuring the incorporation of the nutrients into the soils. You obviously are not a no-till advocate, but what is your response to those individuals who do practise no-till?

Mr Clarke: No-till has always been tricky when you're trying to get nutrients into the crop. In most cases

it's a liquid fertilizer that follows after the crop is up eight to 10 inches. In other cases—I did some no-till this year with granular fertilizer, commercial fertilizers, and no-till is not 100% no-till. You're still disturbing the ground with the planter as you're following your fertilizer. So it is in a way getting tilled into the soil. You're not just going out and, like I say, dropping this product and leaving it, say, on a hayfield, where, especially early in the spring, you want to get out before your hay is up. I see the sludge operators and farmers running too close to property lines, dropping it on. There's no cover for it. By three weeks of straight rain, now the crop's there. That, to me, is not acceptable.

Mr Peters: As a former dairy farmer and now as a sheep producer, one of the issues we're going to have to deal with is the potential for 365-day storage. What's your feeling on that?

1100

Mr Clarke: That is a tough one because, to be honest with you, I didn't have 365-day storage when I was a dairy producer. My manure storage did need a lot of work and that was one of the things I was looking at having to spend money on when I cut back. Sheep: obviously a lot less manure, and I have 365.

I don't know if you need 365; maybe eight months. It's only got to be stored during the winter months, at which time you can go out in early spring and get it on prior to your crops and till it in. So, no, I don't think 365 is necessary.

Mr Peters: I appreciate your making the comment that it's not just the agricultural community that's polluting the groundwater in this province. There are a lot of other problems.

As a smaller rural municipality with the majority of your residents, I am presuming, on a septic system—goodness knows the last time it was inspected or what kind of condition it's in and what it's leaching into the waters—for those individuals who have a septic system and call the honey guy in to come and pump out their system, what's going to happen in your municipality now? When the septage is outlawed and banned from spreading, five years down the road, what's going to happen to your residents? How are the companies that suck out their septic systems going to dispose—what's going to happen in your municipality with the banning of septage spreading?

Mr Clarke: It's a two-part answer. The first part is, we just passed a bill that we're going to start mandatory inspections of septic systems at random. We'll start on the waterfront and we're going to cover the whole township in the next few years, checking for faulty septic systems. That's one of the issues we did feel was important, and we did go after it.

Second, we're one of the lucky ones. We have a few plants in our area that are big enough that we could hold the septic from our area when tanks are plugged. We can pump it into, say, our Lagoon City, and there it can be treated. At this point, we've never had to spread sludge at Lagoon City. It's had the capacity and it seems to have a

good enough breakdown there that we've never had to remove the sludge. We've been one of the lucky ones, again, with a smaller municipality with a very large sewage plant. I can't speak down the road because that's ahead of us.

You see a lot of septic pumped needlessly. I haven't pumped mine in years. If you're using the right detergents, your septic should work for a very long period of time on its own. I realize, yes, people do like to pump their septic on a regular basis, a lot of the trouble being our antibacterial soaps, but that's a whole other discussion.

Mrs Molinari: Thank you very much for your presentation, Mr Clarke. You mentioned the importance of treating residential the same as farmers. A previous presenter talked about how important it is that when this legislation is enacted and passed, there is some financial assistance to the farmers, because of all the things that would need to be done to comply with this legislation. There is some discussion around the urban municipalities and the urban areas, that they are also going to need to fulfill certain requirements within the legislation. In your comments, when you talk about needing to have the residential and urban areas comply with some of the farmers and agricultural, would you also agree that if there is any financial assistance to the rural areas to comply with legislation, that same assistance should be given to those in the urban areas?

Mr Clarke: If it's regarding your sludge tanks in the urban areas, again, as a fellow said before, they can recoup that out of taxes spread over a larger base than one lone farmer stuck there having to repair his manure storage system. We can't recoup it. We can't up the price of our cattle; we can't up the price of our sheep to offset this.

Mostly what I'm concerned about in residential is applying the fertilizers. I don't think people need to recoup any money. My big concern is this commercial fertilizer landing on waterfront property. So, no, it's not a cost to the people; it just means you can't put as much on your house yard. I think we're talking two different issues. Our big concern is commercial fertilizers landing on residential areas, and there certainly isn't a cost to the people not being able to do it any more.

Mrs Molinari: Although there isn't a cost in one, there is a cost in the other. I guess what I'm looking at is, if there's a common theme and everyone should be treated the same, then abstractly, that would apply to the other as well.

Mr Clarke: That's right.

Mrs Molinari: So they can recoup from their taxes, but then the residents will have to pay taxes and in addition—

Mr Clarke: Right. At the same time there is an OSTAR grant out there that we are using to improve some of our systems. So the municipality has these grants already in place that they can go after. We're doing some of ours now for water, provided the money comes down. We haven't seen it yet.

Mr Peters: Haven't you been approved yet?

Mr Clarke: That was my next question. We haven't seen any yet. I know some of our neighbouring townships have. So the money is there, but what's the farmer going to reach for? Is there anything set aside for him that he has to get approved for? At one time you had—I forget what they called it.

Mr Peters: CURB.

Mr Clarke: Is that it? Years ago.

Mr Peters: A grant program.

Mr Clarke: Yes. Any more questions?

The Vice-Chair: Thank you, Mr Clarke, for your presentation.

ONTARIO AGRI BUSINESS ASSOCIATION

The Vice-Chair: The next presenters are the Ontario Agri Business Association. Welcome to the committee. You have 15 minutes to make your presentation. We have been asking all presenters to leave at least five minutes for questioning. If you could state your names for the record for Hansard.

Mr Mike Cooper: My name is Mike Cooper and I'm chairman of the nutrient management committee of the Ontario Agri Business Association. My colleague is Ron Campbell, who is a staff member for the organization. I just did a brief outline.

The Ontario Agri Business Association represents the feed manufacturers, elevator operators and crop input groups in Ontario. We have some 550 members, and our primary responsibility is to service the farming community.

For our presentation I'm only going to hit the high points. We have made available a copy of the presentation for you.

I think we should point out that we appreciate the opportunity to be here and that we support some form of legislation. We recognize that there need to be some rules. My key point is that these rules have to be province-wide and they have to be the same everywhere or that's going to leave us with some problems.

The other thing I'd like to point out is that whatever rules are put in place, it's pretty important that Ontario production agriculture be allowed to take advantage of new technology and the economies of scale in order to remain competitive in an increasingly global marketplace and in providing consumers with high-quality, safe and inexpensive food. I might point out to this group of people that providing the public with inexpensive food is a primary target of governments and people like yourselves who are elected. I'm not sure I agree with that, but it seems to be the case.

Concerning the recommendations, the key to success in any program that you develop is going to be not in enforcement but by the implementation of nutrient management plans and the education and training of producers to meet these new environmental standards. We would like to strongly suggest to you that the Ministry of Agriculture, Food and Rural Affairs at this point in time is the

only government group that has the background knowledge, experience and network contacts to be able to do this. That will be the biggest part of the success of any program. I think we've proven that in production agriculture up to this point with things like the environmental farm plan and that kind of thing. We therefore suggest very strongly that they be the lead group. We recognize that they might not necessarily be the policing group. That probably should fall to MOE because they are currently in place doing that.

1110

The other thing we'd like to point out is that whatever rules are made, we will agree with the presentation that's already been made by the Ontario Cattlemen's Association, where regulations and/or the act must focus on risk reduction as opposed to risk elimination. Any attempt to completely eliminate risk will be a failure, in our opinion.

One of the other areas that we think is extremely important and may already be beyond your group is the fact that whatever legislation is put in place, that it be able to supersede municipal regulations. The common word in the countryside is that you folks have got this under control. I would personally question that, when the Supreme Court has already found in favour of the Hudson, Quebec, situation and virtually said municipalities have the right to make whatever rules they want to in spite of what provincial or federal governments are doing, provided those rules take into account the federal and provincial rules.

One of the other things I would point out that is extremely important from a farm standpoint is biosecurity. I don't think there's anybody in this room who won't recognize the fact that both BSE and hoof and mouth disease are very high concerns around the world and things like this are very easily spread on farms. Therefore, whoever is doing the policing part of it has to have some kinds of rules and regulations in place to make sure that farmers' biosecurity is not jeopardized.

Again, I'm just hitting the highlights in this proposal because you do have it all in front of you.

We would suggest that if you go to a third party for inspection or for approvals or certification, wherever you're going to go in that area, that those people have some agronomic background. If it goes to MOE, some work has to be done there because there aren't any people at MOE who have that experience.

Under local agricultural advisory committees our contention is—I know the question was asked here earlier about who should be on those—that they must include agricultural representation, that that representation should be balanced and that group should be the first point of contact. It may take some very difficult arranging to do that. But, again, we have proven over and over again in agriculture that if you can solve the problems locally, they're solved much better and more quickly.

We'd also suggest that whatever rules are put in place are soundly backed by scientific information. One of the things we're concerned about at this point in time is that there is not nearly enough research on which to base

regulations and that it perhaps is the government's responsibility, through OMAFRA or otherwise, to at least participate in developing that scientific background.

In closing, the Ontario Agri Business Association would like to thank the justice and social policy committee for the opportunity to make comments on this important legislation. The members of the Ontario Agri Business Association are committed to working with producers to ensure that environmental standards are met, again, provided those are based on sound scientific information.

Thank you very kindly.

The Vice-Chair: Thank you, Mr Cooper. We have approximately six minutes for questions, three minutes for each side.

Mr Peters: I think you raised a good point as far as the economic impact analysis is concerned. If we just listened to the presentation that was made this morning from the city of Kawartha Lakes—1,700 farms at an estimate of \$40,000 to \$50,000—we're talking about a lot of money, and that's just one county. I think it's a point well made as far as the economic analysis is concerned.

Your preference is for OMAFRA to take the lead in dealing with the review of nutrient management plans—the enforcement, the inspection. You feel that OMAFRA has a real role to play in this. Having witnessed, though, many changes in that ministry, many cuts, closure of field offices, some of the work that has been taking place at some of the agricultural colleges, having seen the cutbacks there, do you feel there are adequate resources in place right now for OMAFRA to take on this lead role? Or are further resources going to have to be put into OMAFRA's budget if they're going to play such a lead role in this legislation?

Mr Cooper: In my opinion, with whatever government agency is going to be involved, you're going to have to put people in place. None of them have enough people in place. Maybe I was not clear. I'm not suggesting that OMAFRA do the policing part of this. MOE are the environmental police. I wouldn't see us having a second agency doing that. I think OMAFRA's role is to be the lead and to develop the regulations, because we won't know what the impacts are of this until the regulations are in place. This was said earlier. Your legislation is very broad, and the proof will be in the pudding when you get the regulations on the ground.

You asked about the economics of the thing. I would point out to this committee, if no one else has up until this point in time, that if the farmer had control over what he gets for his produce, regardless of what it is, then it would be a simple matter of this being a public concern and you would increase the price of food. The farmer has two things against him in that direction, and as a result of those two things he has no control. Number one, this government and every government before it and probably every government after it sees cheap food as getting votes. I'm not sure that's correct. It's certainly not going to get mine.

The fact of life is, on the other hand, that the supermarkets control the price of food in this province and every other province in this country. Unless you do something about that—which you're not likely to; they seem to have a whole lot more political clout than the agricultural community does—then the economics are going to play a role. The other side of the economics, if you like—and we're being realistic about this—is that what you're doing is helping to drive agriculture into the hands of corporations. I keep hearing you people saying you don't want that to happen, but this kind of thing lends itself very much in that direction. It will be the large operators who will be able to afford whatever the regulations are going to be, not the little guys. So if it's your intent—and I'm not criticizing. Whatever way you want to go, I would suggest you recognize that that will happen. If the large corporations get involved and the rules are too tight here, they will go somewhere else, and we will lose that part of the production in Ontario. We're very close to doing that in several areas as it is now.

Mr Peters: I'd like to go to your point on inspections and enforcement, talking about family-run farms. Unlike industrial operations, families live on the farms they work. What about my constituent who has an intensive livestock operation, a farrow-to-finish operation, with 1,200 to 1,500 animal units? They live on their farm. I guess the question is—it's one I've been grappling with, and there would probably be a hundred different opinions in this room—what is a family-run farm, in your opinion? You have these farrow-to-finish operations that are family-run and would be classified as an industrial-type operation, but it's the families that run them.

Mr Cooper: The fact of life is that the statistics will tell you that 98% of the farms in Ontario are family-owned and -operated, regardless of the size. Farms, like everything else, are getting larger, but by and large they're still family-operated units—just very large ones sometimes, but they are family units. When people ask that question, if you want to look at the ultimate: Mac Cuddy of Cuddy Farms is a farmer. Mac started farming. He built a tremendous business. But Mac Cuddy is a family farm. Not telling stories out of school, in my time of being involved in the agricultural business—I was first in the fertilizer business when I graduated in the 1960s; that's how old I am—one of my first tasks in the first company I went to work for was to go and collect a \$150 fertilizer bill from Mac Cuddy that was 90 days old and that he couldn't pay. So you can't criticize a person for building a business, but it's still a family farm. It is still owned by the Cuddy family, lock, stock and barrel.

1120

Mrs Molinari: Thank you, Mr Campbell and Mr Cooper, for your presentation. I am sure you can appreciate, as a committee as we're travelling the province and hearing presentations from various presenters, there are some common themes and yet others that are very much opposing. One of them is the whole issue around who should be responsible, the ministry that takes the lead: OMAFRA or the Ministry of the Environment. Of course

there is some merit in both arguments for which ministry should take the lead. I was pleased to hear you say, in response to Mr Peters's questions with this very issue, that the Ministry of the Environment could be the environmental police because their responsibility is environmental issues. As an individual on this committee, I would like at the end of it to come up with some kind of compromise where we're meeting the requirements of OMAFRA and the farmers and those who genuinely know the industry, and also meeting the requirements of the Ministry of the Environment. I hope we can come up with some sort of compromise.

On your comments on the regulations, we have been assured by the minister, and also Doug Galt, who is the parliamentary assistant to the minister, is here and has stated several times that there will be input into the regulations for this legislation. So there will be an opportunity for those to be written in such a way that would accommodate and would respond to some of the concerns that have been raised. It's interesting to hear from various presenters today, one who said that the bill is controlling and extreme and yet another who said that without the regulations you really can't tell the actual effects of the bill. Hopefully that will respond to some of the concerns there in the development of the regulations.

The other common theme has been the whole issue around which should supersede: would it be provincial legislation or municipal bylaws? You cited the Quebec situation. There have been varying views on that as well, because some municipalities say that their municipality is specific and you can't have provincial legislation that would accommodate the needs of that particular municipality. Would you see that there is a possibility of provincial legislation but some flexibility to allow municipalities to incorporate bylaws that would take into account some of the uniqueness in their own municipalities, or would you see, as you say specifically in your presentation, that provincial legislation supersedes municipal bylaws? I would appreciate your comments on that.

Mr Cooper: My comment would be this: theoretically that's fine. My experience tells me that local municipalities won't do that. The easiest way to deal with this problem, if it's a problem locally, is to just shut it off and make local bylaws that prevent farming or prevent the spread of manure or whatever. It looks like the Supreme Court will let municipalities do that. There's a difference between the theoretical approach to it and what really happens at the municipal level.

You're talking to a guy who lives in Flamborough. You think about that for a while. I've gone through this experience and I understand municipal councils. Also understand that I'm a guy who lives in the country on an acre of land. If I want to make a lot of noise locally I can outnumber the farmers in Flamborough 10 to 1. If I don't want somebody spreading manure on Saturday morning, I can raise a lot more people who have one acre of land in Flamborough, like I do, if I really want to get tough about it. I can put a whole lot more pressure on the local council, even if they are the city of Hamilton now, than

all the farmers in Flamborough can. I think we have to recognize that in whatever we do. Like everybody else, municipalities will take the easy route. That's what always happens.

Mrs Molinari: Thank you very much. You've made some very good points, a little different than what we've heard before, but certainly very effective.

Mr Beaubien: I have just a couple of comments. I kind of like what you mention about the education and training part, because it's probably cheaper to do it this way and we'd get better end results. Also, on the risk management issue, some people think that we can eliminate all the risk. I've worked in an industry for 25 years where we managed the risk. We cannot eliminate all the risk. No matter how well you think it out, somebody is going to come out or something will happen that you cannot underwrite for or do anything about. The other question I had I think you've already touched on with Mrs Molinari.

Mr Cooper: I would just comment that the general public, for whatever reason, want somebody to totally eliminate the risk. That's the easy way out for them too. It's the old story that you can get a lot of bacteria on food and one of the worst places that happens is at the kitchen counter. We're getting into times where the public does not seem to want to take any responsibility for their own well-being. They want somebody to legislate their safety in total, and we can't do that, not unless you want to be communist or something.

Mr Beaubien: Very good point.

The Vice-Chair: Thank you very much for your presentation today.

Mr Cooper: Thank you for giving us the opportunity.

PRINCE EDWARD COUNTY COUNCIL
PRINCE EDWARD COUNTY
AGRICULTURAL ADVISORY COMMITTEE

The Vice-Chair: The next presenters will be the Prince Edward County Council and the Prince Edward County Agricultural Advisory Committee. As I have mentioned to other presenters, you have 15 minutes. If you could leave the last five minutes for questioning that would be appreciated, and if you could state your name for the record.

Mr Brian McComb: My name is Brian McComb. I am the commissioner of planning for the county of Prince Edward. To my left is Michael Heuving, vice-chair of the county agricultural advisory committee and a chicken producer within the county. To my right is Robert Quaiff, county councillor and a representative of county council on the county agricultural advisory committee. I'll do the majority of the formal presentation, but we're all available for any questions that the committee would like to put to us.

Just to give you an idea of where the county of Prince Edward is, in case any of your members aren't familiar, we're south of Belleville and Trenton. We're a recently restructured municipality—January 1, 1998. We have a

population of 27,000 approximately. We are primarily a rural community and an island community, being almost surrounded by water.

The presentation I believe has been distributed to you or is available to you. I just wish to comment particularly on the bolded page 1, the front page, highlight those for you. The messages are going to be somewhat repetitive to what you've been hearing already today; nonetheless, we wish to emphasize those to you.

The first comment is that public input and consultation is required on the details of the regulations that are anticipated to implement this legislation prior to the enactment of the bill so that the farming community, the general public and the municipalities can better assess its implications. From the remark that I heard just prior to our presentation, we are glad to hear that there will be opportunities for the sharing of the drafts of the regulations. I believe that the sooner the process and timing of this is communicated to the public, the farmers and the municipalities, the better for all involved.

The county maintains its position that the Ministry of Agriculture, Food and Rural Affairs must provide the personnel, resources and finances required for the third party review of the nutrient management plans and that this responsibility should not be delegated.

The county is of the opinion that one consistent requirement should apply province-wide and that local bylaws, save and except for the purpose of forming local committees, be voided. As an explanation to this, I believe that there is merit in having consistent rules across the province about what constitutes an intensive farm, when a nutrient management plan is needed and what the requirements and contents of a nutrient management plan would be.

1130

In light of the potential of transmitting diseases, any provincial or delegated officer entering and inspecting any farmland or buildings must adhere to proper bio-security procedures. The liability of not doing so could be extreme.

Subsection 56(5) of the draft legislation, the "no personal liability" clause, should be amended to apply to anybody that the minister delegates to, including employees of municipalities.

The ministry should not delegate its powers and accountability relative to aquacultural and silvicultural operations to municipalities, as municipalities generally do not have the staffing, expertise and resources to deal with these matters appropriately. I make this comment particularly as it relates to aquacultural operations for the county of Prince Edward. Being surrounded by water, we have been exposed to the odd inquiry relative to fish farms. We don't have the equipment, staffing or expertise to deal with the issues that would be incumbent with an operation such as that.

A comprehensive funding support program such as healthy futures must be developed to assist all farmers with the remedial plans and works and financial implications associated with this act.

The other subject matter that I'd like to touch on and perhaps ask questions of the committee or put back to the committee is relative to the matter of the roles and responsibilities of the municipal or local agricultural advisory committees and how that regulation would be set up. Right now, under our municipal bylaw, the committee is charged with dealing with disputes related to the enforcement of a nutrient management bylaw only, not just any dispute that could occur between neighbours and a farmer. Under the proposed regulation, would a local committee deal with any dispute between neighbours and a farmer, and where do the roles and responsibilities of the local committee start and end, relative to the farm practices and food production board?

That concludes the formal remarks that we would like to put to the committee. We'd be pleased to try to respond to any questions that you may have.

The Chair: Thank you, gentlemen, for the presentation from Prince Edward county. We have five minutes for each party.

Mr Peters: I guess the first thing I'd like to ask you about is, your municipality already has its own agricultural nutrient management bylaw?

Mr McComb: Yes, we do.

Mr Peters: In that bylaw, you have set out the standards and provisions that you feel are most appropriate to your municipality, taking into account the fact that you're almost surrounded by water, and any other issues. What is your municipality's reaction going to be now that we're going to have province-wide standards and regulations? What if some of those province-wide standards and regulations don't come up to the level of your local standards and regulations that meet your local needs? How is Prince Edward county going to deal with that?

Mr McComb: I'll take the first crack at it on behalf of the group and look to the other members to provide their comments. I think part of the answer to that is the very first bullet, that without the regulations, without the details, it's hard for us to accurately respond to that question.

Second, in terms of the process that we took to derive the bylaw that we did, we took a draft of, in particular, Oxford county and then other municipalities that have taken the exercise before us. We formed a committee and then, for the most part, their membership became the county agricultural advisory committee. We took representatives from each of the key production parts of the farming community, together with the two members of the ratepayers' group, together with two members representing county council. We worked on a draft. We worked section by section, together with our solicitor towards the end of the process, taking something that we felt could be implemented and be sound in terms of interpreting, implementing and using.

In terms of taking the bylaw that we have versus having province-wide uniformity, our comment, as it's highlighted in our report, is we feel that there is a lot to be gained in having uniformity. Why should the definition of an intensive farm differ because we travel across

the bay into Quinte West, versus the county of Prince Edward? For the most part, the issues that we're dealing with through our bylaw should be uniform throughout the province. You shouldn't go from one part of the province to another and find that there's a total difference in what an intensive farm is, what's required within a nutrient management plan. I think clarity to the producers and clarity to the public would be achieved if there's uniformity.

Mr Peters: Not having those rules and regulations, we're just speculating, really, in many ways, and I appreciate your comments on the input. But as an example, what if Prince Edward county, because of your geographical location and concern about potential threats to your tourism industry and the waters around it, said, "We don't want to allow the spreading of biosolids in our municipality," but the provincial legislation would allow it? It's maybe very similar to the first question, but I use that as an example. What do you think should happen in a case like that, if it's something you don't want in your own backyard but the provincial legislation allows it?

Mr Michael Heuving: We've been talking to certain farm groups and they've all looked at this province-wide regulation as something favourable. I know that we've been able to do certain things with chicken farms in certain areas in Prince Edward county that over the fence are a lot easier to do. So I think if there were provincial guidelines saying that it's OK to spread biosolids in certain areas—as long as there's X number of acres, that's allowable—then the municipalities, if they decide that they should go forward and say that they shouldn't, then the municipality is going to have to come up with a plan as to where those biosolids should go, for one thing. But I don't know. I think that once the municipality produces these biosolids, I think they should get rid of it in their own municipality, on the acres that this purpose would be allowed for under the provincial guideline. I don't understand why a municipality would want to get rid of their biosolids in somebody else's municipality.

Mr Peters: It's like transporting garbage.

Mr Heuving: I can't see our county doing that, I guess.

Mr Peters: Last question: the advisory committees. I appreciate your point about a clear definition for the roles and responsibilities of the members of those committees. In your own experience, what would you recommend to us as far as having non-farm, rural residents as members of these local advisory committees? Good thing, bad thing?

Mr Heuving: We have two ratepayers now who are on our advisory committee. I think we need representation from all of the categories. Actually, in our county we have a representative from each livestock area as well. There's a chicken representative and a beef representative and so on. I think it's important to get across what everybody's view is when you're sitting at that table. I don't think it would be proper to eliminate one or two of these certain areas.

Mr Galt: Thank you for the presentation; welcome. You mentioned it was like a revelation this morning to hear that further consultations would be carried out. I just wanted to walk through a little bit, quickly, of what's been going on.

This started in the fall of 1999, the development of a green paper by staff that was then released, a green paper discussion paper. Mr Barrett and I then went across the province on consultations with the green paper, something somebody could look at and start talking about. We then presented that to the Minister of Agriculture at the beginning of April of last year. He then responded and released it in early July. Three ministers, Environment, Agriculture and Food, and Municipal Affairs and Housing, met in Guelph for an extended Saturday in late September. So there have been ongoing consultations and discussions throughout this with stakeholders. Staff made a circle around the province this summer explaining some of the things.

1140

I was at the Hastings ploughing match. There was an extensive presentation there on the direction in which we are going on nutrient management. Then this bill coming out as first reading—I think this is about the fourth bill our government has brought out since 1995—after first reading going out for hearings. Again, that is leaving it more open for change. After second reading, parties tend to get more entrenched. Absolutely, we will continue discussions. A lot of the consultations we have had have been very helpful in giving some direction to these regulations. We are not sitting there with a blank sheet of paper at this point in time. If you had been at the Hastings ploughing match and heard that presentation, you'd have heard some of the direction, some of the thinking on these regulations.

I just wanted to walk through that. This isn't just all of a sudden, "Hey, now we are going to have consultations." This has been extensive. Some of the farm groups are tired of the consultations. They're saying, "Get on with it," that we've over-consulted on it.

I have just a couple of other comments. I appreciate and support your idea of consistency across the province rather than ending up with patchwork pieces. That was a problem we had before. Biosecurity: dead on, very concerned about that, particularly because of my background as a veterinarian. Last—and I think some of the time we are kind of missing it and maybe I should be mentioning it more often at these hearings—healthy futures. Part of that is about clean water. There's \$90 million there. It does require alliances or partnerships to develop and then look at the rules that are there. Yes, already dollars have been released looking at this area. Just recently in western Ontario, Mr Barrett's area, last week I believe it was, some of those dollars were released for that purpose.

I do appreciate your comments, and I just wanted to, particularly on the consultation, come back with some of the things that we've been doing and to stress the fact that some of the farm leaders are saying, "Get on with it; you've almost over-consulted on it."

Mr McComb: We just offered what we did because we had the draft bill to review. Having gone through the process of drafting our bylaw, we had an appreciation that really a lot of the detail of how to assess the impact of what's coming down the pipe really isn't there until we get to look at the regulations. That's how we felt when we reviewed the draft bill.

Mr Galt: The other thing is that all the information I just went through is on OMAFRA Web site. You can go in and pull it down. When it comes to regulations, until the bill is passed, there's no authority for regulations. That doesn't say there's no reason not to be starting to work on them, but technically there's nothing. This is always a debate: how much in regulations, how much in the bill or act? Of course, down the road, those regulations can be changed even though you have them all in front right at the time the bill goes through. That's part of having regulations. It is more flexible.

Mr McComb: In my reading of the bill, we felt it was a fair statement to make that the real implications of this bill are probably going to be within those regulations. When I read the bill, it says that you have the authority to establish regulations (a)—I think you use up the alphabet. You have to go to those regulations to really know what the implications of this legislation are going to be.

Mr Galt: You're absolutely right.

The Chair: We wish to thank Prince Edward county for coming before the committee.

DRAIN POULTRY LTD

The Chair: Our next delegation is Drain Poultry Ltd. Good morning, sir. We have 15 minutes; if you wish to give us your name and proceed.

Mr Vance Drain: Vance Drain, Drain Poultry Ltd, Tweed, Ontario.

I thank you for giving me the opportunity to express my concerns about nutrient management programs.

Legislating the farmer out of business: the townships evolving from farming to residential land designations; fewer and fewer farmers mean fewer votes on rural affairs; mounting pressures from new residents to limit or control manure, fertilizer, herbicides and pesticides.

Private documents versus public: larger farms will be forced to submit plans that will be accessible to everyone, and the media could then publicize or sensationalize the plan details, making for a public relations nightmare for the farmer. Environmentalists or activists would use this report for ammunition against the farmer. There will be large legal bills to counter these problems. Unfortunately, the more the farmer opposes the media and courts on these issues, the more funding the activists seem to get.

Manure handling differences: I don't feel it is possible to make one set of rules that fairly apply to solids, liquids or composted manure. These three methods vary in storage requirements, spreading techniques, time of year and cost of operation. Consequently, I think there should be three sets of rules.

Cost: we spread solid manure on 20 to 30 farms per year, ranging from a few acres to 50 acres per farm. We get rid of our manure and the farmers save on their fertilizer cost. It's an old-fashioned win-win situation. It is my understanding that I would have to have a plan for each of the farms that I spread on. I am concerned that the time and cost to make 30 nutrient management plans would be very high.

Conclusion: a successful nutrient management plan must address environmental concerns, yet be a workable plan so that the farmer can continue to feed Canadians. It must respect the different ways manure is handled and be cost-effective enough to be useful.

Please do not underestimate the danger of a public document to our survival as farmers. Thank you.

The Chair: Thank you very much, Mr Drain. This leaves about five minutes for questions on each side.

Mr Beaubien: I'm not going to use five minutes, but I certainly have a comment and one question.

Thank you very much for your presentation this morning. The comment is, in your presentation you say, "Fewer and fewer farmers mean fewer votes on rural affairs." Especially as a member who represents a rural community, I'm quite well aware of that and I certainly would tend to agree with you on that.

When you talk about manure handling differences, you mention maybe three different sets of rules. Do you think the bill, whether it's legislated or regulated, should have provisions to provide education and training and licensing with regard to the spreading of manure?

Mr Drain: Yes, I think there should be training for it, or maybe education for it. But I think the three different types are completely different ballgames. What type you're using is different if it's a solid manure, if it's a liquid manure or if it's a composted product. Those three items are different items.

Mr Beaubien: Do you think that would lead to a need to license people to spread that manure?

Mr Drain: If somebody is going to go into it, I guess the one problem I have is that if you're going to license it, every farmer is going to have to have a licence just to take out 10 loads of manure on his manure spreader. I don't think the cost bears the use of that. If it's a commercial person who goes around and does it for 50 farms, yes, maybe.

Mr Beaubien: Yet you've heard—I don't know if you were in the audience this morning—with regard to pathogens, whether you're a small operator or a large operator, if it's not handled properly it could have a negative impact on the environment, on the safety and health of individuals, whether they're in a rural or urban community. You point to the fact that there is a different process, there are different kinds of manures. So by not licensing these people, don't you think that creates some type of a problem, some concerns?

1150

Mr Drain: But are we going to license everybody out in the country?

Mr Beaubien: Well, I'm asking. I don't know.

Mr Drain: I will agree that a person who has a business of spreading manure should have a licence, and they will likely do 50% of it.

My personal opinion is, if the farmer is doing it for himself, he's doing it in a very responsible way. Why would you want to throw away your nutrients and your pocketbook? There's no money in farming to start with today, so you're not going to throw your nutrient away that maybe would grow your crop.

Mr Galt: I'll just make a couple of comments. It's good to see you. Thanks very much for coming out and presenting. Your comment on concern about plan details being sensationalized: I see it. If corporations have some trade secrets, why shouldn't farmers be able to similarly have some? But it would be sort of registered on that spot of land where it's going to be applied. You're talking about the difficulty of one set of rules; that's why there's a plan. We're looking at the flexibility. So if you put forth a plan and then it gets approved and it relates to your 30 sites, as I see this, it's one plan but it's registered with those different pieces of property where you'd be spreading manure, so that that manure plus sewage sludge coming out of a big city can't all be applied to the same land.

My other comment relates to applicators. There's some thinking, similar to the pesticide applicators, on how they are trained and certified, the ones who are doing it commercially versus the local farmer; it's very, very different. Some of the applications of manure, some of the thinking is along that line—just to give you some direction of the thoughts and information we've been getting from consultations.

Mr Drain: You see, one of my big problems is—and I know I'm going to be a guy who has to do one, OK? But I have a real concern that it becomes public. That is a nightmare to farming in Ontario, that everybody who's in the nutrient management program becomes public. I'm not saying it will happen, but I believe it will happen, that somebody can sit on a keyboard somewhere in an office and type in a few letters, get your nutrient management plan and spend the time, if they want to, for sensationalism, because maybe that's where they make their money, sitting outside your place, you do some stupid little thing wrong and it gets sensationalized all over the place, and you really will go broke.

Mr Peters: Just on that point, this is an issue; this public-private document has come up a number of times. Perhaps if we could have legislative research, or even the freedom of information and protection of personal privacy officer, review this, I think it would be important for when we come back and start to deal with this at second and third readings, if somebody could explore this. Let's get an answer, because it has been raised since day one.

The Chair: Could we ask for that?

Mr Fenson: Yes.

Mr Peters: Great, thank you.

I kind of chuckled about fewer and fewer farmers means fewer votes etc. A large unnamed province-wide

agricultural organization spoke out very much in favour and was very supportive of the downsizing in the provincial Legislature. We won't name names as to who they were, but they were supportive of the downsize from 130 to 103.

I have a couple of questions. In the legislation, and we'll see it in the regulations, there may be a provision where you have to have eight months' or 12 months' storage. There may be a provision that you have to own a certain percentage of land. If those provisions were in place, how would that affect your own personal operation?

Mr Drain: It would be a lot smellier when it came time to dispose of manure, by about 10 times. Usually it's the smell that bothers the neighbours. Maybe you could spread commercial fertilizer right along their doorstep, they don't seem to mind that, but if you spread smelly manure, it does. If you store it over a month, it's 10 times worse, because it's anaerobic instead of aerobic, and once it does it, you can't get it back.

My philosophy has been—and we do handle it in a solid state and we use spreaders that bead it up to the size of a quarter. We have found that even in the wintertime we can go out and spread it on ice in a field and in two weeks, if you go down and take the ice out, it's on the ground. In the springtime, when there may be a puddle on that field, you will never see any colouring.

Consequently, in my opinion, if the land isn't cow-drained and it's sodded hay ground—now, I agree, I have to pick where I put it at that time of year, but if it's sodded hay ground, the nitrogen is looking for carbon, and it's sitting there in the springtime to clean the field of all the carbon for me and fertilize my hay land.

Consequently, the manure I take out of the barn and put in the spreader truck and put on the field today has about one tenth the smell of something that I leave in a barn or in a pile for weeks. Is this just creating another big nightmare in residential? When you put a farm together, people love to move next to you for some reason. I don't know why they do it, but they just seem to love to do this, so they can have a say, maybe, on the farm.

Mr Peters: What are you going to do if winter spreading is banned? Do you have the capabilities on your own farm—

Mr Drain: No. We have no storage.

The Chair: Thank you. We appreciate Drain Poultry Ltd coming before the committee.

PROPERTY PLANNING AND
LAND USE COMMITTEE,
NORTHUMBERLAND FEDERATION
OF AGRICULTURE

The Chair: I wish to call forward our next delegation, the Northumberland Federation of Agriculture. Good morning, sir. We would ask for your name. We have 15 minutes.

Mr John Boughen: John Boughen. I'm president of the Northumberland Federation of Agriculture. I presume everyone has a copy of my presentation.

The Northumberland Federation of Agriculture, NFA, would like to thank you for this opportunity to provide input on the proposed Nutrient Management Act, Bill 81.

The Northumberland Federation of Agriculture is one of the county organizations of the Ontario Federation of Agriculture. NFA represents over 800 farm families in Northumberland county, which is bounded on the west by the border between the municipality of Port Hope and Durham region, in the east by the municipality of Quinte West and Hastings county, in the north by the border of Peterborough county and on the south by Lake Ontario. Within Quinte West, NFA also continues to represent the farmers of the former Murray township.

The property, planning and land use committee of the NFA has, over the last three years or so, had extensive experience on the subject of nutrient management. We have participated in the drafting of several municipal nutrient management bylaws by providing practical, common sense farming input to the formulation of these bylaws.

The Northumberland Federation of Agriculture has spoken out before to dismiss the perception that farmers are not good stewards of the land. The reality in fact is that farmers act responsibly in their use of the natural resources over which they have control. Farmers are the original environmentalists. Their livelihood depends on healthy soil to grow their crops, clean air for their animals to breathe and clean water for both their animals and their families to drink.

1200

To illustrate that farmers are good stewards of the land, in the last 15 years farmers have participated in programs such as land stewardship, land stewardship II, rural action plans, pesticide safety courses and certificates, best management practices and environmental farm plans.

It is important to note that legislation already exists under the Environmental Protection Act and the Ontario Water Resources Act to deal with violators of anti-pollution laws.

The property, planning and land use committee of the NFA has some serious concerns with Bill 81. Of most importance is that Bill 81 does not indicate a lead ministry. The NFA strongly recommends that the Ontario Ministry of Agriculture, Food and Rural Affairs, OMAFRA, be named as the lead ministry and that the enforcement expertise of the Ministry of the Environment, MOE, be obtained through the establishment of a special unit with OMAFRA that includes individuals seconded from MOE.

Provisions within the bill allow the province to delegate several responsibilities to organizations or persons outside of government. The NFA objects to this approach and recommends that the Nutrient Management Act be administered by OMAFRA with no outsourcing of tasks, be that as a director as in clause 2(1)(c), a provincial

officer as in clause 3(1)(c) or an analyst as in clause 4(1)(c).

Also, the NFA believes that the government of Ontario should not delegate power for the establishment, maintenance and operation of a registry as in clause 55(1)(a), the review of NMPs as in clause 55(1)(b) or the issuing, amending, suspending or revoking of certificates, licences and approvals as in clause 55(1)(c).

NFA objects to any form of fee structure as in section 57. This example of a government service will benefit all of society, and therefore everyone should share in the cost of administration. Farmers and agriculture are already under enough economic stress as it is, and we do not need this added cost to the business of farming. The NFA recommends that the government of Ontario develop reasonable projections of the cost to administer Bill 81 and then ensure that sufficient funds are available for this new initiative.

With regard to inspections and enforcement, the NFA has concerns when the need for verification results in periodic inspections on the farm. The legislation should establish a process that clearly lays out when a random inspection takes place and that is helpful to the farmer in providing an indication of what aspects of the farming operation are in compliance with the standards and what aspects are not. The intent at this stage should not be punitive.

The NFA recommends that the issuing of an order should be reserved for those individuals who refuse to correct a situation within a reasonable length of time, as determined by a follow-up visit.

Also, the NFA is concerned for all agricultural producers, particularly in those commodities where a HACCP, hazard analysis critical control points, system has been introduced for biosecurity. For inspections on the farm, strict protocols must be established to ensure biosecurity requirements are met. The NFA recommends that the need for biosecurity protocols, and the need for them to be established in consultation with farm organizations, must be entrenched in the legislation and not dealt with as a regulation.

The NFA is also concerned that the Lieutenant Governor in Council “may” provide, in subsection 5(2), for the establishment of local nutrient management advisory committees. The NFA recommends that this be changed to “shall” rather than “may” provide for their establishment. Further, the NFA recommends that such committees be composed of individuals who have a registered farm business.

Closing comments: As members of the standing committee on justice and social policy, you can see by this presentation from the property, planning and land use committee of the NFA that there is much work to be done to Bill 81 before it is acceptable to the NFA and to the farming community. Bill 81, as proposed in its present form, will not allow farmers to manage their farms effectively in an efficient, productive manner. Committee members, with your findings and report to the Legislature from these public hearings, you must ensure that this

proposed Bill 81 is changed so that it will not be a financial burden on farmers. You must work to ensure that farmers are free from arbitrary legal constraints, thus allowing the family farm to survive and go on into the future providing safe, high-quality food for all the people of Ontario and beyond our borders. Thank you.

The Chair: We have three minutes for each party.

Mr Peters: On page 2 you recommend that the advisory committees be composed of individuals who have a registered farm business. I agree with the word “shall” rather than “may.” I think that’s of extreme importance. But the advisory committees are going to be really important in dealing with local disputes and dispute resolution. What is the NFA’s position on having representatives from the non-farm rural community on the advisory committees?

Mr Boughen: I should clarify that when I refer in the presentation to the property, planning and land use committee of the NFA, of which I am chair, we prepared this presentation about a week and a half ago. This has not gone through the full NFA board, but there is nothing in here that we haven’t gone over in the past or that is controversial.

Mr Peters: Even if it is your personal opinion, that’s fine.

Mr Boughen: Just to clarify that. I look upon it—and I think the board does too—that it is much better as a peer situation. That means farmers on these agriculture advisory committees. That’s what we’ve always stressed in the past when this has come up. That’s our preference. It is much better with these committees in place that it is farmers. If there is a complaint from, say, a non-farmer, and it can happen from farmers too, that they go out, and it is actually people on those committees who go out, and go to this farm and look over the situation, because it is much better for a farmer to go than a non-farmer, just because of the peer situation. Farmers do understand much more about agriculture, because it is our business. This is what we do. We have the experience, the talent and the expertise in matters like that when we are going out and sometimes dealing with our neighbours.

Mr Peters: Do you have a position on the spreading of biosolid wastes from waste water treatment plants or wastes from pulp and paper operations? Do you have any feelings or preferences on the spreading of those materials on agricultural lands?

Mr Boughen: Are you asking me personally again?

Mr Peters: Personally is fine, yes.

Mr Boughen: Because I’m also president of the NFA and I’m here representing the land use committee, plus overall I’m representing all kinds of farmers in Northumberland—

Mr Peters: We will make sure it is on Hansard that this is your personal opinion.

1210

Mr Boughen: Certainly in the township I come from—or I should say the municipality now, because we’ve been amalgamated—we do have a bylaw that does control sludge from the municipality of Port Hope, with

which we are now combined. That came out of the situation with Eldorado or Cameco, which had radioactive waste which got into the sewage sludge. There is provision within a bylaw to handle that. It has to go through a process so that it comes out and is looked after, administered by—I'm not sure—certainly the Ministry of the Environment is in there and probably Ag and Food too.

On our farm, on a personal basis, no, we do not use it. I don't think we will. We have been vegetable growers in the past; perhaps in the future we will be again. But certainly to grow peas and sweet corn, we weren't allowed to use biosolids on our land.

I'm concerned personally with the other, heavy metals, which we wouldn't want to introduce to our land, because like most farmers our land is our livelihood. It is precious to us. It has been in our family. I'm the fourth generation in our township. As I said and demonstrated earlier, we are good stewards of the land, and we have not harmed the environment in the past. We are looking at a whole different thing with this process now. Partly it scares me, on a personal level, what the government might be thinking of doing to us.

Mr Galt: Thank you, John, for coming. Good to see you again and thanks for the presentation. I have three kind of quick questions. First, you're suggesting the enforcement "be obtained through the establishment of a special unit with OMAFRA that includes individuals seconded from MOE." What if that was the other way around: it was agricultural people, people with a livestock background, being seconded into MOE as enforcement, rather than the way you're suggesting, but they have people with an understanding of agriculture?

Mr Boughen: I would still rather that it was from OMAFRA.

Mr Galt: Just curious on your response.

Mr Boughen: Do you want me to add any more?

Mr Galt: You mentioned about fees, "Don't lay anything more on us." Would you include a new facility, more than 450 livestock units, like a 3,000-unit sow operation, wanting to set up; would you say that should be free of fees as well?

Mr Boughen: Yes. When it comes to the fee structure within this proposed bill, I think we have to treat all farmers the same, whether they're small or big. We are basically ourselves smaller farmers. We are certainly under the 150 animal units. In our own township, we do have a nutrient management bylaw, but we are not included in it, because we are under the 150 animal units. There was a proposal at one time, when they were drafting that bylaw, to license farmers. I fought very hard to keep that out of our bylaw, because it leads to all kinds of problems. The OFA backed me at the time. It was just that type of overbearing situation, your cost; you wouldn't even be able to get financing for farms if there was a system within our municipal bylaws for licensing.

Mr Galt: My last question has to do with the advisory group. I'll give you a wee bit of background on the reason for the question. As veterinarians, we thought it

was going to be disastrous when lay people got to sit on the College of Veterinarians of Ontario. But I see laity sitting on medical groups, physicians, dentists, nurses and so on. Often the laity are more supportive of the profession than are the professionals, because the professionals don't want anything to do with somebody who's mistreating their patient or whatever. When you use that thinking—and you're saying here, "be composed of individuals who have a registered farm business"—would you see that some other people, non-farm people, should sit on that advisory committee?

Mr Boughen: No, because we stated that we think they should have a registered farm business. I explained earlier about the peer situation. More and more I'm seeing, even in our township—and I'm not prejudiced in any way—that city people, urban people, are coming out, and a lot of them really just want to make our countryside a park. I mentioned Hope township's nutrient management earlier. They've put an interim control bylaw in place. We worked for over a year for the final nutrient management bylaw. I was appointed on that steering committee of Hope township from our Northumberland federation. Really, a lot of the time I went through a year of hell because of the people who were on it who weren't farmers and didn't understand. They've got an agenda, and they just try to make things very difficult. It's not their money that might be affected, or their investment in their farms; it's ours.

I think we farmers deserve more than what we've been getting in the past and are maybe going to get in the future. When you get into the regulations, we don't know what those are yet. We have some ideas, because everyone has talked about it. But when it gets into that and the cost of this, and especially when you get into the difference between solid manure and liquid manure, with liquid manure, there's no question; for farmers up till now it has been voluntary. Liquid manure, there's no question, you have a winter storage facilities. You keep talking about facilities. Solid manure is different. We don't have a manure storage facility. Our manure storage facility maybe is in our barns till we clean them out. Perhaps it goes out to the field if we have time and times are suitable, or it goes out in a pile in the yard.

If we get into having to build manure storage facilities for our farm—and we have two barns, with a third barn that we have cattle in sometimes—we might as well stop farming today, because we will not be able to afford this. I estimate on our farm it would probably cost a minimum of \$40,000 for each barn. I'm not kidding on that, because once you start putting in cement, these things take a lot of cement. We use solid manure; we use a lot of straw and there's a lot of bulk. It would take a lot of room to put one of these in place. I see that in our type of farming, which is still predominantly in use in Ontario, or what farmers are, that will drive those farmers out, and that's not fair. It's not fair to them.

As I said a minute ago, all farmers should be treated the same, whether they're big or small. We have gotten

bigger over the last 50 years, but we're not really big compared to some farms now.

The Chair: I wish to thank the Northumberland Federation of Agriculture for coming before the committee.

We will now take a break, and this committee will reconvene at 1 pm.

The committee recessed from 1218 to 1301.

The Chair: I wish to welcome people back to this afternoon's portion of the standing committee on justice and social policy. We are meeting Thursday afternoon, September 20, here in Parkway Place in Peterborough.

COUNTY REGIONAL ENVIRONMENTAL EVALUATION KO-ALITION

The Chair: We have the brief distributed and I would ask for the 1 o'clock delegation, the County Regional Environmental Evaluation Ko-alition, to come forward. We have 15 minutes and we are asking delegations to subtract five minutes for any comments, questions or discussion. We will ask for your names please for the Hansard recording.

Ms Linda Roberts: My name is Linda Roberts. I am the chairperson of CREEK, the County Regional Environmental Evaluation Ko-alition. Beside me is Rob Legge, a member of CREEK. I would like to thank you for allowing us this opportunity to share our concerns. We are not a formal advocacy group. I understand that over the period of your hearings, you've heard from a lot of experts. None of us are experts. None of us have extensive experience in environmental issues. We have no paid staff and we have no funding. We are just a group of citizens who are very concerned about the water and the environment in Prince Edward county.

I'd like to give you some background before dealing with the legislation itself. You heard a little this morning about the geographic location and makeup of Prince Edward county. It is rather appropriate that that was this morning as well. I don't know that you can see this from where you are, but this is the eastern tip of Prince Edward county. This is where we are. This is Adolphus Reach in the north. This is Lake Ontario in the south. This is Prinyer's Cove, which is a very popular boat anchoring spot. All of these are residences except for this area, which is where we have an intensive livestock operation. It is somewhere between two and three kilometres across from Adolphus Reach to Lake Ontario at this point. Just for your information, based on a comment that was made this morning, the residential community was already established before the intensive livestock operation moved in. We did not move in and try to change things. Also on this map you will see a large W. That W signifies a provincially significant environmentally protected wetland, and there's marsh in there. Right in that same area, as I've explained, we have an intensive livestock operation of hogs. The operation has about 2,700 pigs.

Although our municipality has a nutrient management bylaw, it is one of the least stringent in the province. The operator of this intensive livestock operation is exempted anyway because he was already in existence before the enactment of the bylaw. He spreads manure approximately every 120 days. In December, a test taken of water flowing into Lake Ontario, following an application of liquid manure, showed an E coli count of 1,500 and a fecal coliform count of 7,900. Therefore, it was with great interest that we anticipated this legislation.

We have a number of concerns about the legislation, as outlined in our written submission, and I would just like to highlight some of them now. I'll try to do this quickly. Ideally, obviously, we would like a moratorium on intensive livestock operations. The Netherlands are paying their intensive livestock operators to leave, and we're inviting them here. Various states in our neighbour south of us are banning intensive livestock operations. I have a question: do we place such a small value on this beautiful province? However, we realize that this is not an option being considered, so we will deal with the bill.

Our first concern is the fact that it is an omnibus bill. We do not believe that this bill should cover all sizes of farms and all the other issues it tries to deal with. It is too diverse. We believe—it is in the submission—what we would like to see is that we follow the lead of the United States, where the Environmental Protection Agency has recently announced that large agricultural operations will be required to have permits under the national pollutant discharges elimination system as factories do, because these ILOs are factories, not farms. We would like to see this legislation limit itself to intensive livestock operations.

We are glad that we will have a chance to have input into the regulations. I was glad to hear that this morning. We are concerned, however, that when the regulations have been drafted, they will be dealt with as an order in council and will not go through the democratic process. We feel this is an abrogation of democracy. We feel that there should be allowance for debate in the Legislature.

The bill recommends geological assessments. We would rather see hydrogeological assessments. According to Gord Miller, the Environmental Commissioner, most of Ontario's environmental problems can be traced to the failure of provincial ministries to approach environmental protection from an ecosystem perspective. The soil map of Prince Edward county shows that the area affected is a thin layer of topsoil over clay and fractured limestone. Residents in this area rely on private wells, drilled, dug, and shore wells, and we are all concerned about the long-term sustainability of our drinking water. We are concerned that in the legislation there is no involvement of the Ministry of Health. Our area is popular with boaters and cottagers and many people like to swim, but there is no mechanism by which the water is tested and postings made when it is unsafe for swimming.

In terms of local committees to administer the legislation, we have a real concern. We heard this morning

that most of the delegations would like to see those committees completely made up of farmers, with very little representation from the community. We do not believe that that kind of a committee has the political will to deal with the concerns of the general public.

There is no requirement in the legislation for detailed records and regular auditing by provincial officials. We believe that without that kind of auditing, there would be very little incentive for the regulations to be followed. We feel that it should say a provincial officer "shall" have the power to check the operations on a regular, prescribed basis.

In this legislation it says that the provincial legislation should override local bylaws. The Supreme Court of Canada, as we heard this morning, in the case involving the use of pesticides in Huron, Quebec, stated that "local governments must address the emerging or changing issues in their community." The court recognized the legitimacy of local jurisdiction over matters which are specific to the area. As I have pointed out, the area about which we are concerned is most inappropriate for intensive livestock operations. We would like to believe, unlikely as it may be, that we could influence the local decision-makers.

I would like to address the term "normal farm practices." This term is used in the legislation, but, according to research, there is no real definition of "normal farm practices." Really, it refers to the "accepted customs" of farming. The test of "normal," in effect, allows something to pass that has been allowed to establish itself over time, no matter how harmful it may be. A better alternative would be the phrase "environmentally responsible farm practices."

1310

Finally, I feel it's imperative that there be ample resources and funding from the province in two areas, first of all, for the cost of improvements. I understand this is an onerous task for the farmers themselves. Quebec provides funding of approximately 70% of the cost of improvements, and some areas in New York state receive 100% funding up to a maximum of \$100,000. We would also like to see funding into research into alternative technologies. There is considerable research of alternatives to the spreading of untreated liquid manure, and this government, if it wants ILOs in the province, should show leadership in this area.

Ontario is not alone in struggling with proper regulation of intensive livestock operations. Manitoba, as well as many other areas, has been through this process, and I would like to share with you some of their recommendations.

The government focus substantially increased resources on the intensive livestock industry in Manitoba to provide analysis, guidance, inspection, monitoring, enforcement and technological assistance. The capability to undertake comprehensive analysis of the potential impact of new or expanded ILOs upon both local and larger area environments should be enhanced immediately. New and expanding ILOs should require formal approval by

both the host municipality and the province before construction is allowed to begin. Water quality monitoring must be greatly increased. There must be a strong research and development emphasis on the monitoring of pathogens and the mechanisms by which they are transferred from animals to humans.

Finally, also from the Manitoba study, the following quotation: "The government is seen as the custodian of the public interest in the environment. The public needs to be confident that the government is ensuring that things are being done right, and must have access to information to be assured of this."

I thank you very much for this opportunity.

The Chair: Thank you very much. We have about a minute and a half for questions. I'll start with the Liberal Party.

Mr Peters: Perhaps I'll pose both questions very quickly. On page 3 of your report, you talk about "nutrient application within, at the minimum, two miles of a residential area." I was wondering if you could define a "residential area." Does that mean one house or a municipality? What do you mean by that? Secondly, toward the end of your presentation, you talk about the case of the cost of restoration in the Deloro mine. Are you advocating here for what I would call a perpetual care fund, which cemeteries have? A number of new landfills now have built in a care fund. So if you could define what you mean by that point and "residential area," please.

Ms Roberts: Certainly. "Residential area" was an arbitrary choice of term, the reason being the concern of the proximity here to the residential area. There are a number of houses, I would say, in a residential area, not just one residence.

In terms of the restitution of the Deloro mine, I think perhaps that I should have addressed it more clearly. The operators of intensive livestock operations perhaps should have insurance coverage to cover any damage they do to the environment. What's ending up is that these industries are coming in, they are taking their profits, they are leaving and they're leaving the taxpayers to pick up the tab.

The Chair: I'll go to Dr Galt, a minute and a half.

Mr Galt: Yes, I am very familiar with Prinyer's Cove, have been there many times, many years ago. I grew up just across the lake from there, where the Lennox generating station sits.

Ms Roberts: Oh, right. We can see that from our house.

Mr Galt: I appreciate the frustration you have, knowing a veterinarian with some large-animal practice who has a cottage in that area. When he complains about the odour, there must be something significant, because veterinarians in large-animal practice can tolerate an awful lot of livestock odours.

I have a philosophy that whoever presents should have to stay for the whole day and hear all the other presentations. I wish the people presenting just before

lunch were hearing what you are saying now and you were hearing what they said.

Ms Roberts: I did hear it.

Mr Galt: I have that philosophy. They should have to come at 9 o'clock. If they're not here at 9 o'clock when we start, they can't present. That's just a little personal one on my part.

Your comment on regulations, to get a little more serious here: they've never been the type of thing that comes before debate in the Legislature. It is bills and so forth. Your point is well taken. Certainly—and I've explained it to some of the others—there have been very extensive consultations relating to the bill. A lot of that information will be used in regulation, and there will be considerably more consultation as it relates to regulations.

I loved your term "environmentally responsible farm practices" rather than "normal farm practices." It is kind of a neat way to look at it. The question I have for you: you expressed concern, and we've heard it many other times, about organisms being spread from animals to people because of this. Very few people have commented on human organisms being spread to humans. The biggest enemy of the pig is another pig, of course, spreading their own disease. The same is true of humans. People don't seem to be commenting on that as it relates to sludge, sanitary sludge, biosolids, whatever; we hear it all animals to humans. Why are we taking that slant of concern and not the other?

Ms Roberts: I'm not saying that the spread from human to human is not a concern, but our organization was formed as a response to intensive livestock operations, so I tried to confine my comments to that. We are very concerned also about the spreading of sludge.

The Chair: We wish to thank you and appreciate CREEK coming before the standing committee.

TOWNSHIP OF STONE MILLS

The Chair: The next delegation I wish to call forward is the township of Stone Mills. Good afternoon, sir. We will get your name for the Hansard recording and then we have 15 minutes.

Mr James Macdonald: My name is Jim Macdonald and I'm the reeve of the township of Stone Mills. I'd like to ask the chairman of our agricultural committee to come up to the table and join me for the presentation and for the questions after. Robert Clancey is our chairman of the agricultural committee.

On behalf of the members of council for the township of Stone Mills, that being the former township of Camden East, the former township of Sheffield and the former village of Newburgh, I would like to express appreciation for the opportunity to meet with you and discuss concerns regarding intensive agricultural operations within our community.

The township of Stone Mills is located in eastern Ontario and is made up largely of a rural and primarily agricultural tax base. We maintain a population of about

7,000 and are very fortunate to have a number of rivers, lakes and streams running through our municipality. Taking this into account, the township is requesting that consideration be given to increasing the MDS calculations as they pertain to the proximity to watercourses. The former township of Sheffield borders on the tip of the Canadian Shield. The majority of our very proud farming community depends on soil which in many cases is relatively thin over fractured bedrock.

Like other Ontario municipalities there is a trend toward larger farms, with some operations bordering on what many refer to as "factory farms" moving into our area. As agricultural operations intensify in order to increase productivity and viability, there is a high level of concern regarding their impacts on the environment. The potential for groundwater and surface contamination, persistent odour, pathogen release and groundwater depletion are very real concerns, particularly for non-farm rural neighbours who fear the possibility of a diminished quality of life and reduction in their property values. The issue of intensive agricultural operations is a very complex and sensitive one. Based on experience within this municipality, it is evident that action needs to be taken and that the provincial government should actively pursue remedies.

When it became evident to the township of Stone Mills the potential impact these intensive farms could have on our municipality, an agricultural committee was appointed and, with the assistance of a solicitor and the township's planner, an intensive livestock farm bylaw was passed. I brought copies of our bylaw today.

1320

The applicant must adhere to a nutrient management plan, must provide a hydro-g analysis and must provide a site plan for the proposed operation. The site plan, although not fully supported by OMAFRA, is essential in our opinion to promote planning for the future and making sure proper procedures have been followed, which will benefit all residents of the municipality.

The requirements of our intensive livestock farm bylaw must meet the satisfaction of a third party review. As the township does not have a qualified person on staff, consultants who have expertise in the related fields have been engaged to examine the submissions presented.

Compliance with this bylaw has produced numerous challenges, and on two occasions the township has appeared before the farm practices review board. To date, our costs regarding this are approximately \$100,000 and are continuing to rise. There's a summary sheet on the back that kind of outlines our expenses. It is evident that assistance to deal with matters of such importance is a priority for our municipality.

In order to clarify the obligations which are to be met, the proposed new legislation must be enacted as soon as possible. Consistency must be met throughout Ontario. Qualified experts must undertake the administration and enforcement. Adequate financial resources must be made available. It is imperative that wasteful duplication does

not occur and that cost efficiencies and effectiveness are maximized through a unit devoted to the enforcement of agricultural standards.

This legislation must ensure that the farm practices protection board is independent of all parties, including the Ministry of Agriculture, Food and Rural Affairs, and exercises its responsibilities without prejudice in all cases.

The legislation must ensure that financial assistance and incentives are available to address environmental improvements, which have definite benefits for society as a whole. Neither the agricultural community nor property taxpayers within rural municipalities should be forced to bear the burden of changes which minimize environmental risk for all.

Once again, thank you for the opportunity to meet with you and express our views. We will address any questions.

The Chair: We've got a bit over three minutes for each party. We'll now begin with the PC side.

Mr Beaubien: I've got a quick one; I won't take the three minutes.

On the second or third page of your presentation, you mention that "consistency must be met throughout Ontario." But in the second paragraph on the second page it says: "The majority of our very proud farming community depends on soil which in many cases is relatively thin over fractured bedrock." If the standards must be consistent across the province, and we've heard different presenters mention the different types of soil we have across the province—you mentioned that you have a thin layer of soil over fractured bedrock—does that create some concerns if we are to have some provincial standards that are applied uniformly across the province?

Mr Macdonald: I guess we all know that the land in eastern Ontario and in our area is substantially different from western Ontario, where the land is deeper. I don't know that you have to get into that particular part of it to separate the two. Bob, would you like to address that?

Mr Robert Clancey: To answer your question, we all know that the land varies from Toronto to our part of the province, and the capability of the land to accept nutrients, to accept a large operation, is entirely different. We are not so fortunate. In some places we have a very thin covering of soil, limestone, bedrock, and we look at that saturation of product that goes on the land and how it's going to affect the water below. That's why we are very adamant on a hydro-g, a site plan and so on and so forth to address the application, the size and so forth.

Mr Beaubien: So that's how you would address, say, the different soil conditions: through the site plan and do it with the township?

Mr Clancey: Yes.

Mr Macdonald: That's why we feel a site plan is of the utmost importance.

Mr Peters: One of the issues we're going to have to deal with is land ownership. You've just presented us with the fourth figure today. We've heard that one municipality has 25% land ownership, another municipality

has 30% land ownership, another has 50% and now you're at 40%. As we develop these province-wide standards, if it's 30%, then it's going to be interesting to see how you will react when your own goal is 40%. That's one of the issues.

The site plan is an interesting point that you raise. It's only the second time I've heard that raised. As a former municipal politician, I know how effective a site plan control committee can be in dealing with a lot of issues.

One thing you didn't touch on, and I wonder if you have any comments on it, is the spreading of biosolids or pulp and paper sludge. Is this an issue in your municipality? If it is, how should we be addressing that from a provincial standpoint?

Mr Macdonald: We do have a paper mill, Strathcona Paper, in our municipality, and they are into a spreading program now. They have a system. They have dehydration, like composting part of it. They are using that to spread on a lot of land they own, and now they've expanded it to neighbouring farmers.

The sludge issue: the city of Kingston—Kingston township—has been actively spreading sludge in our municipality for quite some time. I'm not very happy with some of the methods and the procedure they use and where they spread it.

Mr Peters: Because time is limited, I just want to go back to paper sludge. Are you satisfied that we know enough about the science and what's inside that paper sludge that's being spread in your municipality?

Mr Macdonald: No, not really. We haven't researched it likely as much as we should. It hasn't really been analyzed. The only thing we've got is the analysis they've given us.

Bob, is there anything else you'd like to add?

Mr Clancey: I guess it comes back to what you mentioned at first, about the 40% land ownership. One question we were very adamant on was that you own at least 40%. We were challenged on land ownership through the farm practices review board, and we lost on that.

We feel that with land ownership at 40%, which ought to be minimal, the owner of the product has more control of the application rate that goes on the land. It's fine and dandy to say they do have control over it, but they don't. In actual fact, they deliver it to the contract farmer and we all know that sometimes it gets carried away at the end of the day. We're very adamant on the site plan control, because if we look at the amount of water, the land use or what have you that these factory farms or intensified farms can create, they're no different than a subdivision. In a plan of a subdivision it's a must for you to have a site plan control. This is why we feel a site plan control is very necessary in a large operation.

The Chair: Mr Macdonald and Mr Clancey, I want to thank you for coming forward with the brief from the township.

Mr Clancey: We thank you for your time.

1330

LAKE SIMCOE REGION
CONSERVATION AUTHORITY

The Chair: Our next order of business is Lake Simcoe Region Conservation Authority. Good afternoon. You have 15 minutes. We'll ask you to give your name for Hansard.

Mr Michael Walters: My name is Mike Walters. I'm manager of environmental services at the authority. With me today is Gayle Wood, the chief administrative officer at the authority.

We're pleased to be here today. Essentially this issue is very pertinent to what we're doing at the conservation authority. We have a lake, Lake Simcoe, which provides drinking water to five communities and essentially generates about \$200 million per year in recreational activity dollars. This resource is actually in jeopardy right now because of nutrients, so that's the tie-in.

The authority essentially supports Bill 81. We think it's a good proposal. We also support previous submissions done by Conservation Ontario. However, there are some concerns we'd like to raise today.

First of all, there are other chemical, organic and biological contaminants which have been documented within runoff from agricultural areas, and we feel these parameters should at least be examined or reviewed as part of the legislation. Especially, biological pathogens should be examined.

If the goal of Bill 81 is to improve water quality, we feel that nutrient management plans should be done on a watershed basis. This addresses some of the previous concerns with site management plans in different conditions that might occur across the province where you're looking at these plans: different soil conditions, different issues with drainage. That's very pertinent.

The plans also should have regard for other natural features such as wetlands, hydric soils, recharge and discharge areas. By doing this you'll have a more holistic management plan that will ensure ecosystem health.

The bill should also discern between the large factory farm, as we call it, and smaller operations. We feel that's really important. There are a lot of family operated farms that are being grouped with these large factory farms, which essentially have animal units that are the size of some small villages. We would like to see some type of definition for these factory farms—

Mr Peters: Please give it to us. Help us.

Mr Walters: We would be pleased to participate in any further works on that. And they should probably have to go through a more rigorous review than the family-type farms.

Another thing we feel is really important is that there are other sources of nutrients out there besides agriculture. In our watershed, for example, urban runoff is a significant contributor to the degradation of Lake Simcoe, as well as atmospheric sources. I know it's not this bill's responsibility to look at those, but we suggest that

the message go back to the province that some of the existing legislation dealing with both urban development and atmospheric deposition be reviewed as well, because we don't want to be unduly pointing fingers at the agricultural community.

With respect to the biosolids issue, we do have issues in our watershed with biosolids. The authority supports the ban on spreading of septage and would actually request that it be considered a total ban instead of just five years, which we hear is the number being used, and the opportunity to look at other methods of disposal or treatment of that waste. The issue is that this material is being spread on areas that aren't being used for agronomic purposes, and we have found in the past that there have been problems with runoff in several of these areas.

The timing of biosolids is a big issue as well. We have farmers who have spent a great deal of dollars building manure storage so they can store their manure over the winter and time its application properly. We're seeing sewage sludge and biosolids being spread on frozen ground in the winter when they shouldn't be, and that is a cause of concern.

I think we do need a better understanding of the risks associated with some of the biosolids. The paper sludge especially has been a big issue within our watershed. If the science has been done, it certainly hasn't been communicated to the public, because they're still very, very concerned about the impact associated with spreading this material on the ground and what is contained in the sludge. Again, I would speak on behalf of our watershed community that at least we would like some clear science developed on what is being spread and how communities are being safeguarded with respect to what is being produced and discharged.

One of the most important things we see coming out of the bill is the cost, which is going to impact on the farm community. The farmers are essentially going to be asked to bear the brunt of costs associated with nutrient management, as might some municipalities if they have to expand their water pollution control facilities or essentially create sludge storage areas so they can store their sludge and then time appropriately.

We hope the province would strongly consider providing some financial incentives to the municipalities and primarily to the farm community so they can afford to undertake many of the activities they're going to have to as part of nutrient management plans. As I said, the average cost of manure storage, for example, in our watershed is around \$45,000. A lot of our farmers probably just cannot afford to be installing these things, so they need incentives. They need some assistance if they're going to implement some of these plans once they're done. Just the cost of the plan itself can be upwards of \$3,000 or \$4,000 or more, depending upon specific conditions in the farm area.

One method we might suggest which has proven successful in the past has been through incentive programs, whether they're through authorities or farm organizations. We've had a great deal of success in our water-

shed by providing financial incentives to landowners willing to undertake environmental projects, but we need a long-term investment to make sure these programs are sustainable. They are hit and miss right now, for the most part, based on municipal contribution and municipal dollars. We need provincial and probably federal re-investment in this area to ensure that there's a long-term sustainable program.

It's the same thing with educational programs. The environmental farm plan, for example, we feel is a great format for developing not only nutrient management plans but other activities that would deal with environmental hazards. We support at least the continuation of the environmental farm plan program throughout the entire province.

The last thing is, we would suggest that the province consider developing some performance measures to assess the impacts of the legislation. When we do legislation, when we do things of this nature, it's important to understand what the benefits associated with the work were. We feel that by undertaking some more surface and groundwater monitoring, we might be able to understand better what the impact of bringing in this legislation and the nutrient management plans might be on the farm community. Was there an improvement or not? That's the important question that has to be answered.

That concludes, essentially, my remarks. Hopefully everybody has the comments. They were faxed through. I see some blank faces. I can leave this set to be circulated with the committee. I'd be more than happy to entertain any questions.

The Chair: We'll certainly make sure that your brief goes to committee members. We have just under three minutes for each party. I'll begin with the PCs.

Mr Galt: I'd like to compliment them on the 50th anniversary of the conservation area. It was just an excellent day, a little warmer than today, but indeed a great celebration.

You have a program encouraging working with farmers to help the runoff. Would you like to explain to the committee how that works and how you've been able to retain some of those nutrients from going into your waterways?

Mr Walters: The program is focused on controlling nutrients, specifically phosphorus, from entering water-courses in Lake Simcoe, because that's the nutrient which is of main concern. Essentially, we do have incentive programs, the funding of which right now is provided through the municipalities. There are grants available for landowners who want to undertake environmental projects, like building manure storage to contain waste and be able to spread it properly, fence livestock out of streams, control milk house wash water runoff, control erosion from cropland. There is a host of agricultural—there is also an urban program which looks at urban storm water runoff, which as I said is a significant contributor to nutrient pollution as well. We try to be as holistic as possible. The problem is that these programs are short-term in duration and we need a long, sustained,

large investment to ensure that we can reach all the farmers. We have a waiting list within each of our municipalities now for people who want to undertake these projects.

Mr Galt: Just one quick comment. The legislation, by the way, is all-inclusive of any conditioner or nutrient going on the soil—biosolids, whatever. Another is that there is \$90 million in the healthy futures program and some of that has already gone out to help with protecting the quality of our water. So you may want to look further at that. Maybe you already have. I know just recently in Mr Barrett's area some of those dollars have been released to assist in this general area.

Mr Walters: We're just working on a detailed business plan now. The pre-proposal has been approved. Our concern, I think, is that the funding ends in 2003, so we're going to get it going and the program is going to tail off.

1340

Mr Peters: I appreciate your making the comment that your resource is in jeopardy of nutrients and that the message needs to be sent out that it's not just agriculture. I appreciate hearing that and I wish we could get that message out and get some of our mainstream media delivering that message.

Within your conservation authority, your own campgrounds or parks etc, how do you deal with the septage that comes out, if you do? How do you deal with your septage coming out of your own biffies, whatever?

Mr Walters: At the present time we have a number of areas. The septage is actually pumped out by a contractor.

Mr Peters: Where's it going?

Mr Walters: At this point it's a mix. Some of it does probably get spread as septage. A large portion of it—it depends on the municipality—is treated within sewage treatment plants and then put back on to the ground as sludge. So it really depends on where the property is. Durham is the area where we've had the most complaints regarding septage spreading. York region in our watershed actually does not allow the spreading of septage, and that's a bylaw which they've enacted. In many of our park areas in York, we know that the material is being pumped down to a sewage treatment plant, treated and then applied back on.

Mr Peters: I appreciate your comments too about the watershed basis, because these issues don't end at the municipal border; they do continue. I think that's important.

When you talk about regard for other features, are you suggesting that flexibility be built in? We're trying to set province-wide standards, but you may have a unique feature in your watershed that needs to be dealt with. So are you advocating there that we build some flexibility into this legislation so that—then, potentially we're not having a level playing field. I wonder if you could expand on that regard for other features.

Mr Walters: I think it gets back to even the earlier comments on the site management plan. Sometimes you

run into specific problems or differences with one property to another. The idea with looking at other features: we're looking at protecting, where we can, the entire ecosystem. We have been working extremely hard in developing sub-watershed plans where we identify recharge-discharge areas. We try to develop as much science on the natural features and functions as we possibly can within an area.

If you've got a really high recharge area which you know has groundwater sensitivity, then that should be considered when you're looking at a nutrient management plan. The farmer himself might be contaminating his own well, which is just down the road.

The idea is, yes, there should be some flexibility based on conditions that you're going to encounter at each of the areas. Again, it's going to be a very difficult task to do that, but it's something that we consider should be included in the plan.

The Chair: Thank you, Mr Walters, Ms Wood, for coming forward on behalf of the conservation authority.

SAFE WATER GROUP OF PRINCE EDWARD COUNTY

The Chair: The next delegation is the Safe Water Group of Prince Edward County. Good afternoon, sir.

Mr Bruce Cattle: Thanks for giving us some time this afternoon.

The Chair: We have 15 minutes. Please leave some time for questions, if you can, and please state your name.

Mr Cattle: My name is Bruce Cattle, which is kind of an ironic name for these discussions today.

I'm with the Safe Water Group of Prince Edward County. I'm glad we were here a little bit early this morning, because we heard some rather shocking remarks. One of the presenters said that it would be his worst nightmare if the public found out about a lot of this stuff. If you can take the time to read our presentation, it's one of our main points that the general public has been left out of the loop in all of these discussions.

The Safe Water Group of Prince Edward County is a growing association of concerned citizens who have been organizing around safety, sustainability and delivery of water in our community and in the province. Through independent research and public education, we focus on the dangers of sludge spreading, the impacts of intensive livestock operations, sewage treatment alternatives, and the retention of publicly owned and operated water services.

I just want to make it perfectly clear to any of the presenters who were here this morning that it's an unfair judgment, it's a completely unfair judgment that members of the general public are merely meddlers with agendas here.

Although we would not go so far as to call ourselves experts, we're getting there. We've been able to compile a lot of our own independent research and we know that a lot of our material provided for you today, we would say,

is from experts. I'd like to call to your attention our position paper; also, the article by lawyer Donald Good, "Steer Clear of Sewage Sludge," which is basically telling farmers why they shouldn't accept sewage sludge.

We are also very much interested in the alternatives to this. I've been aware that many times we've heard presentations through this process and the big question is, what do we do with this stuff? Our particular group has taken the initiative over the next year to organize an international conference on alternative methods of waste management. So we would like not to be categorized as merely confrontational and against, because that's not what we're all about. Our bottom line is preserving the ecosystem and the water in our area.

One of the points that we really wanted to stress in our position paper was that the province's main priority should be the overuse, the runoff, the contaminant addition of these so-called soil conditioners into surface and groundwater, soil and air. As we see it, it is not the nutrients per se that the province should be managing but the contaminants contained therein. It is therefore dangerous to focus almost exclusively on nutrient management at the expense of focusing on contaminant use. Clearly, the one-size-fits-all attempt at a level playing field framework that is endorsed by many people in the agribusiness could be a recipe for disaster. We feel more appropriate would be an agricultural-industrial contaminant control act, if we truly care about the health and safety of our watersheds and the life they support.

Just to let you know that we didn't pull that idea completely out of left field, I'd like to bring to your attention a transcript from the Walkerton inquiry. This is interplay between Harold Elston, a lawyer for the Farm Environmental Coalition, and in the midst of his final presentation, Judge Dennis O'Connor interrupts the lawyer for the Farm Environmental Coalition and says, "Mr Vogel"—who was an earlier submitting lawyer—"submitted that the difficulty with nutrient management plans is that they're based on the crop take-up of nutrients and that doesn't necessarily relate to the management of pathogens." The point he was making was that it could be complementary to a nutrient management plan to have a pathogen management plan. He goes on to say, "I'm not sure if you need two plans. We shouldn't throw out nutrient management plans but either amend them or add a new plan to deal with pathogens." This is not a radical idea; this is coming right out of the Walkerton inquiry.

The other thing that has come up since we started investigating these issues, and it's been over a year now, is that on June 1 the Canadian Infectious Diseases Society called for a moratorium on sewage sludge spreading. Their letter is part of our exhibit. They took such a strong stand because "citizens must be protected against potential infectious agents until there is clear-cut evidence that such actions will not lead to any potential public health hazard." They recommend entombing of the sludge at a sanitary landfill, and "that the disposal of all biomaterials be done in a safe and efficient manner, and that studies

be undertaken to ensure that current disposal/spreading techniques are safe for the human population.... A moratorium on their use is certainly in order where insufficient data exists regarding safety to the Canadian population.”

It has been calculated that farms accepting sludge will need three to eight times more acreage in the future—and this has to do with high phosphorus content—to land-apply the current mass of sludge slated for spreading. This practice will ultimately not prove to be an economically viable procedure, nor has its safety been established. It makes sense to eliminate the practice of land application of sludge and septage and start to bring manure management in line with the management of other wastes.

1350

As you can see in our presentation, we feel that the obvious agency to take the lead on regulation and enforceability is the MOE, with consultation and in partnership with OMAFRA, the Ministry of Health, municipal officials and the public, and I might add, conservation authorities. OMAFRA must be free of the regulatory regime so that they can do effective extension work and not be in a conflict of interest as a lobby group for agribusiness interests.

I wanted to bring up a point about certificates of approval as required by the MOE for septage, paper and sewage sludge. Although this process has many faults, especially because it's a deal between the MOE, the spreader-hauler and the farmer only, neighbouring citizens or municipal governments are powerless to intervene. In our local experience, the MOE has not been particularly helpful with our requests for public documents, giving us the only option of going through the freedom of information process. Despite this, we feel that under no conditions should these instruments, ie, the certificates of approval, be discontinued.

But the most serious concern we have is that manure for spreading is not required to have a certificate of approval and it has an exemption from the Environmental Protection Act as long as normal farm practices are followed. Some municipalities that have tried to put restrictions on this practice with local bylaws have been overruled by the government's Normal Farm Practices Protection Board. You've heard from other presenters about the vagueness of that whole definition of “normal farm practices.” I understand that the ideas change as the scenario goes along.

As far as the actual proposed act, municipal jurisdiction will further be eroded in the proposed act in section 60, which will supersede local bylaws. Since we are aware of OMAFRA's stance that size of operation doesn't matter, we are seriously concerned with this proposed provincial veto power. Bylaws have been passed in several municipalities that cover issues such as minimum land ownership, maximum haulage distances, minimum thresholds for hydrogeological studies and maximum numbers of livestock units. Our concern is that in trying to create a generic set of regulations that may fit

some but not all, municipalities will not be able to deal with special cases and circumstances in their area.

Regarding section 60, we feel it should be reworded to read, “A regulation supersedes a bylaw of a municipality or a provision in that bylaw if the bylaw or provision is less stringent than the regulation.”

Furthermore, under the proposed section 55, the government has given itself the ability to download or privatize certain responsibilities. We're talking about “the review of any nutrient management plans or ... the issuing, amending, suspending or revoking of certificates, licenses....” We ask you this: if something does go wrong, who in fact will be responsible if this is off-loaded to the private sector? This is more appropriately a public service that should be maintained.

A minute about the establishment and operation of local committees: you heard from the CREEK group, who are in our area. The idea of local committees is superficially attractive, but in many cases local committees do not have the political will to mediate disputes between the public and offending farmers. In our county, for example, the agricultural advisory committee that wrote up our local nutrient management bylaws was severely lacking in general public input. It has stated that it will continue with its present membership. These include two councillors, two ratepayer representatives, the local head of OFA and 10 farmers, one of whom owns the local factory hog farm. We feel the benefits are lost of any kind of democratic peer review here, especially if certain farmers dominate their area.

As far as enforcement, as previously noted, the Ministry of the Environment should provide the authority for monitoring, enforcement and mediation regarding nutrient management plans. If there's an emergency spill or abnormal contaminant levels, they should be the lead agency investigating. Municipal government levels simply do not have the capability or arm's-length relationship to the community to provide the enforcement of nutrient management plans. Also, these plans should be publicly available documents so that full disclosure is required for proper assessment of local operations. These documents should be available for review at municipal offices. Complaint files of repeat offenders should also be available. Transparency could be achieved by posting the details on the Environmental Bill of Rights registry. Citizens must see that rules are being observed on such things as separation distances.

A word about stakeholders: whenever we've looked into the power dynamics and process of nutrient management and agricultural issues in general, there seems to be an exclusive club of stakeholders, which includes OMAFRA and a number of high-profile agri-businessmen who generally support the deregulation of stringent standards and discourage MOE investigation and enforcement and allow only token participation by the rest of the community. We strongly recommend that this trend be reversed to include environmental groups, other non-governmental organizations, as well as the general citizenry. We urge you to initiate this by allowing such

interveners full status in the next stage of consultations around the regulations and standards of this bill.

About liability for farmers: actually, there could be liability for the generators, commonly the municipal sewage treatment facilities, the hauler-spreader, and of course the farmer. We'd like to bring to your attention this article, "Steer Clear of Sewage Sludge." I wish I could get this out to farmers all around Ontario. Don Good was raised on a dairy farm in Waterloo county. His practice is restricted to agriculture, food and environment law, and he brings up this point:

"If the application of sludge (often called biosolids) to farmland is a waste disposal program, farmers should demand a tipping fee for the use of their land as a waste disposal site. If the sewage sludge is a valuable fertilizer product, the city should sell it to farmers for its nutrient value. In fact, farmers should want to buy it. Why don't they?"

"The fact that sewage sludge has to be given away implies it is worthless. In other words, the nutrient value is offset by some other cost." Don Good believes that "this lack of value arises from the inherent risk of using material contaminated with human diseases on farmland. That's the offsetting cost.

"There is your dilemma! The promoters of sludge-as-fertilizer call it a valuable recycling program that is safe. On the other hand, sludge has no value due to its inherent risk."

On an ethical point, he goes on to say, "Ultimately, clients of farmers are food consumers. As a farmer you should never adopt a practice that undermines the confidence of consumers in the safety of food you produce. The application of sewage sludge to farmland does just that. On this basis alone, farmers should not apply human sewage sludge to farmland."

The Chair: That pretty well wraps up our time, Mr Cattle, although I would ask if either party has a quick comment.

Mr Peters: I have a couple things. On page 7 of your presentation you say, "The land application of sewage sludge, septage and paper mill sludge should be discontinued and other means investigated." Do you have some suggestions to us as a committee as to where we should be going to look at some of these alternative means to deal with it? Just quickly, if you want to get out to the ag committee, there's a chat line called "OntAg," and it's a great way to connect with the agricultural community. Anyway, page 7: if you could just direct us where we could go.

Mr Cattle: There are a lot of different places. One of the things we're very excited about, and it's going to be highlighted at the conference we're organizing, is the use of constructive wetlands and living machines. We've got some material here about living machines. There's a place down in Nova Scotia that's doing this. The population of Burlington, Vermont, is 13,000, and they're diverting the equivalent of about 2,000 of their citizens through a constructed wetland and living machine process.

We've tried to provide you with just a sketch of what living machines are and what ecological sewage and waste water treatment could be. We feel that because of the toxicity, paper mill sludge and septic and sewage sludge should be discontinued. Of course that isn't going to happen immediately. Perhaps it could be phased out, as you're talking about septage, but it should not be applied to agricultural land.

1400

Mr Galt: If I may, just a few quick comments. I know it's always easy to criticize a government for lack of consultation and to have more of the general public involved, but I'll give a thumbnail sketch of what we've been doing.

This concern was raised and started to evolve in 1998-99. Directive staff developed a green paper in the fall of 1999. It was then put on the ministry Web site. We had extensive consultation, as Mr Barrett and I travelled the province in January 2000. That report was then given to the minister, who released it in July, along with his response. That was all put on the Web site. Three of the ministries involved, municipal affairs, environment and agriculture, met with stakeholders for a full day in Guelph on the last Saturday in September last year. Staff had further consultations last winter. We had first reading in June this year, and that was put on the Environmental Bill of Rights registry for a 60-day response. Staff was out again in July, explaining to the public what was going on with this bill. And we're out after first reading, not after second reading. It is very unique for governments to go out after first reading. I think it's the fourth time we've gone out.

We've been extremely open, extremely consultative in looking for information and feedback.

Mr Cattle: We're thankful for that.

Mr Galt: I can assure you there will be further consultations as we develop regulations. I'm not sure how much further we could go. If you have time, maybe you could tell me how much further we should be going with consultations.

Mr Cattle: I guess I was trying to explain that in our experience, it's been a rather exclusive club. I know you're saying that there has been public consultation. This would be called public consultation. We'd like more than 15 minutes. We would like to be interveners and proper stakeholders in the process.

The Chair: We have 22 people before us today, so we do have time constraints.

RIVER VALLEY POULTRY FARM LTD

The Chair: Our next delegation is the River Valley Poultry Farm Ltd.

Ms Pauline Embury: Good afternoon. My name is Pauline Embury. With me is my father, Elwyn Embury. Let me begin by commending Minister Coburn and the Ministry of Agriculture, Food and Rural Affairs for their efforts in developing this legislation. It is important to each of us that a clear and consistent set of standards be

set across the province. We all want to ensure that the family farm and our rural communities continue to thrive and remain productive for generations to come.

We are here today representing our family and the employees of River Valley Poultry Farm Ltd. Our family has operated our egg farm in the village of Newburgh for 50 years. We have become one of the largest egg producers in Ontario. River Valley is predominately involved in egg production, but is also home to one of Ontario's largest herds of purebred polled Herefords. Two years ago, our farm was proud to have bred the Canadian national cow and calf champion, which also went on to become the American cow-calf champion. We have been proud to represent the great genetic base that has been developed by the breeders of Ontario.

Let there be no mistake: our farm has always been a family operation. My father, my brother and I continue to operate it on a daily basis. Although some would classify large farms as intensive or corporate farms, with little concern for the community, the environment or the health and well-being of our animals, we are on the farm 24 hours a day, seven days a week. Our family and many of our employees live near the farm or in the surrounding communities and support the local economy.

Over the years, our farm has striven to incorporate the best use of technology in our buildings and in the environment for our livestock. We were one of the first participants in the Ontario Egg Producers' hazard analysis critical control points, or HACCP plan. This, and other food safety and quality programs that include regular on-farm inspections by egg board staff to monitor farming standards, ensures the safest and best quality product is produced for the Ontario consumer.

We have completed a nutrient management plan for our farm, which has undergone third party review by the Ministry of Agriculture, Food and Rural Affairs. We believe that all farms should complete a plan, not just those of a certain size or scale. The farmer with 10 cows with free access to rivers or lakes is as likely to be a cause of concern as is the farmer with 100 head contained in an enclosed barnyard. We believe that each farm needs to have a working nutrient management plan based upon province-wide standards that cannot be overridden by municipalities.

River Valley Poultry Farm has taken the initiative to deal with the manure from our livestock operations in a responsible manner. Our farm was one of the first to construct a covered manure storage for dry manure. By continuing to work closely with OMAFRA, we are committed to ensure that all guidelines are met or exceeded. It is our hope that this legislation will build upon the best management practices that Ontario's producers have developed voluntarily.

However, what works on one farm does not necessarily work on another. These plans must be developed by the farmer with the assistance of qualified people and meet the approval of the Ministry of Agriculture, Food and Rural Affairs. Having said that, we would also ask

that the farmer's nutrient management plan should not become a public document.

We can expect that there may need to be changes in some of the methods which we have used in the past. As with any business, long-term planning is needed in order to effect change without causing undue hardships. We would suggest that a phase-in period of five years be allowed for education and to fully implement the changes that some farmers will need to undertake.

Any new guidelines should operate under the Farming and Food Production Protection Act. The Normal Farm Practices Protection Board must be maintained and strengthened to respond to concerns dealing with all manure-handling and farm-related issues. As those who know the issues of the farming industry and the rural community, OMAFRA should be the primary ministry involved in administration and enforcement of any new regulations. Pollution and the prevention of such are the responsibility of the Ministry of the Environment. Agriculture is the responsibility of OMAFRA.

It is also important that farmers, both large and small, continue to be consulted by and participate in local advisory committees, as suggested by Bill 81. Guidelines for these advisory groups must be clearly laid out so that all types and sizes of farms are represented, as well as the concerns of the local community.

It has been suggested that a minimum amount of land must be owned by each farmer based upon the number of livestock units on the farm. Some have even suggested there should be restrictions on the number of animal units on a farm. Requirements for minimum acres of land owned or number of animal units per farm would be restrictive to the growth of the industry. Land ownership and animal units are not the issue here; the issue is how the land is utilized and the best use of nutrients.

In our own case, we recently applied for a building permit in our township of Stone Mills. Our township's intensive farming bylaw requires 40% land ownership. We are not in the business of growing crops; we are in the business of egg production. Our farm has traditionally had relationships with our neighbours to utilize any of our excess manure. The Normal Farm Practices Protection Board heard our case and the requirement was overturned for our farm. We believe that any such restrictions of land ownership would be restrictive to normal farming practices and do nothing to address environmental concerns.

In closing, we believe that farmers are prepared to participate in the changes that will arise as a result of this legislation. These are changes which will benefit all Ontarians. However, in order to help farmers stay competitive and not be burdened by additional financial costs, we would ask that the government provide financial assistance to farmers through grants or incentive programs to help them implement these changes. The government already issues assistance to industries to reduce air pollutants and to municipalities for improving their sewage systems. It would only be consistent, then, for the government to support those who produce our food.

Because of the delay in introducing this legislation, farmers who have wanted to expand their business in the past two years have been forced to comply with township bylaws which have had no continuity across the province. Farmers who have already made the capital investments to take the necessary steps to comply with nutrient management plans or regulations imposed by township bylaws should be given retroactive financial assistance to compensate for incurred costs.

Farmers are good stewards of the land. We make our living from it. Agriculture and agri-food are Ontario's second largest industry. Ontario farmers are known throughout the world for the high quality of their products and their high standards for food safety. Ontario farmers do not want to pollute or destroy the land from which they make their living; we want to maintain it in a healthy and productive manner for the generations to follow us. It is only through a balanced approach that sets out reasonable and obtainable goals that we will be able to accomplish this.

Thank you for allowing us to be part of this consultation process. Again, we applaud the government's leadership in developing this legislation. We only ask that the legislation be reasonable in its approach to ensure that our rural communities continue to enjoy a healthy and sustainable environment from which we may all benefit. Thank you.

The Chair: We have a minute and a half for each party. We'll begin with the Liberal Party.

1410

Mr Peters: I'd like to have research staff review the decisions of the Normal Farm Practices Protection Board just to find out how any of those decisions may impact on this legislation. We've just heard of one today where we talked about land requirements. Here is a case that was successful, so I think we should maybe find out what some of those decisions have been and make sure we're not running contrary to something that has already been done.

How would you classify your farm? We've been having great fun trying to define family farms and intensive livestock operations since we started this process, and we're in day 8 right now. You're a family farm, that's pretty obvious, but you're also an intensive livestock operation. We've heard some presentations made that we need to protect the family farm and work toward restricting intensive livestock operations. How would you define yourself?

Mr Elwyn Embury: I think a family farm is run by the family. An intensive farm would be run by a corporation that would invest in the operation, and they're not on the farm every day. It would be more or less an investment for them. Would that be reasonable?

Mr Peters: We'll add that to our list.

This is going to be a real challenge, I think, when we talk about financial assistance. We've had a number of people who have advocated for the need for financial assistance and you've raised the point, at least for the first time that I can recall in our hearings, of retroactivity.

You've talked about your own farm and some of the covered manure storage and things like that. What would you define retroactivity as being? If we were going to have to consider that, how far back would you be going to look at improvements that an operation like yours has made?

Mr Embury: We've made a lot of them. We've done an extensive nutrient management plan, I guess last year, which cost us a huge amount of money. I don't have any regrets; I think it was a good thing. I think you would have to go back two or three years actually to pick up, at least.

Mrs Molinari: Through the hearings in the last number of days we've heard some consistent themes, and some are opposing themes. I don't know whether you were here for the last presenters' presentation. There's the whole issue around the management plan and it being a public document versus it not being a public document. How would you respond to someone who says that in fact it should be a public document?

Ms Embury: In our case, we enter in with a number of our area friends and farmers as part of our nutrient management plan. They've signed contracts, I guess you would call them, saying that they would take our manure. The whole issue of public scrutiny—I'm not against people knowing what we're doing. We run a very clean operation. But I think it puts people on edge who would normally take our manure, saying, "Gee, if this is going to be put in the paper, maybe we'll rethink this. Maybe we don't want to be involved with that."

Mr DeFaria: I just want to congratulate the presenters. I think it has been a very positive presentation that you have made. Also, you have outlined all the steps you have taken to comply with the best practices in your farming and in your poultry production.

You raised an interesting point, which hasn't been raised before to my knowledge, which is, what about people who have complied with best practices and have done more than what maybe the provincial regulations will require? Will they be compensated in the same way as the people who have not done what they should have been doing but who are asking for compensation? I think the parliamentary assistant to the Minister of Agriculture will take that note to the minister, because I think that's a very good point you have raised. Thank you very much.

The Chair: I wish to thank the Embury family for your presentation.

CLARINGTON AGRICULTURAL ADVISORY COMMITTEE

The Chair: The next group is the Clarington Agricultural Advisory Committee. Good afternoon, sir.

Mr Dave Davidson: Thank you, Chair. I've seen a lot of variety and quality in the presentations today. My name is Dave Davidson. I'm on the Clarington Agricultural Advisory Committee. I'm also the director for Durham of the Ontario Cattlemen's Association. I'm going to skip the preamble. Where we refer to the agri-

cultural advisory committee, I'll mention "committee." We will start on page 3, definitions, 2.2.

The committee recommends that the definition of "processing" be revised to include the term "further processing." This will reflect those operations that require extra measures, such as freezing, in the preparation of produce for market. It is recommended that the definition of "processing" be revised to include the term "further processing."

Licensing, certification and education: The committee is concerned that the regulations will require that the person applying the nutrient must be licensed. Since nutrients do not pose a health hazard to the person applying the product, we believe that limiting the licensing to a single person is not warranted. The committee recommends that the regulations provide options in licensing, allowing companies to obtain a licence or to agree that non-licensed persons may apply nutrients under the supervision and guidance of a licensed person.

The committee would like clarification as to the type of education that will be required in order to be licensed to apply nutrients or store nutrients. Details on certification, including expiry of certification, number of courses or hours required to achieve this and who would be responsible for paying course registration fees, if there are fees, have also been requested. The committee is concerned that the monetary cost and the amount of time dedicated to education and training will be onerous, making it impossible for the average farmer to effectively participate in certification.

The role of local advisory committees: The legislation allows for the creation of local farm advisory committees to promote awareness of the new nutrient management rules and to mediate local nutrient management non-compliance issues. The committee supports the concept of having a local committee involved in resolving a dispute. However, the committee is concerned that the local advisory committees may not have the expertise to deal with all the issues. It is recommended that training in mediation, negotiation and the identification and determination of potential impacts of all kinds of nutrients be provided for a local advisory committee, and that the cost of training be the responsibility of the province.

Issues of liability: The draft legislation does not appear to address the issue of liability, except the clause exempting the province from liability. A farmer/landowner should not be liable for the misapplication of nutrients if applied by an independent body. Clarification on who would be responsible for the misapplication of nutrients is required.

Financing and funding: The draft legislation does not address funding and financing options. Funding is required to support the manpower needed to review nutrient management plans, enforce the legislation, provide training and education, establish and operate a registry system and support scientific research needed to substantiate the regulations.

Costs should not be borne 100% by the farmer. Costs to comply with the legislation may result in bankruptcy

of many farms. Financial incentives for retrofitting existing infrastructure or building new structures due to location or capacity issues should be considered. The cost of administering and ensuring that this legislation is effectively implemented should be addressed in the legislation.

1420

Delegation of authority: The legislation provides for the delegation of powers to review and approve nutrient management plans to other organizations, agencies or persons. The committee wants to ensure that the organization or body being the recipient of the delegated authority is familiar with the local agricultural industry and agricultural conditions. The committee recommends that the delegation of authority be to a person, agency or organization that is abundantly familiar with the local agricultural milieu.

The staff comments from the Clarington planning department are as follows.

Bill 81 is enabling legislation only. The legislation should lead to a clear set of regulations that will apply consistently across the province. However, until regulations are prepared, a detailed assessment of the potential impacts and implications this legislation may have on the municipality and the agricultural industry will be difficult to determine.

The province of Ontario fully intends to delegate the review and approval of nutrient management plans within two years. The region of Durham was advised that this function will be carried out by a private organization. However, this will be dictated by the regulations and, until the regulations are finalized, there is the possibility that it could be delegated to a municipality. The municipality would have to hire additional staff to take on the additional responsibilities and would assume legal liability. There would also be an expectation from the public that adequate staff resources and expertise are available. Accordingly the municipality does not support the delegation of the review and approval of nutrient management plans to municipalities.

The proposed legislation and the subsequent regulations will only make meaningful improvements if there is dedicated monitoring and enforcement staff. The province's shift to self-regulation of many industries over recent years does not protect the environment or the health of citizens, and neither does a downsized enforcement staff. Without sufficient staff, enforcement will only be complaint-driven. There should be sufficient staff resources to undertake periodic inspections to ensure that operators are complying with the approved plans. The municipality supports the proposals to give enforcement staff the authority to enter lands, inspect and issue compliance and preventative orders onsite without having to wait for the time-consuming court system. While this ensures that health issues are addressed, it is recognized that there is a system to appeal provincial decisions to the environmental review tribunal or divisional court to ensure that orders and penalties are appropriate.

The forthcoming regulations from this legislation must clearly ensure that farms are not simply used as a convenient disposal site for manure and biosolids. Recent experience in Clarington has highlighted that biosolids are being disposed of on farmland at rates much higher than needed for soil enrichment.

If the ministry is required to undertake remedial work that the operator refuses to do, the ministry may make an order for costs against the property owner and direct the municipality to collect the costs through the municipal tax roll. Any reasonable costs attributable to the collection will be paid to the municipality. If the taxes resulting are not paid, the municipality may proceed by means of tax sales, with the attributable portion payable from the proceeds of the tax sale. If the offence occurs on land rented by a farmer, the municipal lien may be placed on other land that is owned by the farmer and collected in the same manner. This could result in the municipality adding the costs of remedial work in another municipality to the tax rolls in Clarington. The finance department has some concerns with the tax sale procedure. Since the order for costs would have the same precedence as municipal tax arrears, there is the possibility that it could result in lost funds to the municipality in the event of tax sale proceedings.

The Nutrient Management Act and the subsequent regulations will supersede municipal bylaws that deal with the same subject matter. Some municipalities have nutrient management bylaws, so these will be superseded. Under the act, the minister may regulate the size, capacity and location of a building to store nutrients and to house farm animals. However, until the regulations are drafted, it is not known whether the Nutrient Management Act will limit the municipality's powers to regulate intensive livestock operations through its zoning powers.

The legislation and regulations have the potential to place a financial burden on existing agricultural operations. Considerable investment in time and money may be required to comply with the legislation. However, the Ontario Federation of Agriculture supports this legislation as necessary to address the environmental impacts of farming. The phase-in period will assist farmers to prepare. In order to ensure that smaller farms can make the changes necessary to fulfill the requirements of the legislation, it is suggested that there be some financial incentives to help smaller farms comply.

In conclusion, we commend the province for preparing the legislation. The underlying intent to regulate the land application of nutrients is required to ensure that the environmental health of the residents of the province is not jeopardized. The municipality of Clarington has carefully considered the legislation in consultation with the committee, and it is recommended that the province give due consideration to the comments contained in this report. It is also requested that the municipality of Clarington and the committee be provided with an opportunity to comment on the regulations when prepared.

The Chair: You've used the 15 minutes right on the button. Thank you for this presentation, and we thank the Clarington Agricultural Advisory Committee.

1430

LENNOX AND ADDINGTON FEDERATION OF AGRICULTURE

The Chair: I'd like to call forward the next delegation, the Lennox and Addington Federation of Agriculture. Good afternoon.

Mr Iain Gardiner: Good afternoon, ladies and gentlemen.

The Chair: We'll get your name for Hansard. You have 15 minutes.

Mr Gardiner: My name is Iain Gardiner, and I am president of the Lennox and Addington Federation of Agriculture. We really look forward to the opportunity to get some of our ideas and concerns out to you today.

The Lennox and Addington Federation of Agriculture represents more than 400 farmers and farm families within our county. The agriculture and agribusinesses within our county are very diversified, very innovative and highly variable. The legislation on nutrient management must therefore be science-based to ensure that the non-farming residents of the province have confidence in our agricultural systems and also, most importantly, in the farmers who are operating those systems. The standardization of livestock units needed to trigger the requirement of a nutrient management plan, rather than the numerous different requirements we've heard about just sitting here today, depending upon municipality, is necessary. The development and implementation of nutrient management plans by farmers that are tailored to individual farm operations is essential.

Just to go away from the script a little, the great discussion is, what is a factory farm? What is an intensive livestock operation? So much of that is subjective. You could say, if someone has 200 stockers but 1,500 acres to apply those nutrients, is that an intensive agricultural operation? Or if someone who has three horses on a quarter-acre lot for their kids to ride, is that an intensive agricultural operation? Perhaps they're not producing as much, but what effect are they also having on the rural waterways and groundwater and surface water?

The Lennox and Addington Federation of Agriculture knows that the enforcement of this act requires expert opinion on a variety of areas and that the public and the agriculture community must have confidence that the government is overseeing the process. The Ontario Ministry of Agriculture, Food and Rural Affairs has individuals with the necessary experience and expertise to provide information on manure handling and storage, soil sciences etc, and the Ministry of the Environment could provide enforcement personnel to establish within OMAFRA a unit responsible for administering the requirements of this bill. The need for verification and periodic or random inspections should be outlined within this bill to provide direction and to help the producer

showcase the benefits of having a nutrient management plan.

Furthermore, the economic and environmental impacts this legislation has on Ontario need to be studied and tracked to ensure that the agricultural industry is strengthened. A baseline inventory and ongoing studies are needed to assess the effects of this legislation.

The benefits of this legislation will be shared by all Ontarians, urban and rural, farm and non-farm. Therefore, the cost of providing that benefit must then also be equally shared.

Finally, please, Bill 81 must not be looked upon as the one and only answer. To develop a truly comprehensive nutrient management strategy, all producers and users of nutrients must be identified and assessed. We must remember to make this a science-based and factual strategy in which all residents work together toward protecting our surface and groundwater resources for future generations.

I would like to get this into the record as well. I was actually at the International Plowing Match yesterday. I live in Napanee, so it was about two and a half hours that way, and this is about two hours this way. I never got a chance to read our local paper yesterday because I was away, so I was flipping through it this morning. This is the front page of the Kingston Whig-Standard. It's probably known as the longest-running daily newspaper in Canada, since 1834. "Raw Sewage Flows into City Waters." I don't know if you've had a chance to read this article.

Mr Beaubien: Is that from a farm?

Mr Gardiner: No. Actually, I'll just read you the article; it's very short. "An abnormally dry summer has vividly exposed one of Kingston's enduring and repugnant problems: the dumping of raw sewage into local rivers and lakes.

"It is absolutely disgusting—the stench is overwhelming," said environmentalist Doug Fletcher Tuesday, as he watched cantaloupe-sized masses of human excrement, soiled tampons, paper and other garbage flow from a mammoth concrete sewer pipe into the bulrushes and reeds along the west bank of the Cataraqui River." The Cataraqui River flows out between the city of Kingston and Old Fort Henry, probably one of the most picturesque pieces of shoreline on all of Lake Ontario.

"The stench of the raw sewage could be clearly smelled from the fairways of the golf course Tuesday morning.

"The Kingscourt storm sewer outfall, as it is known, is roughly 1.5 metres in diameter.

"The pipe, which empties into the river at a point on the southern edge of the Belle Park municipal golf course, collects storm water from a substantial chunk of the city's urban core, bounded by Kirkpatrick Street, Drayton Avenue and York Street.

"Under normal conditions, it should carry only runoff from roads, roofs and other flat surfaces that feed underground storm sewers.

"These sewers empty directly into lakes and rivers, unlike sanitary sewers, which pipe sewage to a treatment plant.

"The city has been aware, since 1992, said senior official Paul MacLatchy, that this pipe and four others in the city have what is euphemistically known as 'dry weather flows.' The city recently committed \$25,000 to investigate and fix the problem.

"It's mostly just a product of an abnormal weather condition and the fact that there's a situation of pollution going on that shouldn't be going on and we'll get on with tracking that down," MacLatchy said.

"The city suspects that homes and businesses have illegally or accidentally hooked sanitary sewer pipes into the storm sewer system, funnelling sewage and garbage from toilets and sinks into a system that was not designed to trap such waste.

"This pollution is flowing unchecked into the river. The ugly problem is usually hidden by storm water runoff that dilutes the sewage.

"In a nutshell that's correct," MacLatchy said.

"Fletcher photographed the site, then notified the Ministry of the Environment of what he considered a spill. He was told that the ministry is aware that roughly 225 litres of sewage is spilling into the river per minute from the pipe.

"At this rate, nearly 327,000 litres of foul material, enough to fill four backyard swimming pools, is flowing into the river every day.

"They said it's been like that all summer," Fletcher said."

I'll just go down a little bit.

"The pipe drains into a marshy creek that runs through a large stand of reeds and bulrushes and into the river.

"Fletcher ventured a few dozen metres from the edge of the pipe, into the marsh, finding more garbage including toilet paper and sanitary products trapped in the vegetation.

"The smell is incredible."

They've known about this since 1992, and there are pictures of the things that are flowing in here. So, please, members of the committee, as farmers we're stewards of the land. We drink the water that's impacted by anything that we do on our farms. We're more than willing to work together to help out in whatever way we can, but there is a perception which some members of the public have that it's only the farming community that has any impacts upon our rural watercourses.

Something else that should be discussed as well are all the abandoned and improperly constructed wells in the countryside that have an impact on the surface water quality. If you have an abandoned well and something gets into that, it can contaminate an entire aquifer.

I'm more than willing to answer any questions you might have and I thank you for this opportunity.

The Chair: Thank you, Mr Gardiner. We've got about two minutes for each side for questions.

Mr Beaubien: I don't think you were here this morning, but I asked on two or three different occasions

somewhat semi-rural, urbanite people whether their own municipalities had tertiary sewage treatment plants, and the answer was no.

You hit the nail right on the head, that we're looking at a nutrient management plan for biosolids and waste from the farm community, and you say that this municipality has been aware since 1992 of its problem. I would strongly suggest there are numerous other municipalities in Ontario that have had this problem for the past five, six decades. I have one in my own community, with a population of 70,000 people, until six months ago with only a primary sewage treatment plant system. So 65% of their raw sewage went directly into the St Clair River, which empties between Lake St Clair and Lake Huron. And then we're concerned about some issues on the farm.

Having said that, because I keep hearing about Walkerton, about how this government was lax, I didn't see the farming community also point out that fact that you just pointed out today, that Walkertons can be caused not only by agricultural animals but also by human waste. That's all I have to say, Mr Chair.

1440

Mr Peters: It made the Peterborough Examiner as well this morning, and I hope they had the coloured pictures. As a former municipal politician, mayor of St Thomas, I'd like just to echo what Mr Beaubien said: the beaches would be posted in Port Stanley every year, and we were a pretty big culprit. But do you know how much it cost to build a combined sewer overflow to stop 90% of the dry-weather bypasses? It was \$3.2 million. But that doesn't stop it all.

You raise a really good point, and you may know that we've said it before: it's a collective responsibility here, folks. You can't just keep pointing the finger at the ag community.

We've heard a lot about economic and environmental impact reports that we need to conduct. Let's leave the environmental impact aside; it's important, but we're running out of time. If we were to conduct an economic impact study, and you made reference to it, what would be some of the things you'd want this committee to look at?

Mr Gardiner: One of the things the committee could look at first of all is perhaps consolidating some of the information that's already available through the various economic impact studies of agriculture that have been done around the province. So that would probably give you a pretty good baseline of it.

In our county, Lennox and Addington, we combined with Frontenac and Leeds-Grenville counties to come up with a three-county economic impact study where we actually came up with the facts and figures and numbers, not just opinions, about some of the impacts we were having, such as over \$470 million worth of farm gate sales and over 11,400 jobs tied directly and indirectly to agriculture.

There's a basis right there. This is going to be something, no matter which way we look at it, that is going to

impact the farmer's pocketbook at the end of the day. There are going to be certain regulations, fees, schedules, courses, time away from other aspects of their farming operation that they have to contribute work to, to becoming compliant. There are going to be things that suffer, and we need to quantify those, because this is for the benefit of all people in Ontario. It shouldn't be fair that only one portion of the community is singled out to bear most of the financial burden.

Mr Peters: By the way, the municipality received about \$800,000 from the province to build that CSO as well.

The Chair: I wish to thank you, Mr Gardiner, for coming forward on behalf of the Lennox and Addington Federation of Agriculture.

HUBERT SCHILLINGS

The Chair: Our next scheduled delegation: I wish to call forward Hubert Schillings. With the hearings, individuals have agreed to 10 minutes, so you have 10 minutes, sir.

Mr Hubert Schillings: Good afternoon. My name is Hubert Schillings. My family has operated an egg, a hatching egg and a cash crop farm in Durham region for the past 45 years. I am the second generation on the farm, and I hope to see the third generation.

I appreciate the opportunity to speak about this important new bill. We see ourselves as caretakers rather than owners of the air we breathe, the water we drink and the land we farm. We are deeply committed to passing these resources on to a third generation, as my parents did to me, to ensure our way of life is preserved.

It's for this reason that many family farms have in place programs that ensure manure is handled in a way that minimizes environmental impact. That's why I'm pleased to hear that this legislation will build upon the best management practices found in the communities around Peterborough, Durham region and rural Ontario. Only by doing so will the new bill avoid placing the additional burden of overbearing costs on the farmer's back. After all, this legislation is about striking a balance between environmental protection and productive farming, and not about regulating farmers out of farming.

New legislation may require costly upgrades to infrastructure; for example, manure storage and increased manure storage capacity. As such, the government will need to help our family farms in terms of capital investments. It already issues tax credits to big industry for reducing air pollution. It also provides money to municipalities for improving their sewage systems. Providing financial support to farmers would be consistent with the strategy of the government.

To implement this, I believe in a minimum of a five-year period to ensure a seamless transition can be made to nutrient management plans. After this period, all producers in Ontario must be treated equally.

I want to go a little off script here. What I mean by "must be treated equally" is regardless of size—big,

small, medium—and regardless of what municipality you're in, eastern Ontario versus western Ontario.

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

To go off course a little bit, a lot of us have land near us which we do put manure on. My thing is that people who don't own their own land, as long as they've got land of neighbours, of other landowners, that can handle the manure, there should be no need for minimum acreage. I do believe that part of a nutrient management plan is that you have acreage already committed for the next two years. At the same time, if you want farmers to have minimum acres, the municipalities had better too.

I support the idea of this legislation. Preserving our natural resources is in everyone's best interests. But so too is preserving our farming way of life.

I ask you to develop balanced legislation with reasonable and attainable goals. This is the only way to ensure our rural communities continue to thrive in a healthy and sustainable environment.

Thank you. Do you have any questions?

The Chair: That leaves us with a little over two minutes for each party for questions. Dr Galt, did you wish to kick off?

Mr Galt: Basically, as I read your presentation and listen to you, it's essentially supportive.

Mr Schillings: Yes.

Mr Galt: Thank you for that. You were here during the last presentation and heard about the raw sewage going out into the Rideau?

Mr Schillings: Yes.

Mr Galt: Do you feel that maybe you're going to be hard done by with possible legislation when you read about that? What is your response?

Mr Schillings: No, I don't believe we'll be hard done by, but I believe that farmers and municipalities with sewage sludge—I'm from Durham region; we have Atlantic Packaging and we have a major problem with paper fibre garbage—all have to be treated equally. I sometimes think the public doesn't recognize that some of the public's problems are greater than the farmer's problems.

We also have a problem in our area. We've got Toronto pellets coming now, which is basically dry sewage sludge. We had a fire half an hour away from us, in Clarington. The municipalities have a bigger problem than the agricultural community does, generally speaking. I want to be treated equally, I want all farmers to be treated equally, but I also want the municipalities to do their thing too.

We have another problem in our area, in Durham region. We're doing composting. They collect all this

yard waste, which I agree with, but they don't have proper facilities to handle it after it's collected.

1450

Mr Galt: Just a quick comment. I'm talking with a municipality, and I won't even hint whether it's my riding or elsewhere. The sewage treatment system that was put in, at least a collection, 10 years ago, is totally outdated today with laterals dumping sewage directly—missing the pipe—into the storm sewers. A water treatment plant put in five years ago is not meeting compliance today.

I'm not sure where we go as an Ontario government in helping municipalities. What went wrong with those two systems I don't know. Was it the Ontario government not monitoring it closely enough at the time? Was it problems with the engineers of the day, not looking at it closely enough? But we're struggling with—and rightly so—what we're dealing with today. It's certainly not acceptable, this description that we heard just a few minutes ago; totally unacceptable. It's got to be stopped, it's got to be turned around.

I'm just curious on your response after hearing that, and thank you.

Mr Peters: Centralized composting can work. My municipality, St Thomas, went city-wide in 1994 and has been able to reduce its landfillage by about 50%; so it can work if done properly.

Do you have sufficient land right now? For your own operation, do you spread all your own nutrients on your own land, or are you relying on others to accept some of your nutrients?

Mr Schillings: On our personal operation, we have enough land.

Mr Peters: OK. Let's say somebody didn't have enough land, or you didn't—we'll use you as an example—and you were relying on contracts on other properties. I know this is a bit hypothetical, but let's say that for some reason the ownership changed on the property, and the new owner chose not to renew the contract or said, you know, "When it's done, you're off my land." What do we do in a case like that for an egg producer? Do we say to you as an egg producer, "You've got to cut back your production immediately because you have lost that contract," or do we give you some time to go and try to find some other lands to spread your nutrients on?

Mr Schillings: The producer of the manure has to take responsibility to find new land when he loses land. Regardless of whether it's owned land or rented land or the manure is given to someone else, the producer of the manure has to find other land. There's lots of land around. It's just a matter of proper contracts, forward planning. If you're a good manager and you work with your neighbours, there's lots of land around.

The Chair: Thank you, Mr Schillings. We appreciate that.

DAVID BRACKENRIDGE

The Chair: From our agenda, the next group Registered, David Brackenridge. Good afternoon, sir. We have 10 minutes if you wish to proceed.

Mr David Brackenridge: Thank you, Mr Chairman. Ladies and gentlemen, I'd like to thank you for allowing me the opportunity to comment this afternoon on Bill 81.

I come before you as an individual farmer. I belong to the OFA, and I'm an Ontario pork producer, but today I'm just simply representing myself to give you my viewpoint.

As I said, I'm a pork producer in Peterborough county, and I have been raising pigs for about 30 years. We use a liquid manure system and have two concrete storages. The manure is all spread on our farm, a rented farm and my father's farm, which is about a half a mile away.

I understand first-hand the need for proper management of nutrients and the need for a plan of how both our manure and purchased fertilizer are used in our cropping system. We soil-sample our fields regularly and last year started the baseline water well testing program. All elements tested in our water were well within accepted levels, and the E coli was zero.

We are enrolled in and have been validated in the CQA program for swine. We have also completed an environmental farm plan.

Our farm would be considered mid-size, or maybe by today's standards, even small. We have about 600 to 800 finishing pigs; that's our livestock.

In my mind, there are two issues that we must address in nutrient management. First of all, the general public must perceive and know that farmers are being good stewards and that we are using sound practices that ensure the health of our soil and water. I don't think today that the general public really understands that.

Secondly, there must be a satisfactory method of dealing with problems that arise when things go wrong or when there is flagrant refusal to adopt accepted management practices.

I am in agreement with the requirement for a nutrient management plan for all farms, in fact for all operations applying nutrients to the land, including cash crop operations, golf courses etc, as well as livestock farms. I am not in favour of graduated entry according to size, but I would allow a different type of plan for different-sized operations.

I believe that large and more complex operations require a more detailed nutrient plan, but everyone must have a plan of some sort. We must be careful not to require small operations to have to pay out large amounts of money in preparation of their plans because they simply can't afford it. The plans must be simple enough that any farmer can prepare them. Further, I feel that the costs of validation of plans should be borne by a provincial treasury. All members of the public benefit and, as such, should pay for the costs through general taxation.

The idea of having province-wide standards enforced by a provincial ministry is good. This will eliminate a patchwork of regulations that could vary from municipality to municipality across the province. Although I realize that today probably only the Ministry of the Environment has enforcement powers, it would be my hope that the Ministry of Agriculture, Food and Rural Affairs would have significant input into both the design and the enforcement of regulations. I think you all know that the rural community has a far greater comfort level with OMAFRA than they have with MOE.

There is no doubt in my mind that many, many operations will have to make capital expenditures in order to abide by the regulations that come out of this bill. Initially, farmers will not be able to extract additional returns from the marketplace that will pay back these required capital expenditures. Therefore, a system of grants, no-interest loans, low-interest loans and a reasonable length of time for full compliance will be needed. I'm not saying that the general public should pay the whole cost, but that they should share the cost, particularly in the early-to-mid stages until our market prices can respond to these additional costs.

Just a comment or two about spreading manure: I realize that spreading manure causes odour. On our farm, we only spread from Monday to Thursday and never on the weekend. We also take wind and holidays into consideration. This year, on one particular field that we were going to apply manure to, I decided I would inform the people fairly close by, and then I gave up after I realized that I had to get in touch with about a dozen people. I thought by the time I did that I would have the field all covered anyway.

1500

I live in a very rural area. When we built our pig barn in 1975, only one family lived within a mile of our farm. Today there are in excess of 20 families living within that radius. You can imagine the extent to which the planning of rural municipalities has impacted on our day-to-day practices.

Earlier I talked of my agreement with a nutrient management plan. In reality, I've always had a plan, not very formal perhaps, but still a plan. We keep a binder that includes field histories, soil test records, amounts and application dates of fertilizer and manure, pesticide applications, type and amount of seed used, planting dates, harvest dates and yields. This may not be very formal but does provide all the pertinent information.

It is my hope that you realize the increasing amount of paperwork that farmers are required to do. You might think that a nutrient management plan is not that big a deal for a farmer to complete. However, many farmers regard this as one more unwanted chore in a growing list of paperwork. With applications for CQA, environmental farm plan, MISA, disaster relief, GST reporting, workplace safety audit etc, farmers are beginning to wonder when they will have time to actually farm.

I'd like to conclude with a couple of comments on enforcement. I feel there is a need to differentiate

between a so-called honest mistake and complete non-compliance. In my mind there is a huge difference between an undetected underground storage leak and deliberate spreading violations. There must also be room for a contingency plan. For example, an overnight water leak in the barn can fill up a manure storage more quickly than expected. Also, abnormally high rainfall can fill up an outside storage rather quickly.

Enforcement officers must respect biosecurity protocols of individual farms and must show consideration and respect on entering farm premises. I'm not sure what to think of the proposed CERTs—county environmental response teams. I know most farm organizations have come out in favour of these, and I can see their usefulness. However, I think I personally would be very reluctant to sit on the committee and have to judge my peers.

Last, I urge you to exhibit a sense of co-operation, mutual respect and support as you move forward. Don't let these regulations start a witch hunt and don't create a snitch line.

Again, thank you for allowing me this opportunity to share my thoughts on nutrient management with you.

The Acting Chair (Mrs Tina R. Molinari): Thank you, Mr Brackenridge. You have effectively used up all of your time but if there are some pressing comments or questions from the committee members, I will allow some flexibility. Are there any?

Mr Galt: Just one super-quick one, if I may. It has to do with golf courses. How bad are golf courses, in your humble opinion? We don't spread manure on them, of course, but commercial fertilizers. Are they mediocre, small or big bad?

Mr Brackenridge: I'm not suggesting they are bad, Doug; I'm simply saying that they apply nutrients. Because they apply nutrients, they should have a plan, period. That's what I say about all farms. I don't think the size matters. I don't think it matters if you've got a big estate with no livestock and you're adding fertilizer, I think you need a plan.

The Acting Chair: Thank you very much for coming today and sharing your views with the committee.

ASPHODEL-NORWOOD NUTRIENT MANAGEMENT COMMITTEE

The Acting Chair: I will now call on the next presenters on our list, the Asphodel-Norwood Nutrient Management Committee. Would you please come forward. Please begin by stating your name for the record.

Mr John Steele: My name is John Steele. I am making this presentation both on behalf of the Asphodel-Norwood Nutrient Management Committee and also as a farmer within the township itself.

Overall, our committee and the township have been working on our own nutrient management guidelines for the last nearly two years and many of the things that are outlined in the act are endorsed by the work we've already done. Best management practices apply both for

the common good and also for a profitable and efficient farm organization.

Some of the key areas: I don't have a written submission for you guys to take away with you this afternoon, because we look at this in two ways. We have a range of systems of graduated levels where compliance is determined. At the lower end there is a requirement that nutrient management plans be kept by the producer for random audit, in the same way you are stated with the task of compiling and taking information back for the committee you are obliged to stand on at this moment in time. So there is an obligation for you to be recording information at this meeting and taking it back.

I don't have the authority right now to check that you're making notes on what I'm going to say today. In a democratic process, I trust you are taking the information—all of you—diligently to take it back.

Mr Galt: For clarification, Hansard is recording it all. You can get it on a Web site and you'll see what you said in Hansard.

Mr Steele: OK, but I'm saying, from an issue here, the compliance, what is important, is that there is a system in place, as you've just outlined to me, that is fair and equitable. This will take quite a lot of—you have a complex system here and it's great. It's dealt with. But I'm just putting you in a reverse situation for implementation and enforcement of the standards that you put in place for producers.

We believe that an appeal process is an important part of this and that OMAFRA has a significant role in that, as well as the MOE, along with enforcement. Biosecurity and the increasing production requirements of farms across Ontario is an important issue that has to be respected and understood.

If we look at the wording for an intensive farm, I, as a farmer, have my farm soil analyzed. I was talking with one of the leading soil analysis companies in the province and they told me, within 90% accuracy, that if we gave them a soil map of land in Ontario, they could tell us where the historic farm sites were located. We've looked upon this area of smaller, responsible family farms, but actually in the soil analysis breakdown, the majority of nutrients were deposited within the first 15 to 20 acres of the homestead. So when we look at nutrient concentrations, although these smaller family farms are viewed as more in keeping with the requirements of the land, we have to realize that the nutrients themselves—although many of these operations were a closed loop, they weren't buying artificial fertilizers. The volume and cost of handling manure for the relative nutrient value is expensive compared with many artificial fertilizers that are available today. There is very little cost benefit from manure storage in production terms.

We're looking for exemptions initially for existing structures, for compliance, because of the costs. Other people I'm sure have talked to you about some form of financial assistance in implementation of the guidelines or the rules that will be put in place.

Another of the issues is the nutrient management plan which we're talking about being implemented for all stages. From my personal perspective, I'm a sheep producer. We have over 1,000 ewes here in the province, which is a large operation in sheep terms. We practise intensive grazing management. We have completed the nutrient management plan, the OMAFRA program, for the last four years. But there has to be a fudge factor to account for grazing, because this program has been developed in western Ontario, where the majority is cropping. If this is to be put in place across the board, fudge factors are very difficult to fairly and accurately police. There would have to be some work, some money maybe put aside to complete the picture for some of the other types of agricultural production around the province.

Overall, we recognize the work is being done on the act and as a whole we feel it is a correct and a good step forward with a fair balance. There are a few issues there that I'm sure you've been reminded about before. Thank you very much.

1510

The Acting Chair: Thank you very much for your presentation. We have just a little over three minutes for each caucus to ask some questions and make some comments.

Mr Peters: Not dealing so much from a municipal perspective, but your own personal perspective, you have 1,000 ewes. You rely on the ewes to spread your nutrients in many ways.

One of the things that we have to consider or will be considered will be—there are a couple of issues. One is going to be 365-day storage or—

Mr Steele: Or 240 days.

Mr Peters: Well, we don't know what that's going to be. That's going to be a factor for you.

The second one for you—and I didn't mean “ewe”; hopefully people will understand which “you” I was talking about. I'm getting a little punchy here. But the other factor, and it is something that we've got to consider, is that we are talking about setting calendar dates, or the potential is there for calendar dates, when one can and cannot spread manure. If we say, for example, you can't spread manure December 15 to April 15, what are you going to do with your ewes? Technically if you leave them out there grazing and they do their business and spread the nutrients, you're breaking the law. At least that's my interpretation; I could be wrong on that.

So, first, what are you going to do about storage? Secondly, do you have concerns that if we put a calendar date in, you could be technically breaking the legislation because your ewes are spreading nutrients when they shouldn't be?

Mr Steele: There are two points there. There's a range of production systems in any production agriculture. Some sheep are housed 365 days of the year; some are outside 365 days of the year. There's a variation in that.

Sheep outside on frozen ground—or cattle, any live-stock—is an issue that I, as a producer, personally don't encounter because, come November 1, my sheep are inside and they don't go out until the 1st of May. If I'm deriving nutritive benefit from the land, there's vegetative growth, the majority, only during that period. There are some other options of stockpiled grazing which are being researched by OMAFRA, by the University of Guelph, New Liskeard research station, which would be contradictory to that position that you've just suggested. That is something that the beef producers would have an issue with too. The same would apply.

If you house animals in a barn on a dry pack, from my understanding, the manure storage, the volumetric capacity of the pack within the barn, can count as the manure storage, as long as water is not able to enter that facility and then take the leachates out. If we had a barn as big as this banquet hall and we kept our sheep in over that period, the pack that they stand on themselves would be deemed as the manure storage, the same as a pit below a hog barn. Does that answer your question?

Mr Peters: I was just trying to find out how you would react.

Mr Galt: You described that extremely well, by the way, keeping them in the manure pack, the fact that that's a storage, and whether they're out pasturing in a bush or whatever.

I appreciated your comments on biosecurity. That's come up very frequently.

I thought it was interesting, your comments about, “Give me the map of Ontario and where the barns were, and we'll show you where the nutrients have been applied in the past and what the levels are.” That's part and parcel of the need for nutrient management plans, from what we're hearing. The field behind the traditional barn will be tested, and the field in the back 40 will be tested. The one in the back 40 is where the nutrients should be going, probably. We're looking at nutrients in the soil plus the nutrients from the manure that's going to be applied and/or commercial fertilizer or whatever, less whatever their crop will consume; that should be a balance for a program.

Mr Steele: That's right, and that was the point I was trying to make. But the other perspective is, even in those days we had shrewd business operators. With a stone boat or whatever to take the manure out in the winter, they had a finite value on that manure as a nutrient source. This is what we're discussing, some of the manure storage issues.

There is a value to the manure in a nutritive capacity, but it is very bulky and it has some issues with maximum utilization, through how it is applied, for runoff and other sorts of things, odour. It's not a particularly easy product to deal with, with a finite cost. Even those heritage farmers knew this was an issue, and it was not something where they were able to create a fantastic budget on their own operation to say, “Yes, we can afford to take it to the back.” There were some restrictions through this commodity that was being produced that limited their style of

management of that. We today as farmers haven't moved a whole heap further ahead with fossil fuels and moving of this stuff. It's still an issue, and it's not something that's been created by modern farmers; it's something that's been in agriculture for a very long period of time. For all the costs to be put to the farm population at this moment in time would maybe not be correct.

The Acting Chair: Thank you very much, Mr Steele, for sharing your views with the committee this afternoon.

DON WINSLOW

The Acting Chair: The next on our agenda as presenter is Don Winslow. If you could please begin by stating your name for the record. I understand we don't have sufficient copies for the members, but I've been assured by the clerk that they will be sent to your offices.

Mr Don Winslow: Thank you, Madam Chair, ladies and gentlemen. First, I'd like to offer my support to my colleague Dave Brackenridge, who was the second-last presenter. I certainly appreciated his comments.

I am Don Winslow. I am, with my wife, co-owner and operator of a corporate hog farm. We employ three people full-time and two part-time, as well as our family labour. Our operation consists of a 750-sow farrowing operation and a 2,000-head nursery. To provide the feed and land on which to utilize our manure as a fertilizer resource, we grow crops on approximately 420 acres. Of these, 160 are rented.

About a year and a half ago, I spoke to one of the hearings that were held on intensive agriculture, as did many others. As part of the farming community, we waited for results to be released so that they would lift a cloud of uncertainty around this whole issue of manure and nutrient management.

Our municipality, following the lead of many others, has put in place an interim bylaw to prevent the establishment of new livestock facilities or the expansion of livestock facilities until a nutrient management bylaw was in place. I was told that we were close to having the report released, and then of course Walkerton happened. I find it ironic that an occurrence that, while tragic, had nothing to do with an intensive livestock operation became the catalyst to send the whole matter of nutrient management sort of back to the drawing board, resulting in the present bill we are discussing to give widespread powers to government agencies to regulate and enforce the utilization of livestock manure and biosolid wastes.

1520

However, I do support most aspects of the bill and I offer the following opinions, in no special order of importance. But I offer them in light of the fact that this, I believe, is only one facet of an overall effort to ensure clean and safe drinking water for the province now and in the future.

The first point is that I believe many individuals, and perhaps even some farmers, have misled the government and the public in their assertion that intensive livestock operations pose a greater threat to our environment than

the so-called traditional agricultural practices. I'm only going to offer one example. Right now, while I cannot get a building permit to even increase one end of my barn by 10 feet because of this interim bylaw, there is really nothing to prevent me from establishing a pasture-based hog management system. I could run wild boars and not need any building permits, just good fences.

Some animal-welfarists would applaud the fact that these animals would run free and not be confined in buildings. I wouldn't need any liquid manure storage because they would dump it right on the land. I'd need quite a few animals in order to make a living from the enterprise. The pasture land on which they ran would become trampled and torn up because, after all, they are pigs. So when the rains came, the manure and loosened soil would start to run by gravity with the water and find its way into any watercourses or bodies of water that might happen to lie in its path.

By contrast, in my intensive operation, I store my manure in steel-reinforced concrete compartments until it is applied to my cropland. The rate of application is determined by the needs of the crop being grown, the nutrient analysis of the manure, and the soil test results for the land. In growing our crops, we employ minimum tillage practices in order to ensure that the soil is not washed away by heavy rains. Yet right now, operations like ours are the ones under scrutiny.

I might add here that I don't believe you can use the term "family farm" in any way to define whether or not an operation is intensive. Recently, I was at a seminar having to do with farm employment which was all hog farms, and one operation, a family farm, had 60 employees. Others had as few as one. So they're all over the place. In my opinion, if farm management is done by farm family members or non-family members, one is as competent as the other.

My second point is that shallow wells have always been risky in the country. Today, the well drillers tell me that no one they know of is putting one in. Of course, their problem is they have a high relative risk of contamination from shallow groundwater supplies. The number one risk to shallow rural wells is rural septic systems. They're particularly risky in periods of high water table such as in the spring and during periods of high rainfall. There are factors like the relative location of the wells from the septic systems and the degree to which the wells are sealed that are, of course, important factors as to how safe or unsafe they are.

In my opinion, all the regulations enacted by this bill will not appreciably lower the risk of groundwater nitrate levels being higher than acceptable in some rural wells. This is due to the many other sources of nitrate that can occur in a rural groundwater system, things such as the decomposition of biomaterials, the decomposition of nitrogen-fixing crops such as soybeans or clover, and the natural mineralization of groundwater by nitrate salts. So I don't see how MOE can rule that rural shallow wells have had increased nitrate levels and automatically say it's because of the activities of a farm, without having

any prior base levels of nitrate to compare them to. The fact that I know MOE has required a hog farmer to pay the cost of providing new deep wells for his neighbours despite the fact that these neighbours have septic beds and shallow wells and no base levels of nitrate to compare with makes me very nervous about MOE as an arbiter and enforcer of these rules.

My third point is that I oppose the suggestion that we need detailed hydrogeological studies of an area or site before allowing a building permit. Perhaps there are exceptions where you might need one. For areas known to be part of the immediate watershed for a municipality's water supply, it might make a difference. In nearly all cases, simply digging some test holes or knowing the characteristics of an area will determine the course of action. I would say that in grey areas, give the farmer at least the option of voluntarily installing an impervious liner and eliminating the high cost of doing the hydrogeological study first.

Finally, I raise a difficult subject, and I wouldn't have written this had we not had the activities of September 11. In light of what has happened in recent days, and if we're interested in safe municipal water supplies and safe rural wells, we can no longer ignore the real and insidious threat of sabotage or deliberate acts to jeopardize the safety of our water supply. It is well known that some of the more radical cells of the animal rights movement have in the past made it known that they consider their cause worthy of terrorist acts. If you doubt what I'm saying, check with the Ontario Farm Animal Council. They have lots of information documented. Of course, their target would be chosen to point the finger at a large corporate farm. I'm not sure what we should make of this threat except to say that we have to be aware that acts of this nature could happen, be ready to deal with them, and I think law enforcement agencies should be aware of the activities of some of these groups.

In conclusion, I support the comments that Ontario Pork, our commodity representative, has already made on this bill. I'm sure the agricultural community of which I am a part will do its part to help contribute to a clean and safe water supply. After all, it's been pointed out already that our own wells are probably closest to the action. But please allow us to operate our farms efficiently and sensibly. Try not to weigh us down by an excess of paperwork, costs and bureaucracy.

The Chair: Ten minutes goes pretty fast. I don't know whether any member wants to make a brief comment. We've pretty well used up the 10 minutes.

Mr Galt: Just one, if I might: there was a study on wells carried out in the late 1980's, early 1990's. It was wells, some pushed down, some existing, versus ones pushed down in wood lots, and there was a difference in nitrate levels that was considered significant at that time. Your point is well taken before and after, and that's real proof that—

Mr Winslow: Some entire counties in the US have high-nitrate wells strictly because of peanut farming.

The Chair: Thank you, Mr Winslow.

ASSOCIATION OF CONCERNED CITIZENS FOR OUR ENVIRONMENT

The Chair: The next delegation—according to the agenda this is our last delegation—is the Association of Concerned Citizens for Our Environment. Good afternoon, sir. We have 15 minutes. If we could have your name for the Hansard.

Mr Bryan Welsh: My name is Bryan Welsh. For those who don't know, I've actually got copies for all here. I'd appreciate if they were handed out afterwards so that you do, in effect, listen to me. That would be great.

I speak to you on behalf of the Association of Concerned Citizens for Our Environment, affectionately known in the area as ACCE. We represent over 500 members from the local area of Trent River, which is about 30 minutes east of Peterborough.

ACCE is also a member of the ALERT coalition, the Agricultural Livestock Expansion Response Team, which has joined forces with the Sierra Club of Canada and which was represented at the Walkerton Inquiry, phase II.

ACCE was formed in 1999 as a result of a local threat to our water quality and way of life with a 2,500-sow facility proposed in our community. The proposed site held up as an embarrassing example of how lax and narrow our current legislation is: a site located 850 feet uphill from the Trent River; upstream from Campbellford, Frankford and Trenton municipal water intakes; on shallow, sandy soil; uphill from several shallow-dug drinking wells; within view of over 15 residences and within a mile of 100 more; in an area of limited tillable soil—surely a significant risk, to say the least.

If not for municipal intervention, this industrial-sized facility would be there today and we would all be sorry for it. This municipality realized how inappropriate this location was, with potential environmental, residential, tax base and tourism impacts, all very difficult to comprehend through a phone line from Guelph.

1530

I also speak to you as a father concerned about our environment, which we are entrusted to pass on to our children. I fear that our legacy will be undrinkable groundwater, unswimmable beaches and unbreathable air. Surely we have the intelligence and responsibility to learn from the mistakes of others.

It should be noted that ACCE is comprised of farmers, cottagers, business owners and permanent residents, who all are avid supporters of agriculture in Ontario. Make no mistake about it, agriculture is a vital part of Ontario and its communities. At this time, we have real concern for the new threat this new breed of intensive livestock operation poses to our environment.

How else could we feel, given the existing regulation of farm practices? They do not require rigorous site investigation prior to farm siting. They do not require the use of best management practices in the farm operation. They do not prohibit manure spreading at times when the risk to the environment is greatest. They do not require

leak monitoring for large liquid manure storage facilities. They do not require monitoring of surrounding surface waters and groundwater. And they do not require contingency plans in the event of a facility failure or some unforeseen weather conditions.

ACCE has been part of the move for more restrictive legislation from day one. Our two-year lobbying for a provincial moratorium until we could be assured that intensive livestock operations are environmentally sound through a comprehensive risk assessment has fallen on deaf ears at the provincial level. The result in Ontario has been the creation of a window for operators to quickly build more facilities before potentially more restrictive legislation is passed, and that window has proven to be a very large one.

With that said, ACCE is pleased to see that progress is being made and appreciates the opportunity to once again have input. The following are some specific recommendations by ACCE on the proposed Bill 81 and its implementation.

The first one has to do with enforcement. While Bill 81 allows for enforcement by the Ministry of the Environment and OMAFRA, we believe the Ministry of the Environment should be responsible for taking the lead role in enforcement. OMAFRA's primary mission of supporting and encouraging agricultural growth could conflict with environmental protection needs. The ability of OMAFRA to effectively regulate the agricultural industry it is entrusted with promoting and developing has been questioned by many groups and individuals, including the Environmental Commissioner of Ontario, Gord Miller, in his special report, *The Protection of Ontario's Groundwater and Intensive Farming*. The MOE's primary mission and skills are environmental protection. With this in mind, ACCE recommends that the regulations be drafted with significant MOE input and with compliance enforcement left solely with the MOE.

In terms of environmental risk assessment, it is critically important that nutrient management standards require a full hydrogeological assessment for all large-scale livestock operations. Research has shown that pathogenic bacteria and viruses can travel significant distances under certain geological conditions. Each site must be assessed for depth to the water table, groundwater flow direction, soil type, subsurface geology and presence and location of field tile and drain outlets. Provincial vulnerability mapping of high-, medium- and low-risk areas should be used to identify regions that need to be rigorously protected and form the foundation for a long-term development plan within this province.

Nutrient management plans, as currently defined, are not the answer. Current nutrient management plans focus solely on the net take-up of nutrients, trying to balance the nutrients applied with the needs of the crops being grown. There is no mechanism in an NMP process for evaluating the impact of pathogens in manure on ground and surface water. In addition, the present bylaws in Ontario do not require the applicant to provide any background data concerning local water quality, nor monitor

water quality at any point in the future. This is an obvious gap if our objective is to ensure public safety and minimize any adverse impact to the environment.

Regarding minimum separation distances, sites being considered for any intensive livestock facility should address more than MDS requirements, which currently are aimed primarily at odour. They should address soil conditions and subsurface soil structure, such as bearing capacity, soil permeability and the depth and extent of aquifers. Working with the hydrogeological assessments, as outlined above, as well as with the respective municipal land use plans, MDS should also include maintaining adequate distances from environmentally sensitive landscapes, such as waterways, and consider the potential impacts on neighbouring land uses. The current tunnel-vision approach to location approval must be addressed if we are proactively to manage the inherent conflict associated with ILOs in the future. If we do not address this, we will continue to have conflict.

In terms of municipal authority, ACCE supports the concept of a strong province-wide set of regulations that provide a common environmental protection framework. However, we feel strongly that local municipalities must be given the authority to augment this legislation with local bylaws that recognize local needs or provide further environmental protection. Any such bylaws must not decrease the environmental protection provided by the province, and municipalities should be responsible for enforcing their additional provisions.

In the last few years many municipalities have been forced by a lack of provincial leadership to develop bylaws and strategies to govern the siting and operation of large livestock facilities. Some of the municipal regulations created, such as single-site caps on the animals allowed per facility, are designed with the needs and vision of the constituents of individual municipalities in mind and reflect the variability in environmental, geographical and social concerns across Ontario. The imposition of minimum provincial regulations that supersede well-thought-out and greatly supported local solutions will not result in the greatest protection of water resources and the environment at large and certainly will not bring any peace to the conflict associated with large-scale operations and our communities.

We recommend a change in the wording in part VII, subsection 60(1) to read, "A regulation supersedes a bylaw of a municipality or a provision in that bylaw if the bylaw or provision is less stringent than the regulation."

Technology: ACCE urges the standing committee to ensure that Bill 81 lays the foundation for the implementation of new technology in the areas of nutrient containment and handling. We must move beyond diluting manure with fresh water, stockpiling it in massive open pools and then saturating the land, even though we know a significant amount reaches our precious surface and groundwater. Alternative technologies are both readily available and relatively inexpensive, and would assist greatly in reducing the environmental impact on the surrounding community.

Given what we've learned from other jurisdictions, Ontario has the opportunity to be a Canadian leader in moving toward what we know is right. Given our population density, diverse land use and potential impact on significant freshwater resources, Ontario has the responsibility to move quickly in changing our ways. Liquid manure systems should be put through intense scrutiny for all future intensive livestock operations. At the very least, let's ensure that odour-reduction technologies like composting and covered lagoons achieve critical mass versus being on the distant fringe. As with any new initiative, incentives and resources must be made available to encourage compliance and offset the costs to farmers for implementing this technology.

Lastly, regulation input: We look forward to the development of specific standards and regulations governing the operation of intensive facilities as touched on in our input to the committee. As with all pieces of legislation, the devil will certainly be in the details. Many issues are unresolved, and it is unfortunate that they weren't laid down in the original framework in Bill 81. Land ownership requirements, livestock density limits, proximity to water courses, manure distance haulage limits, manure storage capacity requirements, limitations on the time of year spreading can occur, water monitoring and buffer zones to waterways and other sensitive areas have all got to be addressed. We strongly recommend wide public consultation on these regulations to ensure that the views of all stakeholders are once again taken into account.

In conclusion, Bill 81, as well as the evidence presented at the Walkerton inquiry, reflects the serious deficiencies in our current legislation. Regulations and enforcement in the province of Ontario to provide adequate environmental protection are more than needed. ACCE once again encourages the province to rapidly implement a moratorium on the further construction or expansion of ILOs until the new regulations are in place.

I just want to leave you with one thought from the Attorney General of Missouri, Mr Jay Nixon, after intensive livestock facilities wreaked havoc on their jurisdiction: "Where we thought we could give tax breaks and incentives to these companies and they would honour their agreements, we were wrong. Where we thought they would operate under the environmental laws of the state, we were wrong. Where we thought they would bring jobs they brought workers willing to work for less and the social challenges that are associated with that situation. Where we thought we could operate without odour regulations, because they would be good neighbours, we were wrong."

Thank you for your time.

1540

The Chair: Thank you very much, Mr Welsh. We have about two minutes for each party. I'll begin with Mr DeFaria and then Mrs Molinari.

Mr DeFaria: I represent an area in the city and I'm very concerned about the environment. I represent Mis-

sisauga, which has a lot of smog and pollution around Toronto.

Mr Welsh: As a Quaker employee, I'll be moving into your jurisdiction, sir.

Mr DeFaria: Is that right? My question to you is, on a scale of one to 10, how do you grade the problem, for example, with the nutrients from the farmland overflowing into the water system, compared to the discharge of raw sewage in a city like the one that was mentioned, I think Kingston? How do you grade it as far as an environmental problem?

Mr Welsh: The only thing about that question that troubles me is that you're asking me to rate a bad example with a bad example. Unfortunately, I won't be put in a corner to justify lax intensive farming regulations because there is even a worse problem or not a worse problem. I believe that everything from pesticide use to raw sewage being dumped in our Great Lakes systems—they all need to be addressed. With my initial input, I believe in Hastings, what I kicked off with is, we should stop getting caught up with other issues. We have an issue on the table right now and let's wrestle it to the ground. The good news is there's work for standing committees to tackle for years to come.

Mrs Molinari: Thank you very much for your presentation, Mr Welsh. Have you been here, listening to some of the other presentations?

Mr Welsh: Unfortunately, I have not. I apologize for that.

Mrs Molinari: OK. It's interesting because, as a committee going through the consultations, we're trying to take what everyone is saying and incorporate it into the regulations and into the development of what this legislation will be. So where there are some very opposing views, it'll be difficult of course for the legislation to accommodate everyone's views. Coming from an environment perspective, of course your recommendation is that the compliance and enforcement be solely from the Ministry of the Environment. Those who have said that it should be solely OMAFRA, I've asked them, "Is there a possible compromise?" because I believe that both ministries should play a role in the enforcement and the compliance of it. In your mind, is there a compromise where both—because, let's face it, those in OMAFRA know much more about the farming industry and agriculture. Where can these two work together to come up with a compromise that you could live with?

Mr Welsh: I think the role of OMAFRA, to be totally honest, is a consultant to the farmers. That's primarily the role they're playing today. I think right now their powers overstretch where they should. I think that if OMAFRA were to be able to play a consultant role—in other words, how do we have engineering solutions around these issues that we speak of?—I think they can play a lead role in that. I think, at the end of the day, though, who gets to mark the report card has got to be the Ministry of the Environment. Any other way is a conflict of interest and we've got the fox looking after the hens. I just don't think that's appropriate.

Mrs Molinari: Another point that you made—and not having your presentation in front of me, I can't quote directly, only by the memory of what you've mentioned—is that the province-wide regulations should be put in place and that local authority be given to some municipalities in the development of bylaws, but only if those bylaws are going to be further protecting the environment. From where I'm sitting, I'm thinking that's totally one-sided. If you're going to say that bylaws should be in place for local autonomy, then they should be what the local autonomy is. But I'm getting the impression that it's only totally if it's going to further protect the environment, and the result might be further impositions on the farmers.

Mr Welsh: The thing is that water doesn't know any boundaries. It doesn't know when it just passed through Hastings county and entered the next county. The federal level, in my opinion, should be playing a role here. The provincial level should be playing a role. But it's all got to do with laying down a minimum framework. Where the municipalities come in place, I believe they should be able to plan their own destiny and reflect their very special situation, which may have to do with tourism and where they want to develop as a community. It may have to do with very special geographical conditions which exist, which are not encapsulated and couldn't be encapsulated by a provincial broad brush. So I don't think what I'm saying is in conflict with the thought—I think the province plays a role at a minimum level and I think the municipalities should be free to take that to a new standard, given their very unique conditions.

Mr Peters: I appreciate your comments. I think it's good for the committee to hear specifically from somebody who was involved in the siting of a new operation.

With that operation, 2,500 head, it was obvious that objections came from the community. The 2,500 wasn't acceptable. Was there a minimum acceptable level, or was it, "No farm"?

Mr Welsh: This has been an interesting question, because I know right from the very first consultation process that we were involved with, we were all searching for a number. It's almost like getting lost in, is municipal raw sewage worse than ILOs, or are golf courses worse than ILOs? If we spend all our time searching for a magic number, we're never going to get

any work done. I think what we all need to come to terms with is, let's pick a number.

Mr Peters: OK, we've been through this from day one, from a definition of a family farm to a definition of an intensive livestock operation to the egg producers who are sitting behind you who, in my mind, are a family farm, but they're also an intensive livestock operation. What do you define as an intensive livestock operation?

Mr Welsh: Do you know what? I have absolutely no issues with corporate versus family-owned—and you notice that term didn't even come up, because I agree with the previous presenter; there are plenty of families that are depending on intensive livestock operations. It needs to be defined based on animal density. So it has to be number of head per acre. Right now in our municipality we have identified a cap in terms of animal units that would define an intensive livestock operation, and I believe it's 500 animal units defining intensive. That's what I have in front of me.

Mr Peters: The point you made about the local needs and going beyond the legislation, I want to understand you. Are you saying that there are some local circumstances that may arise because of where it's located regarding a water recharge area? Are you saying that local circumstances need to have the ability to supersede the legislation?

Mr Welsh: Absolutely. Let's hop in the car and take a drive around Ontario. It'll only take us a day. Let's drive to places in western Ontario, where the fields are vast and grade A land is available. Then let's take a drive by the Trent River situation, and you will see two very different landscapes, soil conditions, access to water—you name it. You tell me whether one piece of paper should regulate the entire province. When we're dealing with nutrients affecting water quality, it's ridiculous.

The Chair: I wish to thank you. We appreciate the Association of Concerned Citizens for Our Environment coming before this committee. This concludes the September 20 hearings of the standing committee on justice and social policy. I wish to let the committee know that the bus is now ready to leave. We have a plane to North Bay at 5:30 and the hearings tomorrow in North Bay commence at 9:15, to be held in the Best Western, North Bay. Seeing no further business, today's proceedings are now adjourned.

The committee adjourned at 1549.

Continued from overleaf

Mr Hubert Schillings.....	J-484
Mr David Brackenridge.....	J-486
Asphodel-Norwood Nutrient Management Committee.....	J-487
Mr John Steele	
Mr Don Winslow.....	J-489
Association of Concerned Citizens for Our Environment.....	J-490
Mr Bryan Welsh	

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CONTENTS

Thursday 20 September 2001

Nutrient Management Act, 2001, Bill 81, <i>Mr Coburn / Loi de 2001 sur la gestion des éléments nutritifs</i>, projet de loi 81, <i>M. Coburn</i>	J-441
Peterborough County Cattlemen's Association.....	J-441
Mr Samuel Wood	
Township of Cramahe	J-443
Mr Elie Dekeyser	
Innovative Farmers Association of Ontario	J-446
Mr Eric Kaiser	
City of Kawartha Lakes	J-448
Mr Dennis Zekveld	
Mr Dave Wellman	
Safe Sewage Committee.....	J-450
Ms Karey Shinn	
Citizens for a Safe Environment.....	J-454
Ms Karen Buck	
Rural Advisory Committee of the Municipality of Brighton.....	J-456
Ms Lucille Coyne	
Mr Kirby Hakkesteegt	
Mr David Dorland	
Township of Ramara	J-458
Mr Basil Clarke	
Ontario Agri Business Association.....	J-460
Mr Mike Cooper	
Prince Edward County Council; Prince Edward County Agricultural Advisory Committee.....	J-463
Mr Brian McComb	
Mr Michael Heuving	
Drain Poultry Ltd.....	J-465
Mr Vance Drain	
Property, Planning and Land Use Committee, Northumberland Federation of Agriculture	J-467
Mr John Boughen	
County Regional Environmental Evaluation Ko-alition.....	J-470
Ms Linda Roberts	
Township of Stone Mills	J-472
Mr James Macdonald	
Mr Robert Clancey	
Lake Simcoe Region Conservation Authority.....	J-474
Mr Michael Walters	
Safe Water Group of Prince Edward County	J-476
Mr Bruce Cattle	
River Valley Poultry Farm Ltd	J-478
Ms Pauline Embury	
Mr Elwyn Embury	
Clarington Agricultural Advisory Committee.....	J-480
Mr Dave Davidson	
Lennox and Addington Federation of Agriculture	J-482
Mr Iain Gardiner	

Continued overleaf