



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)**

Friday 14 September 2001

**Journal
des débats
(Hansard)**

Vendredi 14 septembre 2001

**Standing committee on
justice and social policy**

Nutrient Management Act, 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
Greffier : Tom Prins

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
3330 Whitney Block, 99 Wellesley St W
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



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

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY

Friday 14 September 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE LA JUSTICE
ET DES AFFAIRES SOCIALES

Vendredi 14 septembre 2001

The committee met at 0902 in Exodus Hall, Owen Sound.

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 épandus et apportant des modifications connexes à d'autres lois.

The Chair (Mr Toby Barrett): Good morning, everyone. Welcome to this regular meeting of the standing committee on justice and social policy for Friday, September 14, at the Exodus Hall in Owen Sound. Thanks to the good work of our local MPP, Bill Murdoch, we understand this may well be the first time in recent memory that the Ontario Legislature has held hearings in this community. Is there any information on that, Mr Murdoch?

Mr Bill Murdoch (Bruce-Grey-Owen Sound): This is the first time. I've been around for 11 years and I can't remember one before that, either. So I think it's the first time we've had a committee hearing in Owen Sound.

The Chair: We can leave this up to the historians. I know our hearings in Haldimand may well have been the first time for Haldimand county, and we think perhaps the first for Elgin county. We held hearings in Holmesville yesterday, down in Huron county, and I don't think the standing committee had been to Holmesville before.

Mr Murdoch: It just shows Queen's Park hasn't figured out rural Ontario is around. It's taken them 100-and-some years.

Ms Marilyn Churley (Toronto-Danforth): Is this actually going into Hansard?

The Chair: Yes. Our agenda for today is Bill 81, An Act to provide standards with respect to the management of materials containing nutrients used on lands, to provide for the making of regulations with respect to

farm animals and lands to which nutrients are applied, and to make related amendments to other Acts.

Before we begin, people will be aware that today has been identified as a national day of mourning. As these hearings have travelled the province, everywhere we go people are obviously cognizant of what has happened in the United States. Our thoughts and sympathies are with the victims and families in the United States. I understand that at noon hour today there is to be a three-minute time of silence and we will have more information on that perhaps in the course of the morning.

BRUCE COUNTY PLANNING
DEPARTMENT

The Chair: Looking at our agenda, we have a number of delegations. The first delegation I wish to call forward is the Bruce County Planning Department. Could you please approach the witness table and give us your names for the Hansard recording, and we have 15 minutes.

Mr Stuart Reavie: My name is Stu Reavie, a Bruce county warden. I have with me David Smith, the Bruce county senior planner. We're delighted to be here this morning, with Bill up north, to make a little presentation here.

Mr Murdoch: We're glad Queen's Park finally found us.

Mr Reavie: Yes. We recognize where we are, Bill.

Bruce county, and indeed all our eight local municipalities, have been struggling with issues surrounding intensive farming for the past five years. The key hindrance to providing local solutions to the issue has been the lack of proper legislation, both provincial and enabling. Therefore, Bruce county very much welcomes an opportunity to comment upon and provide input into Bill 81. All would agree that the bill has been a long time coming, and we hope that a speedy passage of the bill and subsequent regulations will help us in providing some solutions to the issues around intensive livestock farming.

Some background on the corporation of the county of Bruce: Bruce county is an upper-tier municipality created on January 1, 1850. The county recently restructured from its original 32 municipalities to eight. The county level of government is a multimillion-dollar enterprise, with yearly expenditures in excess of \$20 million per year. We are part of the southwestern Ontario business

region that is one of the most internationally competitive in the world, with exports in excess of \$50 billion per year. At a county level, we provide government services to 70,000 year-round residents, 30,000 cottage owners and the domestic and international traveler.

The agricultural economy: in Bruce county, over half of all our farms are dedicated to beef production, making us number one in production of beef in all Ontario. Bruce county is also among the top-producing counties in Ontario for oats, canola and barley. We have just under 4,000 farm operations, generating \$255 million in gross sales annually, based on a 1996 statistic. Over 62% of the total land mass in Bruce county is dedicated to agricultural production.

The county's agricultural economy is intrinsically tied to global trends in the agribusiness sector. We are similar to other jurisdictions which have seen an increase in the scale and intensity of farming as a competitive necessity. As in other North American jurisdictions, farms are getting larger. The average farm parcel size is just under 300 acres and the trend toward farming consolidation is predicated to continue. Having said this, farming in Bruce county retains its family feel, as 63% of all farms are still family owned and operated.

Co-existence of the agricultural and tourism economy: in addition to a strong agricultural economy, Bruce county has a strong and emerging tourism economy. At the county level, the challenge is to strike a balance between what oftentimes seems to be two competing objectives: the need to foster and facilitate the growth of a modern agribusiness economy while at the same time providing a pristine natural environment that is prized by tourists.

Bruce county is recognized for its natural beauty, covering an area of over 4,000 square kilometres. We have over 2,400 kilometres of pristine Great Lakes shoreline, the mighty Saugeen River watershed and many inland lakes. Bruce county is home to two federal parks: Bruce Peninsula and Fathom Five, Canada's only underwater marine park. The county includes a good portion of the Niagara Escarpment, recognized as a United Nations world biosphere site. The tourism industry generates at least \$118 million annually. With income multipliers applied, this is estimated at \$300 million per year. Tourism directly employs one in seven persons.

Our general comments on Bill 81: it is difficult to make any meaningful comments on the bill without seeing the actual regulations. The bill is set up as provincial enabling legislation that could allow for regulation of virtually all facets of farming. The county requests that extensive municipal and public review be undertaken in the development of the regulations.

0910

Notwithstanding this, Bruce county offers the following general points for consideration:

(1) The bill represents a broadening of approach in what the county and our local municipalities have considered under nutrient management bylaws passed under the Municipal Act. The regulations leading from the

legislation could very easily impact small-scale or more traditional farms, as well as large-scale intensive farming operations which have currently been the focus of nutrient management bylaws. We cannot give outright support to the concept of regulating all sizes of farms in the absence of regulations.

(2) Currently, the approach in Bruce county has been to regulate the construction of intensive livestock facilities and the spreading of liquid manure generated from such. The Municipal Act bylaws have been augmented by many of the local municipalities through the use of section 34 of the Planning Act. Specifically, some municipalities have implemented caps on animal agriculture and would require a site-specific zone change for what locally are considered factory farms.

The county has significant concerns regarding section 60, which states, "A regulation supersedes a bylaw of a municipality or a provision in that bylaw if the bylaw or provision addresses the same subject matter as the regulation." We cannot and will not support this section. As a Nutrient Management Act, the intention, we have been led to believe, was to introduce a new law that would set and enforce clear, consistent standards for nutrient management on farms, not to regulate the location of such agricultural operations. The location and erection of buildings and structures has been, and continues to be, addressed under the provisions of the Planning Act.

At the very least, a mechanism to provide for local regulation of the location of livestock and poultry operations should be incorporated into the act. This would allow local municipalities the ability to address their unique geographical, environmental and agricultural industry differences across the province.

To simplify the future interpretation of the act, we would also recommend that the province reword this section to clearly establish the seniority/precedence of the Nutrient Management Act and the Planning Act in respect to the other, rather than through a somewhat vague reference to subject-matter sections in the regulations taking precedence over local bylaws.

(3) The legislation is exclusively focused on regulating nutrients. Although the addition of excessive nutrients to the ground and water are an obvious concern, health risks from water-borne pathogens—E coli and fecal coliform—are also of concern. If in fact the Walkerton situation has served as a wake-up call for all jurisdictions, then perhaps the focus of the bill should equally be on human health risks as opposed to solely on nutrients.

(4) As agriculture is the primary economic engine in Bruce county, we are concerned with the costs of implementing this legislation. We request that direct funding be made available for cleanup efforts on individual farms, and that funds be made available from the provincial government to fund the cost of compliance.

(5) The county also has concerns regarding the explanatory note to the bill and the wording/terminology in subsections 17(3) and 12(4). It is understood from the

explanatory note that a discharge has to be of some significance to constitute an adverse effect. It will not be considered to be a discharge or an adverse effect if it poses only a trivial or minimal threat to the environment. Bill 81 goes on to state that the act will not affect the application of the Environmental Protection Act or the Ontario Water Resources Act.

This explanatory note at the beginning of the draft legislation appears to be in conflict with the traditional interpretation of section 30 of the OWRA, which would consider any discharge of a substance that could be deleterious to the environment to be an infraction of the act.

This explanatory note also appears to run counter to the provisions of the federal Fisheries Act. The explanatory note raises potentially confusing and conflicting messages to the farming and rural community. It remains possible that a discharge of nutrients from an agricultural operation could be determined not to be an impairment of the quality of the natural environment as determined by the Nutrient Management Act but the same discharge could be considered an infraction of the OWRA and the operators charged under such legislation.

Despite the recent Court of Appeal decision in *R versus Inco Ltd*, the interpretation of subsections 17(3) and 12(4) in relation to the senior legislation should be reviewed and clarified. Thank you.

The Chair: Thank you, sir. We begin with Mr Peters of the Liberals. I think we've got maybe 30 seconds for a quick comment or statement.

Mr Steve Peters (Elgin-Middlesex-London): Warden, I was wondering if you could expand on your point number 1 on page 2. If I'm understanding this, you're saying that a farm with 20 cows needs to be looked at differently than a farm with 200 cows?

Mr Reavie: Yes. There are different issues there as far as your buildings and nutrients and everything. I don't think you can apply a one-size-fits-all to all agriculture in our area.

The Chair: Ms Churley, briefly.

Ms Churley: In point three, I agree with you that nutrient management is important but that this bill doesn't cover the big issue here, and that is the pathogens. There is no time now to discuss it, but others have pointed that out as well, particularly after what happened in Walkerton. I'm just wondering what you think needs to be done in addition to this bill.

Mr Reavie: Do you want to answer that?

Mr David Smith: I guess you could say that we don't look at any specific measures at the present time, but addressing the concept that where nutrients remain, the nitrogen, phosphorous and potassium issue is the key issue, as opposed to closures of beaches from fecal coliform and other issues, which are as much in the public eye as they're not. They are certainly concerned about allergy blooms and things such as that from a nutrient perspective, but they are also significantly concerned about a beach closure, which, even under the act, in its concentration on nutrients, can still happen. So whether

you're addressing what the public's concern is in that regard—and they don't recognize as much the allergy bloom issue that we haven't had in quite a few years—versus the beach closure issue, even after the passage of this act, it may seem to the public to still be failing in addressing what would be their major consideration. This comes back to our continued interest in the tourism industry and in our cottagers, whom the council also represents.

The Chair: We now go to the Conservatives.

Mr Murdoch: Thank you very much for the brief. It gives us a lot of food for thought, which we need. I too have concerns about the regulations. If we don't put them out in the public again, we'll be in trouble, I think.

The only thing you didn't address—and I'd like to ask you what you think—is that there will be an enforcement of this bill, and there's been talk of MOE doing it or OMAFRA. I just wondered if you had a thought on who you think should enforce this bill.

Mr Reavie: I think it's a job for both. I think there's a role for both people. MOE can look at the water quality and the passages and things like that and the other corporation can maybe look at the nutrient management plans and make sure they're in place. So I think there's a job for both.

The Chair: Thank you for the brevity of the committee. We wish to thank you. We appreciate the presentation from the Bruce County Planning Department.

0920

BRUCE COUNTY FEDERATION OF AGRICULTURE

The Chair: I now wish to call forward the Bruce County Federation of Agriculture. If you wish to proceed, we have 15 minutes. We would ask you to give us your name for the Hansard recording.

Ms Jayne Dietrich: Jayne Dietrich, Bruce County Federation of Agriculture president. I will echo a couple of comments that Warden Stu Reavie made in his opening comments.

For many decades the Bruce region has grown and prospered with the hard work, dedication and entrepreneurial spirit of many generations of men and women working the land. Throughout the years, farm families have prospered through the growing of crops and the husbandry of livestock. Supporting businesses grew, providing jobs and opportunities to many people throughout the area.

Agriculture is the second largest industry in Ontario. Bruce county farms generate over 28,000 weeks of direct full-time and part-time employment per year. Over 62% of the county's land mass is dedicated to agriculture. Gross revenue from Bruce county farms exceeds \$300 million. This region's farmers contribute to a significant portion of Ontario's economy.

The province of Ontario and local government must provide infrastructural development that recognizes the need for greater economic stability for rural areas.

Agriculture must be given the tools to continue to be a stable source of wealth generation, while recognizing the need for maintaining excellent care of natural resources and the environment. Therefore, new costs associated with compliance to this act must be supported with government funding.

It is difficult for BCFA, which I'll use in place of "Bruce County Federation of Agriculture," to determine at this time what this legislation will do to enhance farm business. To our knowledge, there has been no legal interpretation of Bill 81. It is our understanding that this act is designed to deal with problems not already addressed in existing policies. However, many concerns are already dealt with by the following acts: the Environmental Protection Act, the Drainage Act, the Ontario Water Resources Act, the Pesticides Act and the federal Fisheries Act. BCFA feels that education and incentives at the primary producer level would be the most effective way of implementing nutrient management plans using the environmental farm plan as a model.

The development of regulations attached to Bill 81 must include full participation of the agricultural community. We need to be guaranteed control over the content of the regulations, either by direct input or as a review and approval process. We understand that control is a strong word. However, the potential implications of the regulations could be so severe that to be offered input only is not sufficient. The nature of the regulations have the potential of making the bill unpalatable. If the agricultural community is not allowed control in determining or approving the regulations, then we feel it may be necessary for agriculture to re-evaluate the need for Bill 81, in comparison to the potential liability.

It is imperative to BCFA that the Ontario Ministry of Agriculture, Food and Rural Affairs be the lead ministry with regard to Bill 81. It is important to the farming community that farmers are viewed as competent by our neighbours, communities and consumers. We are in favour of enforcement for those who may deliberately harm the environment. Agriculture is the second largest industry in Ontario and takes its lead from OMAFRA, with the support of the Ministry of the Environment. Without OMAFRA as the lead ministry on this legislation, the support for Bill 81 would be questionable. As well, BCFA requests ongoing studies on the economic impact of this act to Ontario agriculture.

If I could just make a note there, this morning I had a call from one of my directors who was at an occasion with Elizabeth Witmer last evening, and I heard it on the news this morning that apparently she has announced that MOE will have control of the enforcement regulations of this bill. That was news to me, so I haven't exactly had time to contemplate that.

It is not acceptable to assume that the primary producer will bear the costs of enforcement, modifications and updates in order to comply with this act. Municipalities have in the past received millions of dollars to meet government regulations to install, operate, update and maintain municipal water and sewage systems,

primarily in urban centres. We are concerned about our farm families. Farmers will be subjected to a fee, as well as changes to their farm infrastructure and some changes to management practices. BCFA feels that there needs to be government financial support for these transitions.

It is BCFA's understanding that there are farmers who are currently exempt from the farm business registration program. We would like to make note that those who are exempt will need to be in compliance with Bill 81.

BCFA objects to the word "intensive" as a description of agriculture, unless that word is defined, as well as the word "discharge" as a means of spreading or applying nutrients.

BCFA endorses the need for every farmer to have a nutrient management plan. However, with the use of the best management practices publications, we feel that maximum compliance and therefore maximum benefit would come more willingly and quickly with incentives and education. Bill 81 is setting minimum standards. However, the best management practices publications have set a standard of excellence. BCFA feels that a commitment by the government to update the best management practices publications would do much to lead Ontario agriculture to standards of excellence through education and incentives rather than legislation.

BCFA appreciates this opportunity to help policy-makers differentiate between the noisemakers and those willing to put their money where their mouth is. To soften that a little bit, if our environmental groups and our consumers and those outside looking in feel this program is so beneficial, then usually with purchases of benefit, people are willing to pay more. So if they feel that this is of such benefit for them, then we would offer that they would need to start to think about how we are going to bear the costs of this.

The government needs to indicate to us ample reason for this act. If Bill 81 is worth consideration, then there needs to be a purpose that is not provided for anywhere else in any existing acts. If the only additional purpose determined is enforcement, then we need to question the necessity of Bill 81 and deal with enforcing the acts that already exist. We need to be reassured that this act will not become an industry unto itself serving an industry that cannot afford it.

The Chair: That leaves about a minute for each party for comments or questions. We'll begin with the NDP.

Ms Churley: There's never enough time, so I'll stick to one specific area. You may have just heard the submission from the county of Bruce. There is a difference of opinion, and it's a stark difference. Some feel that this law, if passed, should supersede the municipal bylaws, and then there are others who feel very strongly that municipalities should have some right and some say under the Planning Act to the growth in their area, given the differences across the province in environmental issues and tourism, etc. What's your feeling on that?

Ms Dietrich: My understanding is that this act will supersede municipalities. My question back to you would be, is it possible to create regulations that will make it

feasible for all farmers to comply? I agree with the warden in the fact that the complexity of agriculture in Ontario varies extremely, from soil types to crop rotations to heat units to the slope of the land to the proximity of water. It makes it all very difficult to create a one size fits all.

However, we do appreciate, I guess you might say, the hodgepodge, or the various municipalities that have created different legislation. We have to be careful sometimes because there are two sides to it. That legislation can be created by those outside the farming community and it becomes a very emotional situation as well. I don't know if I've answered your question but I can appreciate both sides of the situation.

Ms Churley: That's helpful. Thank you.

Mr Murdoch: Thanks, Jayne, for your brief here today. I appreciate it. I think it shows some of the frustration that's in the farming community with this bill. I think everybody probably thinks there needs to be a bill of some sort but there's a lot of frustration going with it and of course the regulations are there.

What you heard this morning about the Minister of the Environment saying that, I'll guarantee to you that I'll fight her all the way. I don't want the MOE enforcing this. I'll go to the point that maybe this bill won't get passed if that happens to be the way she thinks it's going to be, because definitely I don't think the Ministry of the Environment should be enforcing this; it should be OMAFRA. I'll certainly take that message to Queen's Park and inform the minister that she has her facts wrong.

0930

Ms Dietrich: So that was news to you as well?

Mr Murdoch: Yes. I know they think they are, but there has been no decision made at this point with the mass of MPPs. Somebody in cabinet may think that, but they may have to change their attitude.

The Chair: We'll go to the Liberal Party.

Mr Peters: Jayne, thank you for your presentation this morning. An important component once this legislation and regulations have been developed is going to be these community environmental response teams or advisory committees. Who do you see being members of these response teams, advisory committees, to deal with some of the on-the-ground issues?

Ms Dietrich: Certainly I'm very much in support of the primary producers. The grassroots of our industry certainly need to be reassured at this point that we are going to have that kind of control or input, that we will have an appeal process or some kind of a process, that we will be heard. We don't have the funds to create large processes with which to get our point of view across, and certainly we really appreciate opportunities such as this. I certainly am strongly in favour of primary producers.

Mr Peters: I'll be more specific: non-farm rural residents. How do you feel about a non-farm rural resident being on an advisory or environment committee?

Ms Dietrich: Going back to Mr Reavie's comments, as you are aware, tourism is a large industry in Bruce county. I see an opportunity in the tourism and the agri-

culture industries for co-operation. I would not be afraid to have those sorts of people on our committee. I feel there's an opportunity here for both of us to be able to work together, providing that the stipulations and standards and regulations in place allow us a fair opportunity so that we can both co-operate.

The Chair: On behalf of the committee, we want to thank the Bruce county federation for coming forward.

FOODTRAX INC

The Chair: Our next delegation is FoodTrax Inc. Please approach the witness table and give us your name for the purposes of Hansard.

Mr Tony Morris: My name is Tony Morris. I am the owner of a company based in Bruce county called FoodTrax. We are somewhat unique in that we provide specialized services in the implementation of identity preservation systems, third party audits and genetic identification of crops and foods. This service is provided to enhance opportunities for Ontario and Canadian exports of agrifood products.

I believe every member of the committee has a brief that has been prepared. I will be reading from some of it but not all of it.

The first question I would ask the committee is, what net value benefit will Ontario experience with Bill 81? Has Bill 81 accurately identified the problem and in so doing provided the solution?

My presentation to you is intended to provide a third party overview from an independent perspective as a market specialist and global analyst in the agrifood industry.

The issues surrounding livestock manure and its usage have long been recognized, but the most common response of governments and organizations is to seek ways to minimize the impacts rather than to ask the real question of how we will deal with the situation.

These battles are fought along ideological lines, led by people whose intentions seem valid in their eyes. But, unfortunately, the real victims of such debate are the men and women, companies both large and small, whose competitiveness is adversely affected by the policy outcomes.

As a specialist in identity preservation, IP can be summed up in its simplest form as being the management of value throughout the supply chain. An important point is that all involved must receive benefit or the system fails. It comes down to the simplest form of sales. If the value of the benefit is seen to be greater than the cost of the product, people will pay. Are the values of Bill 81 such that government, on behalf of society, is prepared to pay? If the proponents of Bill 81 see enough value in legislation, we must conclude they are prepared to pay. If the proponents of passing bylaws to restrict farm growth see value in their actions, we must conclude they are prepared to pay. As policymakers, you must differentiate between those clamouring for change and those paying for the effects of change.

The general wisdom expressed by many, including lawyers, legislators and environmental groups, is that legislative action will solve the problem. The failure in this thinking is that this is not a legislative or systems problem. Our abilities to increase production have been as a result of technology. Whether they be genetics, nutrition, building design, computers or robotics, we have met the consumer demand for lower-cost product.

The challenge, then, is to properly identify the problem and then find the solution. It is doubtful the solution will be found in legislation. The solution to a problem created by technology will be found in technology.

Many people are expressing concerns. They are genuine and require action, but one must question whether Bill 81 will provide the solution.

The problem with a legislative approach is that it is people who must respond. Human nature will dictate that we gravitate to what it is we have to do to pass the test. This passing standard is simply not good enough. We should and must aim for excellence. By its very nature, this conflicts with the goal.

I'll point out some specific sections that are troubling, in my personal estimation, and those are sections 5 and 6, part II, management of materials containing nutrients and regulations.

These proposed setting of standards suggest that it will be the government being placed in a position to determine the best practices for individual operations. The question must be, what problems are evident that require implementation of such regulations?

One such regulation that is indicated is section 5.2.c(vi), regarding technology. Given the speed at which technology is changing, and standards specified in many IP contracts that I deal with, it is very difficult to imagine how government could regulate technology usage. In particular, how does any government intend to prescribe conditions of usage in a timely manner without severe economic implications to the industry?

The adoption of technology is fundamental. It is dependent on the speed at which the technology can be communicated. Leaving the decision for technology implementation to bureaucratic decision will have major economic implications for farmers.

Traditional thinking suggests we need to spread manure on land. New technology exists in Europe that changes the paradigm, allowing large numbers of livestock on minimal acreage. We must never fall prey to boxed thinking that will impact future capabilities. The technology exists. We can do it in Canada and we can transform animal manure into marketable components. For the committee to review, I've indicated one such system called the Biorek separation system, which was developed in Denmark.

Another point is part III, hearing by a tribunal. The recommendations are set out there in my brief. I believe they place unrealistic demands for response time for right of hearing on those living in rural areas. Canada Post will not guarantee delivery of priority post from a rural post office in less than five working days. The act makes no

mention of the type of delivery, so one must conclude it will be by normal mail delivery, and yet the farmer is given 15 days in which to provide a written response.

My recommendation to the committee is to look at and change subsection 53(2) to seven days and subsection 8(1) to 30 days.

Inspections and orders: the act will grant right of entry on to farm operations but has not established within the act the need for biosecurity protocols of provincial officers. This has ramifications under obligations for biosecurity protocols established within identity preserved contracts. Given the extent to which disease can be spread, it is essential that the act specify the requirement for establishing and observing biosecurity protocols of provincial officers.

Section 56 of the act absolves the crown and its employees from liability yet places upon them no responsibility for ensuring due care and safety over biosecurity in carrying out their duties.

In conclusion, without doubt, there are deep emotions surrounding the issue of liquid manure, in particular that of hogs; more specifically, the concerns of people over what they perceive to be the risks associated with large barns. Yet we have no definition of what is large. Is it realistic to expect that Bill 81 will address these concerns of people?

Most large operators have proven themselves as responsible managers, taking care and pride in how they operate. Failure to do so is well governed by numerous provincial and federal acts already in existence. These acts clearly provide ministry authorities with the necessary response mechanisms.

0940

Agriculture continues to change with the advent of global trade agreements, technology and the demands of consumers. It is important that any legislative initiative allow for the continued evolution of the industry, recognizing there are needs to ensure societal values are maintained. It is in the maintenance of these societal values, whether they be of a social or environmental nature, that government must be prudent not to place competitive disadvantages on the agricultural industry and its farmers.

I began by asking a question: does this act identify the real problem and provide a solution? There is no doubt there are strong management benefits that can be realized by every farmer doing a nutrient management plan, but if they are done for the purpose of compliance, they will lose their effectiveness and will contribute to increased costs. They are not a solution unto themselves. By their very nature, nutrient management plans are part of a plan of farm operations. Societally, they may contribute little without changes in the way we plan growth in the rural community. Traditional planning is undertaken under a municipal boundary system. The committee may well recommend a process to begin discussions on changing our planning process to that of a watershed approach.

There is a very real concern that by applying specific regulations to the management of operations, we will see

compliance enforcement to set provincial standards rather than the flexibility of individual requirements and capabilities. It will be hard to imagine support for this act if compliance enforcement is the lead responsibility of any ministry other than agriculture.

In closing, in marketing there is a maxim that asks, what is it you do better than anyone else that adds value to the lives of people and that makes you unique? This act has the opportunity to make Ontario agriculture better than anyone else when it comes to the handling of nutrients being applied to the land. One must assume it will add value to the lives of citizens. If so, they must be prepared to pay. If it is truly unique, we will have a marketing opportunity. Thank you.

The Chair: Thank you, Mr Morris. We have a little less than a minute for each side. We'll begin with the Conservatives.

Mr Bert Johnson (Perth-Middlesex): Tony, notification and the rural mail delivery and that sort of thing is a problem, and I understand that. Your solution is to extend those times. I'm wondering about a very serious situation where manure is getting into a creek or waterway and it can't be stopped until this process. What do you do in a case like that?

Mr Morris: Mr Johnson, you raise a good point. Unfortunately, I do not believe that is the context within which this is being proposed. The context in which this is proposed is for a director who issues a non-compliance or non-issue of a nutrient management plan. If somebody is already polluting, the Ministry of the Environment already has, under the Environmental Protection Act, full authority to move in without notice immediately without any regard to any other act. So it's already there. What I'm looking at is specific to section 56, which is the notice of non-issue or non-compliance by the director. That's a totally different context in which it's ordered.

Mr Johnson: So the timing change I would accept, then, as a good solution.

Mr Peters: Thank you for your presentation, Tony. You point out in your presentation that for a lot of the things that are in this act there is already protection out there between provincial and federal regulations. I think you make a very valid point as far as conservation authorities, because watersheds do not know any boundaries.

With the resources that are being put into the development of this legislation and the regulations that are going to come out of this, are we better off to just leave this as a local issue and let the local municipalities deal with it and expend the provincial resources and energy on the research and development, to look at the new technologies which may potentially solve the problems that technology has created?

Mr Morris: I think when we look at what we had begun to do in the early 1990s with the development of best management practices, the idea was to bring a standard of excellence to Ontario agriculture through education and awareness. Legislation has the ability to go to the lowest common denominator. It is doubtful whether this legislation, given the Hudson versus crown

case with respect to the handling of pesticides within municipal boundaries, will remove the ability of municipalities to fundamentally deal with issues within their own boundaries. That's the first case.

I believe that if we are truly trying to do something of benefit, that will best come about by bringing an awareness and building an attitude to want to do something. Unfortunately, as I stated in my brief, in the mid-1990s we saw cutbacks in funding, which I believe were short-sighted, which took away that education and awareness ideology and we are now moving into an enforcement and regulatory position.

Ms Churley: I just wanted to come back to your comment about the watershed. I don't know if you said this, but I believe you were saying that this legislation does not deal with the real problem and that nutrient management can be dealt with through other means, ie, expanding the healthy futures program and making sure there are enough resources in it to do the education and the work and bring back programs like CURB or whatever. I believe that's what you're saying, that this should be scrapped and that we should be looking at legislation that deals more directly with the problems around pathogens and stuff like that.

Mr Morris: Wanting farmers to do a nutrient management plan, I truly believe, having been a former chair of the Ontario nutrient management working committee, is an excellent thing to want to do. What I'm not convinced of is that legislation will bring about the kind of attitude we need when we start looking at watersheds, if you want it in a holistic way. Legislation by its very definition is something the people will strive to meet and that's it. That's human nature. If we instill in our children that 50% plus 1% is a passing grade, that's what they will aim for. There are very few who will aim for a standard of excellence. So we have responsibilities to move beyond setting a minimum standard, or reaching for the top, if I can say that. A watershed approach would look at everything that then happens from septic to biosolids to agriculture within a given watershed.

As you rightly pointed out, a watershed does not work within boundaries; it goes across municipal boundaries. I'm not sure this act would do that. I'm not sure that the act, even if it makes every farmer do a nutrient management plan, will have the kind of effect or will deal with the kind of issues that people are really concerned about. There is no mention in here of odour whatsoever, how you deal with it. I'm not the person to answer that, but the act will certainly not deal with someone's concerns about odour. I'm not sure any act ever can.

The Chair: Thank you, Mr Morris. We appreciate this briefing through FoodTrax Inc.

ONTARIO SHEEP MARKETING AGENCY, DISTRICT 2

The Chair: From our agenda, our next delegation is the Ontario Sheep Marketing Agency, district 2. Good morning, sir. I'll ask you to give us your name for Hansard. We have 15 minutes.

Mr Vince Stutzki: I'll be shorter than that. My name is Vince Stutzki. I'm the vice-chair of our district 2 sheep committee. I was asked on behalf of the committee to make a little presentation here.

In principle we are in full agreement with the concept of the Nutrient Management Act and are here today just to address about six of the issues that are in the act on behalf of the sheep producers.

The first concern we have is that no ministry is actually named in the act which will administer the act. What we would like to see is that OMAFRA actually oversees the administering of the act, the reasons being fairly straightforward. OMAFRA has the expertise in the agriculture sector and there is a relationship that already exists between the ag sector and the government in that department. If need be, the MOE, which already has the power, will be responsible for enforcing the act.

The way we see that is basically when this act is implemented and the regulations are formulated, there are probably going to be some consultative processes taking place. It would be a lot easier for a farmer to accept an OMAFRA individual coming on the farm and talking about the Nutrient Management Act than somebody who has actually no connection to agriculture itself.

The second issue is that the act does not address the issue of biosecurity. This is of grave concern. Our position is that a veterinarian-approved biosecurity protocol needs to be set up and implemented for those who are responsible for administering the act.

0950

The third one is the powers of the provincial officers, whoever they may be. We live on the farms and a certain respect has to be provided for the homestead. In other words, we can't just walk into a house, which is not stated in the act; they can just basically do as they please. That's of grave concern because this actually is our place of living. In other words, the powers are too broad. They need to be curbed with regards to their inspection, seizure and gathering of information and records, and sampling.

Also, a written notice needs to be delivered to the farmer explaining the time and intent of the visit. At the beginning, we can see there will be a lot of consultative process taking place. In order for the consultative process to take place, two people have to be there. If a ministry official shows up at the farm and the farmer isn't home at that time, nothing happens. So it will be good initially that meetings are set up between the two and that there's some sort of written process that takes place there.

The fourth one is costs. We see that being separated into two areas. One of them would be administering the act. That's no different than the pesticide courses and all that sort of stuff. There will probably be protocols set up as to what will be required of us as farmers, what we need to do, what we have to fill out and who we have to send the information to. The second one is the capital costs associated with upgrades to meet the requirements of the act. We assume—and maybe we're assuming too much—that this will be over a longer period of time and not an overnight issue. That assistance needs to be provided in both areas.

The fifth one is that this act supersedes all municipal bylaws. We're pretty fussy on that one because basically we feel that in order to be competitive in the sheep industry, we all have to abide by the same rules.

The sixth one is the competitiveness of products from out of the province or country that do not have a Nutrient Management Act. In other words, if lambs are coming in from Alberta and these individuals in Alberta do not have to fulfill a Nutrient Management Act, that puts us at a disadvantage cost-wise.

In conclusion, we would like to thank the committee for the opportunity to talk to you and we would like to be involved in the consultative process when the regulations are drawn up. I understand the law doesn't state that that has to be the case but we'd certainly like to be given the opportunity to be involved in the consultative process when the regulations are drawn up.

The Chair: That gives us a little over two minutes for each party. We are now back to the Liberal Party.

Mr Peters: Thanks very much for your presentation. I guess as nutrients go, sheep nutrients are probably some of the more popular as far as taking it off the farm for somebody to use it in their home garden. We're going to regulate you on your farm with your nutrients. Do you feel, though, that we need to go further and regulate the use of nutrients on golf courses or garden supply centres that may be buying your manure to repack and sell? Is there some need for us to look beyond just the spreading of nutrients and how you handle your nutrients on the farm to any other uses of nutrients?

Mr Stutzki: I don't think I quite understand. Are you trying to say that if a golf course is applying sheep manure on their—

Mr Peters: Exactly. Should they be regulated as you are regulated?

Mr Stutzki: They're using it as a form of fertilizer and I'm quite sure that would fall under—I don't know where that would fall under in terms of how they're using it. I don't think they would use sheep manure as a fertilizer anyway on a golf course. They would use it maybe in a flower bed but they wouldn't use it to green up their greens. It would be a little lumpy. Do you know what I mean? When you go to Zehrs and buy your sheep manure in a bag, you're buying it as a soil conditioner, not as a form of fertilizer. The fertilizer value in it is fairly low compared to what would be in a fertilizer bag.

Ms Churley: Do you think that a municipality should have some powers? This law as it stands now supersedes any municipal bylaw if there are specific problems with tainted water or concerns about that, or there's a large tourist industry. Do you think the municipality should have some say under the Planning Act in, for instance, the addition of new farms or whatever?

Mr Stutzki: We're concerned with that basically stating that right now. If everybody's grandfathered in, it would limit expansion to a certain degree because you would put one municipality at a disadvantage versus another one. What you might be doing then is inviting industry into certain municipalities because they do not

have those bylaws in place. So basically you're opening the doors for a certain industry to come in and then they will be forced to put bylaws in place to slow that process down. But if we're all on the same page, you eliminate that whole problem.

Ms Churley: But could you see some flexibility within it somehow so that specific soil conditions or differences can be addressed locally?

Mr Stutzki: I think that will be looked after in the nutrient management plans as it is, because they're an on-site specific piece of information.

Mr Johnson: I just wanted to thank you for taking interest in the commitment to be here today. I wanted to go into item 4 on the costs a little bit. Farmers aren't the only ones who pay taxes, but they do pay taxes. The costs, both for the administration and the capital costs—and I don't have trouble with the administration of the act. But you're saying the capital costs associated with upgrades, and I assume that would be by the provincial government. I wanted to know, as a sheep farmer who doesn't confine liquid manure, do you have any problems paying, for instance, hog farmers who have insufficient or inadequate or defective liquid storage to upgrade?

Mr Stutzki: Yes. Our manure is unique in the sense that it's a fairly dry manure. But manure is manure, and, yes, we have to stockpile our manure and we do also have liquid forms of it. So I think a hog farmer and a sheep farmer do have things in common, in that we will have to handle it no different than they will. We will have liquid portions of our manure that we are going to have to get tankers in to pump out because of surface runoff, unless we put everything under a roof.

In terms of subsidizing, that is huge question. I don't think it'll come down to that, because I think a hog farmer himself will realize that in order to be in business, he has to do certain things, and a sheep farmer has to do certain things. That's just the nature of the business.

The Chair: On behalf of the committee, we want to thank you, Mr Stutzki, on behalf of the sheep marketing agency.

Mr Stutzki: You're back on time.

The Chair: Yes. We're right on time.

RESIDENTS OF EAST LUTHER GRAND VALLEY TOWNSHIP

The Chair: The next delegation listed: residents of East Luther Grand Valley township. Good morning, sir.

Mr Peter Turrell: Good morning. My name is Peter Turrell and I'm a resident of East Luther Grand Valley, Ontario. I'm representing all the people sitting on this petition here. I'm speaking on behalf of them more because of my background; I can understand a lot of the things going on in our community. I am not a professional lobbyist.

I have a background in soil sciences and have grown up on a part-conventional, part-organic farm. It's with this knowledge that I am going to try to compress the wisdom of the ages into the 15 minutes you've allotted

me to speak. It's imperative that you review the provided written material in order to fully comprehend the complexity of this information, particularly those committee members with no training or knowledge in these collective sciences. Much of it is two-sided copies just to reduce the volume of paper.

I have always had a close affinity for the place I live. I know heaven is already under my feet. I have had countryside scattered with farms on one side and the Luther marsh wilderness sanctuary on the other. The wind here always was beautiful, fresh, not the stench of human excrement that I and all my neighbours have had to endure for the last four years. Summer in the country with a gas mask: put that on the travel brochures for scenic Ontario.

I now contend with a leaking dump, a dynamite storage facility and human excrement, all improperly managed and unmonitored. See my enclosed map on page 8.

I do not deny that our society has created a need for these evils. But if they must exist, should they be placed side by side saturating the headwaters of the Grand River? It's a water supply for such a broad region. Should they be unmonitored and the results be unposted? Should \$4,680,000 of our tax money be spent trying to manage the Grand River watershed even though the GRCA board voted against sludge dumping around its source?

1000

If I thought sludge had any long-term gain other than a temporary solution to one of Toronto's and surrounding cities' many problems, I might endorse this for the good of humanity, but I and any human being who sees beyond tomorrow must see this as absurd.

The water-borne migration of pollutants is well known. The dump next to me is known to leach at a rate of 14 centimetres per year. The solution was to expand the dump boundaries. Burnside and Associates can confirm this. The mobility of heavy metals is also known. You can visit the Cornell University Web site provided in my references.

An overlapping of disciplines must be adopted in order to see a full and clear picture of cause and effect.

First, the concept that sludge will not enter the water table is absolutely criminal. I have witnessed first hand sludge being spread and landing in the Boyne River—see my map. This was reported and nothing done. The field behind the site has raw sludge sticking in the air as we speak, and I'll gladly provide a tour to anyone who wishes to attend. It was spread on straw which cannot be properly plowed under. Sludge falls from the tires as they turn, depositing it too close to watercourses. There's an over-application when the field is full and the truck not quite empty. There's no check for water table depth or uncapped wells or underground drainage—again, see my map. Add to this the inadequate land base for large-scale animal production, and a disaster awaits.

Most people will answer that with better rules, management and better application techniques, we can solve

these problems. Of course the reality is the inspectors arrive too late, if at all, the fines are inconsequential and more effort is being put into the organization of boards than their purpose. I believe everyone should be given a clearer understanding of the principles of the science involved in this.

The only sewage process with a known guaranteed pathogen-free sludge is batch thermophilic digestion. The entire amount of sludge is maintained at 50 degrees Celsius for 13 days. To the best of our knowledge, pathogen destruction follows as in the chart I've provided for you.

To the best of our current knowledge, no pathogens in excrement can survive 65 Celsius for more than a few minutes. These are important statistics, along with the enclosed charts I put before you, because bacteria such as *S. typhi* or, in English, salmonella typhoid, can survive in soil for up to 400 days at 22 degrees Celsius. Since the ground temperature of the earth is generally regarded as 10 degrees Celsius below the surface, when of course not frozen in our winter, the potential for viral genocide becomes very real. Even pinworm eggs can be inhaled in the future dust from these farm fields. Many bacteria can survive two years in sludge and over a year in soil.

Since the action of cultivating a field will bring this all back to the surface for the wind and rain to redistribute at will, I question the wisdom behind these programs. It has not been that long since the medical community discovered the link between washing hands and infection. After reviewing my pathogen charts, tell me why surgeons wear gloves. Please read carefully the enclosed three pages of notes from Dr Peter Cole, the former officer of health for the region of Halton-Peel.

Perhaps you can now start to understand the impact your decisions will have on other disciplines. While our tax money supports the printing of promotional brochures, like the one in my hands for biosolids, will our medical costs need to increase?

Why is the government supporting biosolids? I understand the term "soil sciences," but just what does the marketing word "biosolids" really mean? I believe it was created to whitewash the word "sludge" and justify bringing it into my backyard to avoid incineration smells in Toronto and to save their taxpayers money.

Of course, no matter what I say about sludge, it must be disposed of. I am a believer in the return of nutrients to soil. I have spent a good many years of my life studying the design of composting toilets and believe it's possible to find a solution to sludge dumping through the method of thermophilic composting.

Thermophilic composting happens naturally when a balance of carbon and nitrogen is introduced to oxygen. When this mixture is achieved, the compost pile quickly rises to 55 degrees Celsius, effectively killing pathogens. Compost also possesses the unique ability to lock up heavy metals. It's even quite feasible to compost diesel fuel or dynamite.

It just so happens that our tax dollars are spent around the country trying to control turpentine runoffs from sawmill piles when in fact mixing the sawdust with

sludge creates a wonderful carbon-nitrogen mix. This by-product is healthy, odour-free soil, far advanced in nutrient content than sludge. I have a sample here in a bag for you to inspect at your convenience. You'll notice there's no odour to it. As long as the time-temperature factor is maintained, a safe product can result. Compost also removes from the hands of the public the improper use of sludge on food crops and forage crops. I'm sure you know that putting it on potatoes and carrot and other group crops is a direct source of contamination to humans.

Fabulous amounts of research into compost have been compiled over the years. Certainly, I think a review of the work of Sir Albert Howard and Dr Sir Robert McCarrison is in order. Both men studied the Hunzas of northern Pakistan, a people who have always composted their excrement far away from water sources. These amazing people routinely live healthy, disease-free lives to the age of 120 years. It seems odd to me that no one seems to have taken notice of the turn-of-the-century findings of such famous men. Both of them found a direct link between soil fertility and public health.

We're a big country with no history in concentrated resource management. Our answer has always been to expand our boundaries. This is no longer a viable solution. We must now look to more experienced countries for a knowledge base. Perhaps Toronto may wish to promote a green economy by going into the compost business. I'm sure that this would have much better long-term results for places like Kirkland Lake than garbage. I've enclosed a paper on Austin, Texas, and their compost sales program. Of course, such a program will require the rerouting of toxin out of sludge in the first place. Compost can handle small amounts of heavy metals but not the unknown poisons and the unknown quantities we are currently receiving from industrial dumping in sewers. I suggest you also check the article in the Ontario Dairy Farmer, May/June issue, 2001, for information on cadmium poisoning, and link this with organochlorines, estrogen levels in soil and mad cow disease. "Toxic soup" is another term used to describe these conditions.

As a government body, maybe you could start by lifting the ridiculous roadblocks for people trying to implement alternative black water and grey water systems. Separation of these two systems would immediately alleviate most septic problems. This system at least has the potential to achieve sustainability, a word not to be overlooked in every aspect of these studies.

As our system stands now, I feel we must immediately implement some of the following rules, not guidelines:

(1) We must follow the tactic of prudent avoidance until better research and methodology are adopted.

(2) Provide enforcement and real fines, not fines equal to speeding tickets, along with jail time for environmental criminals. These offenders could be tried in court for public genocide, since their actions are deliberate.

(3) Adequate inspection: a builder must have an inspector on site at every stage of construction; however, there is none required for the spreading of this.

(4) Test holes to determine water table depth. The requirement is 0.9 metres above a water table, but who is checking the depth of tile drains in fields?

(5) Adequate land base for livestock operations.

(6) Define how enforcement will be litigated.

(7) Control on major landowners.

(8) Test wells before and after applications. Be sure to include chemical analysis in this.

(9) Water, garbage and nutrient/pathogen management should be overseen by the same body. Land planning should begin at a watershed source.

(10) Put power back to municipalities. They know their area and are in a better position to manage it. Provide them with unbiased expertise.

(11) Post sites. If you want to build a structure, my neighbours must be notified in advance, giving time for objection. In this manner, unknown information like uncapped wells or other possible problems can be brought to the forefront before it's too late. Post what is in the sludge: the chemical content, the hospital waste. See my attached map for uncapped wells with sludge dumped on top of them.

(12) Remove incentives like putting out promotional brochures to help private companies like Terratec get rich. I'm not sure that they would find it so easy if they did not offer free plowing jobs to farmers.

(13) Allow smaller communities first option on the land base. My entire county is in a panic. With Toronto sludge taking up the available land, there's nowhere to spread our own problem. At least we know the content of our own waste, as there's little industrial contamination.

(14) Ban out-of-county/township cash croppers from dumping in areas where they don't even reside.

(15) Separation of chemicals at the source from sludge: continually analyze chemicals entering the sewers. Penalize these companies.

(16) How about a guarantee of quality, the right of landowners to sue the government if their standards and approvals for safety prove to be false in the future, like urea formaldehyde, for example?

1010

The synopsis of failure on current systems is overwhelming. It ranges from inadequate cleanup from truck spills—see my enclosed articles of the main street of Grand Valley—to random reduction of safety margins. It would appear that current site certificates put this from 90 metres down to 15 metres. Where are the current sludge dumping chemical analysis records being kept? I could not find them. Does anyone truly know what is in it? It should be publicly posted, but not in some obscure intellectual journal. I wonder if the people of Toronto would be so quick to endorse sludge dumping if they knew how country people were beginning to look on them with disdain.

I've listened long enough in silence as the Walkerton inquiry has tried to rationalize genocide. Whose turn is it next? How can we believe in a civilized nation when its residents live off the backs of their grandchildren? As a committee, you bear an enormous responsibility for the

future. I call upon you, Tom Prins, Toby Barrett, Carl DeFaria, Marcel Beaubien, Michael Bryant, Gary Guzzo, Peter Kormos, Lyn McLeod and Tina Molinari. When our grandchildren read the history of our time on earth, will they be proud to carry your name or mine? Should we enact a sacred oath to protect the earth, air and water? Perhaps the committee should also include a body of religious and spiritual leaders to decide if it's polite to dump raw shit on my heaven. Time always reveals the truth.

Thank you for your time. I'd gladly offer any services in the future, if you'd like things defined. I know it's very complex.

The Acting Chair (Mrs Tina Molinari): We have less than one minute per caucus. I'll start with the NDP.

Ms Churley: Thank you for your presentation. There is no time to delve into serious questions here. I just want to say to you that I've heard about the thermophilic before.

Mr Turrell: Thermophilic composting, yes.

Ms Churley: I fully support your contention that the way we're dealing with sewage sludge is a problem. Burning it is a problem. And I'm hearing more and more from people in the country that the way it's being put on your fields is a problem and we have to find another solution.

Mr Turrell: We have no option right now. It seems to be the only one, even though it's imperfect.

Ms Churley: So we're going to have to find better solutions to that.

Mr Turrell: Unfortunately, none of the people in positions of power or positions of education seem to be looking at this. They're looking at very complex systems that have put us in this place in the first place.

The Acting Chair: For the PC Party, Mr Johnson.

Mr Johnson: Peter, thanks for coming and giving us your opinion and views. You are saying that sludge from sewage treatment plants should be treated.

Mr Turrell: Absolutely. It is in most countries of the world now. Many of these articles I have provided you with are from the EPA in the United States and from around the world—Scotland, everywhere. Soil science is not a new science. It's absurd that you don't think it's going to run downhill into water tables.

Mr Johnson: Yes, and I don't want to get into the fact that there are huge cities that aren't even treating theirs. But I wanted to know if your opinion is the same on animal septage as it is on human septage. In other words, should all the manure that is produced, whether it's hog, chicken, sheep or whatever, be treated before it's—

Mr Turrell: Absolutely. One of the things is that in the old days farmers put their piles of manure out. They sat for a while. They composted themselves. That's what the rising steam was. The thing that people from Walkerton have neglected is that they're blaming cattle when in fact E coli is present in any kind of manure, human or otherwise. It doesn't matter; it's all the same thing.

The Chair: The Liberal caucus.

Mr Peters: In yesterday's Toronto paper there was a big headline that the sludge program is going to be harmed by this very bill that we're deliberating. I don't know if you saw that in yesterday's Star or not.

Mr Turrell: No, but I think it's true.

Mr Peters: This is part of the science that we've heard from a lot of presentations that have been made to us, and there are some things we understand and there are a lot of things we don't understand. One of the things I think we really need to do is better understand it. What gets me is, if people in Toronto are forced to live with the health impacts of burning sludge, we don't know what the impacts of spreading the sludge are.

Mr Turrell: Actually, we do.

Mr Peters: Well, we need to better understand it. Anyway, this bill that we're debating right now is raising some issues in Toronto. Could you expand on point 7, on page 5 of your presentation, control on major landowners. What do you mean by control on major landowners?

Mr Turrell: I've given you a map of just a few miles around my own personal residence showing major uncapped wells, creeks dumped right on top of, and you wonder where the water source comes in.

The problem where I live is that we now have a lot of major landowners and blocks of land being bought by investors etc, and they're cash-cropping. Because they own 1,000 or 2,000 acres, they have a giant impact on an area of environment. When one farmer here and one farmer 10 miles away is spreading it, it's one thing, but when a man does a 2,000-acre block, that becomes an imminent problem.

The Acting Chair: We're out of time. Thank you very much for your presentation.

TOWNSHIP OF SOUTHGATE

The Acting Chair: Our next presenter is representing the township of Southgate, Ralph Winsdale. Welcome. Begin when you're ready.

Mr Ralph Winslade: For the record, my name is Ralph Winslade, not Winsdale.

The Acting Chair: My apologies.

Mr Winslade: Thank you for the opportunity to speak to you today. I'll try to highlight the written submission as briefly as possible.

I am a councillor and chair of planning for the newly amalgamated township of Southgate, stretching across two thirds of the southern border of Grey county. Our council is proud that agriculture is our number one industry. Like the province, we are seeking policies that will allow agriculture to prosper and grow with minimal impact on rural neighbours who do not farm.

We welcome the provincial legislation for two reasons: to provide a level playing field for our farmers who operate livestock farms more similar to our neighbours in Wellington county than our friends in our own county of Grey, and because the province has more resources to address the issues. However, we do not care for the thought of delegating approvals to the private sector. It

cannot provide prompt, effective service all across Ontario.

In the update of the minimum-distance formulae, there will be a challenge to harmonize the new regulations with local zoning bylaws, and vice versa. We encourage the retention of the single factor for less than four neighbouring houses and the double factor for three or more. This is needed until technologists solve the ventilation odour concerns. I believe that within five years the technology will solve it, but it's not here today.

If local municipalities are allowed to have a buffer zone, such as 500 metres from the urban boundary with no intensive livestock, it should be restricted to those with municipal services with growth potential. The buffer could be the greater of the 500 metres, for instance, or two times the minimum distance separation factor. Hamlets are unlikely to grow and do not need the buffer.

We see problems with the current rules requiring two times the setback from rural cemeteries. Some may have one burial per year; others have had none for 100 years but are shown on official plans even though closed by the Ministry of Consumer and Commercial Relations. We also have concerns about using the two-times factor with rural commercial that is ancillary to farm operations.

Our council is continually dealing with concerns about biosolids from Toronto—sewage sludge, if you like—being spread in our township. Our citizens and council are more concerned about this than manure. We had an exhaustive study on biosolids this winter, and current research highlights the health dangers from the pathogens not killed by digestion. If Tom is available, I have a copy of a report on biosolids for the committee.

While a moratorium would have been preferred, we are considering passing a bylaw to require a nutrient management plan before a farmer is allowed to spread biosolids. However, if you persuade the Owen Sound office of the Ministry of the Environment to require a nutrient management plan as a condition of a certificate of approval, we would not have to pass our own bylaw. Naturally we think the new legislation implementation timetable should address this issue first instead of addressing manure first.

Septage spreading on licensed sites is not a big issue with our ratepayers. It would be impossible for our Dundalk lagoons to handle all the septage produced in Southgate. We have just added significant capacity to the system but it's not designed to handle concentrated wastes from septic. The province may have to fund regional digesters to accommodate septage.

Septic operation can have a major impact on water quality. Many are outdated; others are not well managed. We believe this is the largest single source of drinking water well pollution in hamlets and other rural housing areas. Southgate is currently considering a septic re-inspection program. That, and manure management, is required to minimize the impact on water supplies and to create a better image of animal agriculture.

1020

Winter spreading of manure and biosolids will have to go because of public perception, probably more so than

because of science. Irrigation of liquid manure is questionable at best. Best management practices such as pre- and post-cultivation and spreading liquid manure on cracked clay soils or zero-tilled soils are needed. Maximum manure storage capacity is needed for safety. New feeder hog barns have a 365-day capacity and this should become the goal of all liquid systems. Farms with solid manure systems can likely live with 200-day storage because there are smaller volumes and cattle are usually in paddocks in the summer.

There is a myth that large-scale operators are bad operators—not so. Research from the George Morris Centre shows that they are better equipped to spread manure in a few days than smaller ones. When spreading, a reasonable distance to wells and watercourses must be set.

Last year, council's planning committee made a list of suggestions on manure management. A copy can be provided for your information, if you wish. I couldn't find it in my files this morning.

Groundwater monitoring around liquid manure tanks and on watercourses is an item of interest. However, the protection of wellheads may not be sufficient to be sure where contamination came from. These are great ideas, but are affordable, foolproof monitoring wells available?

The use of best management stewardship practices must be encouraged. Runoff from yards and storages is a bigger issue with conventional systems of all sizes than from liquid systems. Many family farms have cemented yards and have built retaining walls to contain seepage. However, old-timers and hobby farmers often, in full view of public roads, have done little. Progress must be made here.

Much of the phosphorus contribution from farmlands occurs from erosion. Grass waterways and grass buffer strips along ditches and creeks are a must to minimize erosion. They will also soak up some surface runoff of water-soluble nitrogen.

Stream bank erosion from livestock watering poses as much danger of nutrient overload from soil erosion as it does for damage to fish habitat that people get all excited about. Fencing is highly desirable.

How do we meet the stewardship challenge? Public financial assistance to farmers making changes for the public good with no immediate payback to themselves is essential. Infrastructure grants, such as the Wellington county program coordinated by the conservation authority, are an excellent start.

If I might change hats, I would like to make some personal comments from my experience as an agrologist. I have some concerns. Ontario farmers compete in a global economy. I believe in better nutrient management but it must be done in a cost-effective manner to allow our farmers to compete. If we want to retain the livestock industry in Ontario, its future is at stake. There are few packers left. There are no longer enough small farms to meet the needs of these packers. Hence, more large farms are essential to meet the demand. Our policies must encourage livestock retention. A major plant closure will

see livestock production move to western Canada, where it is welcomed.

The factory farm is a myth spread by animal rights activists. You cannot grow animals and plants the way you build widgets. However, farmers have adopted industrial processes for materials handling of crops, feeding systems and manure handling. There has been a huge substitution of capital for labour. They also share the industrial goal of "quality is number one." Family farms continue to dominate. Large corporations do not operate farms in Ontario. Farms are managed by families who own or borrow the capital required to operate. These farms seek market assurance. Dairy and poultry producers acquire quotas. Many crop and pork producers contract at least some of their production to assure themselves of a market. A degree of corporate control is vested through these contracts.

How will you define a corporation? A majority of large family farms have become incorporated on the advice of their accountant and lawyer. This has usually been done to accommodate additional family members, mainly the next generation. It appears that these farms will have to pay much larger fines. Is this fair?

Two-career farmers are common. Whether it be economic necessity or career choice, they will continue. The small ones, slightly larger than a hobby farm, with limited resources, will be more of a problem than a larger farm with adequate resources. Contrast a struggling beef producer with a friend of mine. He is a workaholic, driven to grow. In addition to operating a busy construction company, he grows 300 acres of cash crops and feeds 200 hogs in a modern facility. His retired father helps part-time.

My personal comments are meant to point out the diversity in the industry and to remind you that our farms are operated by families, not corporations. Your decisions can impact on the future of Ontario's livestock industry as much as on water quality. Thank you for the opportunity to share these thoughts.

The Acting Chair: We have approximately a minute and a half for each caucus and we'll begin with the PC caucus.

Mr Johnson: Thank you very much for taking the time to be here and contribute to these hearings. It would seem to me that we are doing about three things differently with manure now than we used to do. One is, as the previous presenter said, we used to compost it, and I think that's a fair thing. Another thing is we've added systematic tile drainage to a lot of crop land. And I guess the other thing is the addition of drugs which will cause pathogens in discharge. The previous presenter talked about composting and so on. Would you give me your thoughts on the other two: the systematic tile drainage and how it would accept manure, and possibly the pathogens that would be an ingredient of them.

Mr Winslade: The systematic tile drainage is a benefit to agriculture simply because you've got better soil conditions to receive manure. The only situation where it's a problem is with liquid manure or liquid biosolids.

There's hardly any difference between the two from a nutrient point of view. As far as tile drainage is concerned, it will not likely penetrate to the tile drains on any loam soil. It would have to be very sandy soil where it would penetrate that deep. Normally where there's a practice such as zero tillage, where the soil is very open and there are worm holes down into the ground, you can prevent that penetration simply by cultivating before you spread liquid manure or liquid biosolids.

The Acting Chair: For the Liberal caucus, Mr Peters.

Mr Peters: There's one point you made that really jumped out at me and it comes out partially because I come from a community—St Thomas—that composts, and we have a centralized composting facility. Every two weeks I put my big green box out and the garbage truck comes by and takes everything to the centralized compost facility. Great.

We know this is going to cost a lot of money for the farms—every farm. We've heard figures from \$30,000 to \$80,000 a farm. Maybe some of them are going to be higher than that.

You make a point about central digesters, central composters, and that was dealing with the sludge. Instead of investing all this money and telling each farm that they've got to make the improvements, is there some merit in looking at a regionalized, centralized composting area, a digesting area? The farmer trucks his liquid manure to the site, treats it, and takes a clean load back to his farm from which we know the pathogens and many of the metals have been removed. Instead of doing it on-farm, is there some merit in looking at some sort of a centralized program on a province-wide basis?

The Acting Chair: Mr Peters, you've taken more than 90 seconds to ask your question, but briefly, Mr Winslade, if you would respond.

Mr Winslade: It's very difficult to give less than a five-minute response to a 90-second question.

The Acting Chair: I appreciate that. We're in a time constraint.

Mr Winslade: But I can't do it. OK. I hate to see biosolids and manure being mixed together in the same composter. Guelph has an excellent compost system but the product can still not be sold because of the metal content in the compost to start with. It can only be spread via a certificate of approval from the Ministry of the Environment and they're currently using it to cap off their landfill site.

The Acting Chair: Next will be the NDP caucus.

Ms Churley: Very briefly, you say there are no factory farms, that they do not exist. All of us, I'm sure, have received a lot of letters from a lot of people, especially in Huron county where there have been some problems. You did mention the problem is emphasized because, if there is a spill, the bigger the farm, the magnitude is much bigger than on a smaller farm. But we have had a lot of letters from people who are saying that municipalities need to be able to have some control over the number of those large farms in their communities. What do you think of that?

1030

Mr Winslade: I am totally opposed to that. If Mr Peters's concept was ever to work, in order to make it work you would need to have a huge number of barns in a 10-mile radius, and then it might be affordable to put in composters or even to get into methane digestion because they are concentrated. That's the only reason it works in Europe, as Mr Morris suggested. It's because there are enough hogs in a small area that you can pipe it there. You can't afford to load it on a truck and take it in and truck it back. You can't even afford to truck gravel more than a couple of miles. To do it with manure doesn't make sense. It's got to be very concentrated.

I think it comes back to planning. We had better plan to keep people away from good farmland—no severances. Keep them out.

The Acting Chair: Thank you very much, Mr Winslade. We've run out of time. I know it's a subject that requires a lot of discussion. We appreciate your coming here this morning and sharing your views with the committee.

Mr Winslade: The only concern I have is that there was no coffee break this morning and I'd like to speak to Wild Bill Murdoch for a minute, if I could.

The Acting Chair: Duly noted.

GREY COUNTY CATTLEMEN'S ASSOCIATION

The Acting Chair: Our next presenter is from Grey County Cattlemen's Association; Lloyd Kuhl, director. Please come forward.

Mr Lloyd Kuhl: The Grey County Cattlemen's Association appreciates the opportunity to comment on the proposed Nutrient Management Act, 2001. We appreciate the considerable work and consultation with varied spokespeople across the agricultural sector as this act was being drafted. We hope our voice will be welcomed in the future as the guidelines are proposed.

A healthy, viable agricultural industry in Grey county which is attuned to this act and its associated regulations aimed at better environmental protection is crucial. If this act doesn't allow for agriculture to prosper, the small hamlets, villages, towns and the city of Owen Sound will be impacted. With higher standards likely to be expected of all agricultural producers in Ontario, there must be financial assistance to help farmers meet the new standards. The environmental farm plan program has been well supported by the farming community in Grey county. We support permanent funding for it, as the EFPP would be a good program for delivering funding related to new regulations for agricultural operations.

In Grey county, we have in place a nutrient management review committee with county government, public and farmer representation that reviews all proposed buildings or additions where liquid manure is to be handled. We believe committees of this type are the appropriate first step for citizens with concerns about

environmental practices on farms and for farmers wishing to expand or change their farming enterprise.

In Grey county we doubt that the Ministry of the Environment is the appropriate body to enforce this act. In the past when local municipalities and citizens have voiced their concerns about heavy metal concentrations in sewage sludge trucked from urban centers being spread on agricultural land in Grey, the MOE has overruled. They appear to view agricultural land as a safe place to spread and dilute the problem rather than as foodland where anything applied will become part of the quality food products our consumers expect and deserve. We therefore believe enforcement should be the responsibility of either OMAFRA or an independent third party.

The Grey County Cattlemen's Association is pleased that the new provincial rules defined by this act will be consistent across the province and supersede municipal bylaws. At present in Grey, and in neighbouring counties, we must deal with a hodgepodge of municipal regulations or moratoriums that affect what can be done at one location versus another.

In Grey county we have predominately small farms with less than 50 animal units and with low-density animal units per acre. These farmers are utilizing 100-year-old bank barns and pasturing is the principal use of their acreage. Most manure is dispersed as the livestock graze, with a small accumulation of dry manure during the winter months. The environmental risk from these operations is generally low. So we feel there should be a minimum number of animal units and a minimum animal-units-per-acre density before participation under the act is mandatory. As these operations are purchased by larger farming enterprises, or renovations or new structures undertaken, the required necessary documentation would be completed prior to getting the required permits.

The requirement of a licence to spread a few loads of dry manure from such operations with many acres available is a concern. The total nutrient value of the manure may be less than the fertilizer applied to some rural estate lawns each year. The requirement that all documentation and records related to this act, including management of materials containing nutrients, be kept in electronic format is also a concern. Most of our small farmers are older and don't have computers, while some such as the Amish community don't have hydro. We feel exemption for small operators is better for everyone than non-compliance supported by the view that the act is inappropriate in these cases.

Grey County Cattlemen's Association supports reducing access of livestock to watercourses. We are confident that it will improve bank stability as well as improving the water quality available to the livestock and wildlife utilizing it. In the cases of fordable watercourses such as creeks and ditches which dissect farms, functional water crossings and access to water for livestock are a necessity.

In Grey county considerable positive work has been done improving water quality in our surface water-

courses. For example, along the Bighead and Beaver Rivers, most livestock have been fenced away from the watercourse, allowing a buffer strip along the watercourse. Water-crossing zones have been stabilized using concrete slatted flooring in the stream bed so that the livestock can't disturb the stream bed when they cross. The placement of concrete slatting in the stream bed does not restrict water flow in either flood or low-water times. Crossings at the stream bed grade are less intrusive than either low-level or high-level bridging because in flood times the water flow, may wash away the bridging structure or the structure dams or reduce the water flow and the higher water above the structures erodes the banks, creating a new bank erosion problem. These stream bed crossings provide a dependable limited-access point for livestock to water without harming the banks or the water quality. Therefore they should be one of the watering options allowed because in some locations they may be the only option that is functional and dependable.

In conclusion, the Grey County Cattlemen's Association supports a continuing, sustainable, environmentally safe community for our families to live and work. The Nutrient Management Act must supersede municipal bylaws so that the requirements are consistent across the province. The guidelines and regulations must be realistic, functional, flexible and feasible so that farmers can continue to operate in a viable manner whether they are large or small enterprises. Finally, with the higher standards expected, we must emphasize that there must be financial assistance to help farmers meet the new standards.

The Acting Chair: We'll start with the Liberal caucus.

Mr Peters: This came up briefly yesterday. There are a few of us who have ridings with an Amish and Mennonite community in them, myself included. The eastern part of my riding has a large Mennonite population. You touched on the technology standpoint in dealing with this legislation. Are there any other areas—and I don't know whether you have any experience—where we're going to have to deal with cultural issues possibly as a result of this legislation?

1040

Mr Kuhl: Not that I can think of. I know that the Mennonite or Amish communities have often used religion as a basis for trying to get exemptions. I don't know.

Mr Peters: It's something we're going to have to take into consideration.

Mr Kuhl: The point that we were trying to make is that many farmers aren't computer-literate, that many don't even own a computer. To ask them to, and for the law to state that they must, file electronically like that, I think it shouldn't be in the law, that it be different options.

The Acting Chair: The next speaker is from the NDP caucus.

Ms Churley: I just wanted to ask you about the present situation. There are volunteer nutrient management plans in existence now, but because it's volunteer, as I understand it, there's no mechanism in place to make

sure that those plans are actually carried out. It seems to me that basically what this legislation is attempting to do is to make sure that what's already been in place on a volunteer level for some years is brought into legislation, and to make sure that those plans are registered and being carried out. Is that your basic understanding of the legislation?

Mr Kuhl: Not entirely. If you are in our county now and you have a nutrient management plan, you have to do soil tests every year, and every three years it's reviewed. So once you're in the plan they virtually know what you're doing.

Ms Churley: Are there people who come and check and inspect?

Mr Kuhl: We go by soil tests.

The Acting Chair: We'll move now to the PC caucus.

Mr Murdoch: Thanks, Lloyd. I certainly appreciate your brief today, and it pretty well says everything. I can't say a lot more about it. I appreciate the fact that you think OMAFRA should be looking after this, and I agree with that.

The one thing I am glad you pointed out is that if there are going to be restrictions put on farmers and things we have to do like fencing creeks and that, there has to be assistance for that. There doesn't seem to be a lot there now, so we're going to need something like that. I'm glad you emphasized that at the end, because if these rules are going to come into effect, there are a lot of small farmers who couldn't afford to do that, although a lot of people are doing it now on their own.

There's one thing that's been brought up and hasn't been mentioned here yet today on the nutrient plans. Some people have the idea that the people who are having the plan have to own all the land. So they're saying you can't rent land to put your manure on. No one's mentioned that here today, and I just wondered what you thought about that. What they're saying is that if you are going to produce so much waste, that you have to own all the land where you're going to put it.

Mr Kuhl: No, I don't believe that you would have to own the land, because one can't possibly afford to own all the land at the price of land. It's just not viable.

One thing that the committee should know is that I sit on the peer review committee for Grey county and our last plan that we did filled a binder about an inch and a half thick. So these are very detailed plans. Now, unless you bring in a different type of a plan—they're very complicated and detailed.

Mr Murdoch: As usual, Grey and Bruce counties are ahead of most of the province anyway, so this committee would be well to look at what they have to say here today.

The Acting Chair: Thank you, Mr Kuhl, for taking the time to make a presentation here this morning before the committee.

ROBERT SCOTT

The Acting Chair: Our next presenter is Robert Scott. Please come forward. Mr Scott, you have 10 minutes to

make your presentation, and that includes questions or comments from all three caucus members. Begin whenever you're ready.

Mr Robert Scott: My speech is quite short, so we'll be able to have a coffee break right after.

Good morning. My name is Robert Scott. My wife Wendy and I have been egg producers in Bruce county for over 30 years. Thank you for coming here.

I think it's fair to say that Grey and Bruce counties have led the way in calling upon the province to enact new rules on nutrient management. It seems like every resident from Teeswater to Owen Sound to Dundalk has raised concerns over the way in which we use manure and how other fertilizers are handled. Our concern stems from the tragedy, which in some cases has evolved into public outrage. Many residents now object to some farming practices and in fact have succeeded in delaying a new operation in Huron-Kinloss.

I share some of the same concerns as both a lifelong member of this community and as a farmer whose livelihood relies on a healthy and sustainable environment. It's my hope that Bill 81 will protect our natural resources and put to ease many of the concerns raised in Grey-Bruce counties.

We need clear and consistent standards to ensure that our natural resources are preserved and protected, and all farmers must conform to these standards to ensure the legislation has the desired outcome. Yet the legislation must take a balanced approach, with reasonable and achievable goals, because the future of this community, like all rural communities, cannot afford to regulate farmers out of farming. As such, the government must consider many proven practices that reflect the ministry's goal "to promote the economic development of rural communities."

As with many egg producers, I have a nutrient management plan in place. However, I recognize that this legislation will require a more formalized and universal system. Because investments will be required in education and capital improvements, it would be wise to set a minimum of five years to implement each and every practice under Bill 81.

It's important to understand that manure is not a waste product but a valuable fertilizer and conditioner of the soil. Provided that farmers handle it in accordance with a nutrient management plan, new regulations shouldn't limit the use of poultry manure based on the size of my farm. Common sense dictates that it's not how much fertilizer a farmer handles, but how the farmer handles the fertilizer.

I have lived in this community all my life. I've operated a farm for the past 30 years. I know that farmers produce a lot more than food. We produce communities. Laws that place additional burdens on farmers also place additional burdens on rural communities.

Let's focus on preserving our natural resources, promoting harmony between all residents of rural Ontario and protecting jobs in these local communities. Thank you.

The Acting Chair: We have approximately a minute and a half for each caucus. We'll begin with the NDP caucus.

Ms Churley: I liked the end of your comments, the fact that we need to try to create harmony in communities. To that end, this legislation to date will supersede municipal bylaws, and in some municipalities there's a lot of disharmony between some of the cottagers and other people who live in the area and the farm community. Judging from the letters and calls I received, in some cases it's very volatile; the people are very upset and angry. Given that, if in fact the legislation goes through superseding municipal bylaws, how do you see the community coming together and resolving some of these outstanding issues?

Mr Scott: That's very difficult. It's going to be hard to do that, but I think with hard work and if the proper things are in Bill 81, it will come together.

I live in an area where there's a strong coalition along Lake Huron. They had a presentation yesterday that you likely heard. They're very concerned about a present operation that's being proposed. I just hope they can see that we're trying our best to do the best we can, especially with this Bill 81.

1050

The Acting Chair: The next speaker is from the PC caucus.

Mr Johnson: Mr Scott, thanks very much for taking the time to be here. We appreciate your input and your presentation.

If we were to suggest that this bill takes away the voluntary part of nutrient management plans, which have been voluntary up until now, if we're saying that, how does the practice—and I don't know a lot about it. Do you have an environmental farm plan?

Mr Scott: No, I don't.

Mr Johnson: Do you know enough about them to tell me a little bit about what they are?

Mr Scott: I actually do, I guess. I've taken the course on the environmental plan and I have the sign at the gate, so I guess I have done that. The class was two years ago.

Mr Johnson: What I'm wondering is, should that be part of this legislation as well, or not?

Mr Scott: I think it would maybe be a good idea to look at it and see if there are points in there. I've forgotten some of mine; I should review it.

Mr Johnson: Maybe we should be looking at that as something in the future to add to it or to consider part of it or whatever?

Mr Scott: I think that would be a wise idea.

The Acting Chair: Our next speaker is from the Liberal caucus.

Mr Peters: I would like to go back to your point, "New regulations shouldn't limit the use of poultry manure based on the size of my farm." If there are regulations that are going to say that you've got to have this much land available to you, what is that going to do to your own operation?

Mr Scott: In my personal operation I have 50 acres and 8,000 birds. My manure goes to my brother, who has 1,000 acres. Three quarters of my manure goes to him and one quarter stays on my own farm. That's because of rotation when we do wheat, soybeans and corn, and I only put it on when I have corn. So that's how I handle my liquid manure. I've had liquid manure for over 30 years and I've had no complaints from anyone because we do look after it properly and we spread it properly. I think we do a good job.

The Acting Chair: Thank you very much for your presentation, Mr Scott. We certainly appreciate you taking the time to come out this morning.

GREY SAUBLE
CONSERVATION AUTHORITY
SAUGEEN CONSERVATION

The Acting Chair: Our next presenter is from the Grey Sauble Conservation Authority; Dick Hibma, chairman. Thank you very much for coming this morning. Please begin whenever you're ready.

Mr Dick Hibma: Thank you for the opportunity to address the committee this morning. You have copies of our presentation being distributed. I'll read through it.

We would like to thank the committee for the opportunity to make a presentation to you today. My name is Dick Hibma and I am the chair of the Grey Sauble Conservation Authority. With me are Delton Becker, who is the vice-chair of Saugeen Conservation; Jim Coffey, who is the general manager of Saugeen Conservation; and Jim Manicom, who is the general manager of Grey Sauble.

Conservation Ontario, representing the collective of Ontario's 38 conservation authorities, has made a separate submission. I generally do not propose to repeat what they have already said nor to refer to it other than to say that we support the recommendations they've put forward.

Grey and Bruce counties are covered largely by the two conservation authorities represented here today: Saugeen Valley, operating from Hanover, and Grey Sauble, located near Owen Sound. For several decades these two authorities have worked to maintain and improve the natural environments in the watersheds over which they have jurisdiction. Therefore, we feel that we should provide input to Bill 81, the Nutrient Management Act.

In Grey and Bruce counties, agriculture is somewhat different than in other parts of Ontario. We are blessed with apple orchards and row crops as well as pasture and forage crops. Generally speaking, agriculture in the two counties is less intense than in more southern portions of the province. Bruce and Grey are famous for the quality of beef produced here. The rocky nature and rolling topography of much of the two counties makes more intensive production impossible in many parts of the two counties. However, we do recognize that improvements to the way farming is carried out are both possible and

desirable, particularly where livestock are allowed free access to watercourses, where buffer strips are not always maintained along waterways and where manure is sometimes applied inappropriately.

The topography presents problems to many farmers. Steep slopes and rolling landscapes present problems for cropping and manure application. However, in some cases this is the only type of land a farmer may own.

The farmers are the primary stewards of the land and, with the proper resources, they will enhance and protect those lands because their futures also depend on their quality. Grey and Bruce counties also possess some of the best trout streams in Ontario. The waters generally are clean and cold and fast-flowing. These attributes are difficult to find in many parts of Ontario where more intensive agriculture occurs, where there is less forest cover, where watercourses are intermittent and water quality is impaired. The conservation authorities in Grey and Bruce want to protect and enhance the water resources for present and future generations.

The nutrient management legislation and the corresponding regulations must allow for educating farm and non-farm families alike about the importance of the environment and how we all are part of the problem and must all be part of any solution. We must remember that we are all connected within the watershed and that what's done upstream will have an effect downstream, both negative and positive. However, the big stick approach is often met with fear, resentment and retaliation.

Also, at the local level there is a concern about the large, intensive livestock operations that are occurring in other parts of Ontario and Canada and are now being proposed in this area. Will the soils, the topography and the present land uses be able to accommodate greater nutrient applications without impacting on the water resources, the environment and ourselves?

The conservation authorities in Grey and Bruce support the concepts and the intent of the proposed Nutrient Management Act. We have all seen, especially in the local area, the importance of clean water to our daily existence. However, agriculture is not the only source of problems for our surface and groundwater resources. Other industries, septic systems, urban stormwater and runoff, among others, also impact on water quality. In order to protect the natural environment, there must be a comprehensive provincial water policy framework that addresses this complex issue. The Nutrient Management Act and its eventual regulations is but one tool in the kit of good management.

The watershed is a vital unit to be recognized and incorporated into all water-related planning functions. A problem in headwater or source areas of a stream or in groundwater recharge areas can have a far-reaching impact on downstream users of the water resource. Such problems do not necessarily have to be the result of agricultural production. Understanding and recognizing the importance of watershed management is key to any legislation, regulation, management plans, operations and enforcement.

In addition, due to the fact that water is used and reused by a multitude of life forms in a watershed, including humans, it is important to maintain the quality from the source to the mouth of any watercourse. There is also the question of valuing water, sharing the water resource with other human users, as well as the natural environment. Whom does the Ontario water belong to? How much is that resource worth? When there is a shortage of water, who should have first call on its use? If the water resources in Ontario belong to the people of Ontario, then ensuring the quality and quantity of surface and groundwater to every resident in the province is of paramount importance. Thus there is a necessity for a provincial water policy framework in which this proposed legislation may provide an important function.

The proposed Nutrient Management Act relies heavily upon regulations which we have not yet seen. The regulators would need to recognize the need for flexibility in their content. For example, a prescribed minimum setback for the spreading of nutrients adjacent to a watercourse is appropriate, but the setback may have to be altered given the topography, soil type, vegetation, wetlands or recharge areas. Once basic requirements are established by regulation, nutrient management plans and management practices should be flexible enough to incorporate the local watershed characteristics.

The enforcement of the regulations requires knowledgeable individuals who are well acquainted with farm practices. Sensitivity to the agricultural industry as well as the environment is required to serve the total needs of society.

1100

To implement the concepts identified in the proposed act, the agricultural community will be required to undertake significant changes to their style of operations. These changes will involve major expenses on their behalf. The conservation authorities encourage the provincial government to recognize this and to embark on an extensive incentive program to assist farmers. In previous years the Clean Up Rural Beaches program, CURB, provided relief to selected watercourses that impacted beaches usually located at the mouths of the individual watercourses. The present healthy futures program will provide additional support. The counties of Bruce and Grey, in conjunction with the local conservation authorities, are currently applying for this program.

However, for the extent of the work necessary, there is insufficient time remaining in the program to implement the improvements required. The healthy futures program or a similar program should be offered for a minimum of five years before enforcement activities begin. This would give farmers an opportunity to receive financial assistance to undertake nutrient management plans and other corrective measures. In addition, any such program should be easy to access and implement without unnecessary hurdles for farmers or program sponsors to overcome.

Since conservation authorities are local, grassroots resource management agencies established on a water-

shed basis, we see ourselves, as local organizations, able to assist the provincial government, municipalities and the agricultural community in implementing some aspects of the legislation. We are presently working with the Ministry of the Environment to set up groundwater monitoring stations. In previous years we have collected surface water samples, also for the MOE. In addition, we are charged with certain drought-related functions, as well as flood warning responsibilities. Our knowledge of the watersheds over which we have jurisdiction is significant and our knowledge of the local community is an important component of our operations.

That's the conclusion of our presentation. Thank you for the opportunity to present. At this point I'll be pleased to answer any questions.

The Chair: As far as questions, Mr Hibma, we have a little over two minutes for members of each caucus. We'll now in rotation go to the PCs.

Mr Murdoch: I thank Dick for his presentation. I appreciate what you have to say in there and the cooperation that we get in Bruce and Grey counties from the conservation authorities.

I think you've said pretty well everything in there that we need to know. I really don't have any questions, other than that I appreciate that and hope we can rely on the expertise of the conservation authorities when it comes to the regulations.

I am hoping that they go back out for consultation and that both conservation authorities that are here today look at them and make sure you get your comments in to us. because. Having been on the Grey Sauble Conservation Authority for many years, I know what they do there, and we need your expertise to help with the water quality of our area. I just want to thank you for that. We appreciate all the work you've done.

Mr Hibma: Thank you, Bill.

Mr Peters: Thank you for your presentation. I'm going to put a question back to you that you posed to us because I think it comes down to the crux of it: will the soils, the topography and the present land uses be able to accommodate greater nutrient applications without impacting on water resources, the environment and ourselves? What is the answer to that? If we don't know the answer to that, what should we be doing to get the answer to that question?

Mr Hibma: That goes to the point we make about the enforcement. It has to be very solidly knowledge based on the local situation. Every farm property has a different capability for nutrient management. Therefore, any nutrient management plan has to be situational.

Mr Peters: What do we need to do to get that answer?

Mr Hibma: You have to work very closely with every operator, and the regulation enforcement people have to work very closely with those people. They need to be knowledgeable about the local area, the local soil structures, the local topography. If you have hard-packed clay soil, you have significant runoff problems no matter whether it's dry or wet; the soil is not going to absorb what you're spreading there. If you had very porous

sandy or gravel soil, you're going to have a lot more seepage down through, which affects the groundwater. Both aspects and all of that range of soil types in between those need to be considered, and those can vary significantly even within a small municipality. So it has to be very much fact-based, in-the-field, planned development and planned regulation and enforcement; very much in the field, knowledgeable people working very closely with the people who are developing these plans and putting them in place. It can't be done from a central location without being in the field.

Ms Churley: Thank you for your very thoughtful presentation; it was very good. We're here today I think in large part because of what happened in Walkerton, and this is one of the responses, to try to make sure that it doesn't happen again. But we're hearing repeatedly from some, and it's my opinion as well, that this is only—and I think you said it—part of the answer.

I would like to ask you, in such a short time, what do you think the other parts of the answer are? We know that finally there's a groundwater study being done; it's going to take some time. The Walkerton commission will report soon, and there will be recommendations from that. Certainly you have a role to play because of your knowledge of the watershed. So in a nutshell, what other pieces do we need to be looking at here?

Mr Hibma: From my perspective and shared by the people behind me, a comprehensive water policy statement must come forward from the province and it must tie all of the pieces together. We're talking about a nutrient management plan, and I'm saying that has to be in the field. It must be very locally based. At the same time, we have legislation in place now and enforcement of acts now that are having a major impact on the number of wells: communal wells, small community wells that are being kept up, or not, and the drilling of many individual household wells as a result of communal wells being closed down because of the cost that's being put on them.

We're going to have groundwaters that are going to look like Swiss cheese, introducing so many more opportunities for contaminants to get into groundwater. If we continue to have ad hoc legislation being introduced and enforced without a comprehensive policy statement that says it all has to interrelate and tie together, we will compound one problem while trying to address another. So we cannot stress strongly enough the need for that comprehensive water policy statement and to tie all of the pieces together in every action instead of an ad hoc approach to this.

Ms Churley: So ultimately, once that's completed and the recommendations come from the Walkerton inquiry, this legislation would have to be part of it, but could in fact have to be changed again, depending on what the results of those recommendations are.

Mr Hibma: Very much so.

The Chair: I want to thank Grey Sauble Conservation Authority for coming before the committee. We appreciate that.

1110

SIMCOE COUNTY
FEDERATION OF AGRICULTURE

The Chair: From our agenda, our next delegation scheduled is the Simcoe County Federation of Agriculture. Good morning, sir.

Mr Keith Currie: Good morning. On behalf of the Simcoe County Federation of Agriculture, I'd like to introduce myself as Keith Currie. I would like to say good morning to all the honourable members and appreciate your giving me and the county federation of agriculture in Simcoe the opportunity to speak before you.

I was a little late coming in this morning. I was told to prepare a number of copies. I'm not sure whether I'm to hand them out later or—

The Chair: The clerk will pick those up, and you just may want to proceed with your presentation.

Mr Currie: The Simcoe County Federation of Agriculture would like to express our gratitude for the opportunity to share our views on the proposed Nutrient Management Act, Bill 81. With a member base at over 1,700, the Simcoe County Federation of Agriculture represents farm family members in all types of agricultural operations within the county of Simcoe and is their voice, not only to the ratepayers and legislators of the county, but is the local voice for our parent body, the Ontario Federation of Agriculture.

No sector of society is more aware of the environment and what their activities can do—to everything from the air we breathe, to the water below the ground which we use on a daily basis—than the agricultural community. It is for that reason that some members of the farming sector may feel insulted and offended that they will be forced by legislation to comply with someone else's rules. However, the majority of the farming community understands that such legislation will not penalize certain members for living in one county or township versus another where current rules and regulations are maintained by local municipal councils, conservation authorities or driven by local public perception or personal agendas. A province-wide set of rules means fairness and equality across the board. It will also serve to show the general public, who have become increasingly aware of the potential agricultural impact on the environment, and in particular on sources of drinking water, that farmers are doing everything possible to minimize and eliminate those impacts.

Legislation such as Bill 81 could have a greater impact on farmers than anything they have experienced in the past. As people who take great pride in land stewardship, many, if not all members, will be on the defensive when it comes to nutrient management and its legislation. The Simcoe County Federation of Agriculture and its membership support, in general, the proposal of a Nutrient Management Act.

Many farmers are concerned that the bill as it currently reads does not identify the particular ministry that will be responsible for administering this act. It is important that the responsible ministry is competent in agricultural matters and employs enforcement officers who also demonstrate the same competency. It is the belief of the Simcoe County Federation of Agriculture and its membership that even though several other industries will be affected, the primary target of Bill 81 is the agricultural industry. Therefore, it is our belief that the Ministry of Agriculture, Food and Rural Affairs must be identified as the ministry responsible for the administration and enforcement of Bill 81. The Simcoe County Federation of Agriculture recommends that OMAFRA be the sole body responsible for administering Bill 81 and, as such, should not be allowed to delegate any responsibilities to agencies or persons outside of the government. Therefore, it is our recommendation that clauses 2(1)(c), 3(1)(c) and 4(1)(c) be excluded from Bill 81.

Similarly, the Simcoe County Federation of Agriculture also believes that the government of Ontario should not be permitted to outsource tasks such as those outlined in clauses 55(1)(a), delegating power for the establishment, maintenance and operation of a registry; 55(1)(b), the review of any nutrient management plans or strategies; and, 55(1)(c), the issuing, amending, suspending or revoking of certificates, licences and approvals.

As was previously stated, Bill 81 will have a huge impact on this province's agricultural industry. As a result, it is imperative that any development of regulations and standards must include input from the entire agricultural community and that the ultimate standard is having nutrient management plans tailored to the location where nutrients are applied. Therefore, it is critical to address by legislation the important role local nutrient management advisory committees will play in addressing nutrient management concerns.

It is also critical that OMAFRA take a lead role in advising farmers of any and all standards and provide the necessary training related to those set standards. There is also no question that the provincial government must make financial assistance and incentives available to farmers who will be required to upgrade their existing facilities in order to meet set standards.

While the proposed nutrient management legislation provides for the right to a hearing by tribunal, the Simcoe County Federation of Agriculture believes it is essential that such hearings ensure that the Environmental Review Tribunal be composed of individuals who have been trained in nutrient management to ensure familiarity with normal farm practices.

In order for Bill 81 to be effective, the monitoring of nutrient management plans is essential to ensure farmers are being compliant with the legislation. To reassure society that the farming community is successfully doing its part to protect the environment, there must be a proper system in place to verify that they are complying with set rules. For this to occur, periodic inspections must take place. The conducting of inspections, as well as

enforcement by one provincial agency, would provide a better level of consistency than if responsibility were given to a multitude of local authorities.

While provincial agencies must be given the freedom to conduct random audits and/or inspections, it is imperative that biosecurity protocols be established within the farm community and adhered to by the appointed inspecting agency. The Simcoe County Federation of Agriculture also insists that any inspections tied to criminal investigation be done with the acquisition of a warrant or court order. Any entry without warrant or court order should be justified only in the event that there is danger to human health or safety, property or the environment, and should be done through the Environmental Protection Act, not Bill 81.

The Simcoe County Federation of Agriculture suggests that the legislation should establish a process that clearly lays out that random inspections serve to help producers determine what part of their operations are compliant and those that are not. We recommend that the issuing of an order only be given to individuals who, within a reasonable amount of time, refuse to correct a situation. This could be determined by a follow-up visit at that time. Should refusal to comply occur, the Simcoe County Federation of Agriculture would support monetary penalties that are appropriate.

The Simcoe County Federation of Agriculture would support a director's decision to assess fines if an order to correct a situation was issued and not complied with in a reasonable time period, or if a director issued work to be done by a third party and the costs to be incurred by the individual or individuals at fault, providing that an adequate appeal mechanism is in place.

For Bill 81 to be effective, the threat and follow-through of fines for non-compliance is essential to the establishment of the legislation's validity. The Simcoe County Federation of Agriculture agrees with this concept under the provisions of an adequate appeal mechanism. It is essential that a set guideline for fines be established so that said fines sufficiently suit the punishment and are neither too severe nor too lenient.

Bill 81 enables the minister to delegate powers and duties relating to the establishment of a registry, review of nutrient management plans, issuing of certificates and approvals and conducting prescribed work other than inspections and enforcement. It is crucial that these elements of the legislation be administered by a provincial agency to ensure province-wide consistency. The Simcoe County Federation of Agriculture insists that the most effective way to guarantee this consistency, while maintaining the best interest of the agricultural community, is to have OMAFRA as the overseeing body.

The Simcoe County Federation of Agriculture recognizes that the decisions of the Normal Farm Practices Protection Board have always been site-specific and understanding that normal farm practice varies across the province, particularly with respect to proximity to areas populated by non-farm residents.

Section 62 of Bill 81 deals with amendments to the Farming and Food Production Protection Act, 1998. The Simcoe County Federation of Agriculture recommends that under subsection 62(1.2), that an amendment to the Farming and Food Production Protection Act indicate a judge "may" refer the determination of a normal farm practice to the Normal Farm Practices Protection Board, be changed to a judge "shall" refer the determination of a normal farm practice to the Normal Farm Practices Protection Board. This change will ensure that the best interests of farmers will be addressed by an appropriate body.

Ever-increasing input costs, combined with low commodity prices, have put an enormous strain on the livelihood of our province's farm community. As a result, farmers today have to be extremely efficient in all areas of agriculture, and in particular, crop production. Global positioning systems and yield tracking devices in our combines, along with thorough soil testing, are used by government-certified crop advisers to help farmers determine what's been taken out of the soil from the previous year's crop, what's still left in the soil and what needs to be added to assure a properly balanced, economical fertility program. In many farmers' minds, this legislation threatens their experienced ability to make proper nutrient decisions freely.

Currently, there is a considerable level of confusion and fear in the countryside pending the arrival of this legislation and its regulations. In particular, livestock farmers feel very threatened by Bill 81. While it is necessary for large livestock operations to have proper facilities for manure storage and handling, they must also have an adequate land base to apply manure generated by their operation. However, many small to mid-sized operators are fearful of the possibility of forced downsizing if their herd size does not meet the required animal unit per acre number set out by a committee of urban planners in a downtown Toronto boardroom.

The Simcoe County Federation of Agriculture commends the government of Ontario for their development of nutrient management legislation. The implementation of Bill 81 will not only enhance society's confidence in our provincial food production, but instill confidence that the farm community is doing its part in the protection of the environment.

Farmers will do their part to comply with new rules outlined in the bill, but it will not happen without great economic stress and hardship for many of them. Therefore, the Simcoe County Federation of Agriculture is insistent upon the government's establishment of a transition funding program to be launched at the same time that nutrient management regulations are introduced.

The Simcoe County Federation of Agriculture suggests that the government of Ontario must make it clear that the intent of the Nutrient Management Act is to map out for farmers standards they will be expected to meet, and to assist them through training and other means. We strongly believe that the proposed Nutrient Management Act should be given the ability to promote education and

awareness with respect to the application of nutrients to agricultural land and that this must take precedence over its regulatory component.

1120

The Chair: We have about one minute for each party. We'll begin with the Liberal Party.

Mr Peters: Thank you for the presentation. Part II of the act, when the regulations are set, is going to deal with the time in which materials and nutrients can be applied to the lands. There has been some talk of setting a calendar date as to when timed nutrients can be applied to lands. Quite frankly, I think there's a big difference between Simcoe county and Essex county. What are your thoughts on a calendar date for when nutrients can be applied?

Mr Currie: I think, in principle, that will work, but what needs to be done—and as I've mentioned in this brief—is the establishment of local advisory committees, not so much to set or enforce rules, but to simply advise the governing body of what works in their area. I think what has to take place through those committees is a lot of common sense, obviously.

As you mentioned, Essex county, of course, has a much earlier spring start time than, say, Simcoe county or even farther east. To set a specified calendar date I think could be very limiting. You take this spring, for example. There was no runoff. The snow was gone very quickly. People were on the ground very early, yet if a calendar date, say, of May 1 or May 15 had been set, a lot of people would have been sitting waiting, doing nothing, trying to get their nutrients on the ground.

While I think a calendar date is a good guideline, I don't think it probably would be effective if it were to be a regulatory method. I certainly do think it's an extremely good guideline to use, depending on a little bit of variance throughout the province, as you suggested. But to use it as the sole set of rules, I don't know that that would necessarily work from year to year.

The Chair: We'll go to the NDP.

Ms Churley: You mentioned financial assistance and incentives a couple of times, and certainly I would say that we need to bring back the CURB program—Clean Up Rural Beaches—or something like that, and of course there's healthy futures, which needs to be expanded. But this is a concern, I think, to all of us, that in order for this thing to work, there needs to be some resources attached. We haven't even gotten to what that means yet on the committee, but it seems to me that there's going to be a fairly large substantive investment needed by the government to make this work. Do you have any further comment on that?

Mr Currie: Obviously, in my opinion, one of the major targets of this legislation are livestock farmers. For the most part, I think they are generally pretty responsible. As we've seen this week, there's always a bad apple in every bunch; you can't get around that. However, I think the fear is out there—and it's a legitimate fear—that we really don't know how much teeth this legislation is going to have as far as really restricting,

regulating and controlling people's operations, in particular when it comes to manure storage, for example.

I know there are a lot of people who are afraid that it's going to cost them a lot of capital expenditure money to get their particular operations up to speed, so to speak. How that's achieved is a tough question because this legislation certainly doesn't deal with any financial matters, it deals strictly with the application of the Nutrient Management Act. That's something, I guess, that perhaps the government or your committee maybe needs to look into more, in order to advise the government on what they need to do as far as getting financial assistance out to farmers.

I know conservation authorities across the province have had healthy waters and healthy futures programs which have been very helpful. However, their funds, in particular to nutrient management, have been limited because they cover such a broad spectrum of categories. They have to delegate money to all categories, so therefore their money to nutrient management in particular is quite limited. However, that is an attitude, Ms Churley.

The Chair: We should wrap this up. OK. I'll go to the Conservatives.

Ms Churley: We'll explore it another time. Thank you.

Mr Murdoch: I'll be short. Thank you very much, Keith, for bringing over your presentation. We appreciate it.

We've heard from a lot of different farm organizations and I'm hearing about four key areas. One is that most of them agree in principle with this law, if they get a chance to have some input into the regulations, and I think that's key. The other one is that you want OMAFRA in charge. I'm hearing that from all the rural presenters, and also that there has to be compensation if these rules are going to be. So I would think those are the four: principle, regulations, OMAFRA in charge and compensation. Would you agree with that?

Mr Currie: Yes. The OMAFRA issue is a key one simply because they were the ministry responsible for developing this act, putting it together through Mr Hardeman's and now Mr Coburn's office. There's a lot of fear out there that the Ministry of the Environment is going to be the overseeing body and the fear is that they're going to come in with—for lack of a better term—a Gestapo-type hand and lay down the law with really no knowledge of the true farming community like OMAFRA has.

Mr Murdoch: They seem to be doing that in our water systems right now, so we certainly don't want them doing the same thing.

Mr Currie: They would only be doing their job so, to speak—

Mr Murdoch: There's a way of doing it.

Mr Currie: —but I think OMAFRA is much more knowledgeable on the agricultural community and that's why the push is for that.

Mr Murdoch: Agreed.

Mr Currie: And province-wide consistency so that this township doesn't have a set of rules different than the next township.

Mr Murdoch: Good.

The Chair: Thank you, Mr Currie. We appreciate the Simcoe county federation coming forward.

Mr Currie: Thank you very much for your time.

CITIZENS ACTIVELY REPRESENTING ENVIRONMENTAL SECURITY

The Chair: Our next delegation on the agenda is Citizens Actively Representing Environmental Security. I'd ask the representative to come forward. Good morning. We have 15 minutes. We'll ask you to give us your name for Hansard.

Ms Kathy McCarrel: Good morning. Ladies and gentlemen, my name is Kathy McCarrel and I live in the municipality of Saugeen Shores in Bruce county. As spokesperson for CARES—Citizens Actively Representing Environmental Security—I speak to you today on behalf of all Bruce county citizens concerned by the influx of large-scale intensive livestock operations into our Saugeen and Maitland watersheds. We wish to thank our provincial government for recognizing this as a serious health and environmental issue by organizing these forums.

The primary goal of CARES is to create awareness in our community of the issues surrounding intensive livestock operations that jeopardize the environmental, as well as the social and economic, fabric of our area. Our mission statement declares: "We defend the right of our natural resources to exist, so that we may preserve: the beauty of the Saugeen river system where we canoe and kayak, our clean beaches that we swim and picnic at, the clean waters that we fish, the clean wells from which we drink and the clean air in which we enjoy our sunsets."

I have lived in Bruce county for 30 years. As an amateur photographer and sports enthusiast, I deeply appreciate the pristine beauty of our majestic rivers, our sandy beaches and our rural landscape. Regrettably, I fear that we are at risk of losing these natural riches as they become overshadowed by the interests of corporate agriculture.

It is recognized that, since the Walkerton E coli tragedy, positive steps continue to be taken with regard to water quality: a \$6-million provincial groundwater monitoring network was announced in October 2000; a \$15-million federal water management research project was launched in March 2001; \$10 million was made available to municipalities last month from the province for groundwater studies; and now Bill 81, the proposed Nutrient Management Act, appears to be moving toward a positive solution to the liquid manure problem in Ontario, be it ever so slow.

We ask why OMAFRA have been seemingly dragging their feet on this issue for the past four years. At a Toronto conference earlier this year, David Schindler, a former researcher with the Department of Fisheries and

Oceans, stated, "Considering its importance to all life on earth, it is strange that freshwater has been our most mistreated and ignored natural resource. As we have less water to work with, we're trying to squeeze more pollutants into it." As if to demonstrate this, I read the following headline in the Ottawa Citizen last month: "Canada: The World's 'barnyard': Canada taking massive pig farms that are too dirty for Europe." At a time when the Dutch government is paying its intensive livestock operators to shut down because of their manure problems, we question why OMAFRA failed to address the issue of liquid manure prior to setting out the welcome mat.

1130

Gord Miller, Ontario's Environmental Commissioner, voiced concern in July 2000 that since OMAFRA's primary client group is the Ontario farm industry, did this not pose a direct conflict of interest for this ministry to take the lead in drafting manure management legislation? He further recommended that the security of drinking water fall under the mandate of the Ministry of the Environment.

The fact that OMAFRA continues to recognize intensive livestock operations as a normal farm practice under Bill 146 further supports our claim that a conflict of interest resides within this ministry. Therefore, due to the serious link between agricultural practices and water quality, we recommend that Bill 81 clearly establish the Ministry of the Environment as the ministry responsible for regulating all intensive livestock operations in Ontario.

It would seem that OMAFRA has given almost exclusive reliance on nutrient management plans as a means of ensuring that intensive livestock operations do not negatively impact the environment. While they are an appropriate tool for use in matching manure application rates to crop requirements, nutrient management plans are not capable of preventing ground and surface water degradation. Too much emphasis has been placed on nutrient management plans within Bill 81, and too little emphasis on environmental risk assessments.

A report prepared by Dr Michael Goss for the Walkerton inquiry indicated that because there are so many different types of manure, fields and weather conditions, it's "impossible to predict precisely what will happen to manure under any given set of circumstances." Therefore, nutrient management plans will not account for the mobility of pathogens in animal manure nor their ultimate destination.

We request that the new legislation recognize the need for mandatory environmental assessment for new intensive livestock operations. There is currently no requirement for potential environmental impacts to be assessed through the current nutrient management planning process. We are certain that if the Ministry of the Environment were to assume the lead role of regulating the intensive livestock industry, environmental risk assessments would play a key role in regulating this industry.

Instead, we find that OMAFRA effectively guarantees protection for corporate agriculture under Bill 146, which

basically ensures that environmental assessments will not be required of them. OMAFRA's concerns for the potential impacts of intensive operations are described in Bill 146 as "activities that may cause discomfort and inconveniences to those on adjacent lands." We suggest that the impacts of large-scale intensive livestock operations go far beyond mere inconveniences, that there is a very real potential for nutrients and pathogens to get into our watercourses when liquid manure is applied on tiled land, and that such hazards be properly identified through environmental risk assessments. This would go a long way to addressing the concerns of the surrounding community.

To blatantly ignore environmental risk assessments would clearly show that policy-makers are deliberately turning a blind eye to the following glaring facts:

(a) The Upper Thames River Conservation Authority released a report in November 1999 stating that liquid manure, applied in accepted quantity and under ideal conditions, is leaching through cropland into field tile in the highest amounts within 30 minutes, finding its way into streams and rivers. Researchers noted that it is evident that soil is not uniform and that instead, it is channelled with worm and root passages leading to field tile.

(b) Dr Michael Goss's report to the Walkerton inquiry stated that the most frequently reported type of manure spill in the province are running field tiles.

(c) Tile drainage installation jumped from 53 million feet in 1985 to an estimated 152 million feet in 1999. That's 30,000 miles of tile in one year. The Tile Drainage Act provides loans to farmers for the installation of tile with a \$12-million budget.

The Ministry of the Environment must assume the lead role to develop these new regulations in order to ensure that proper environmental risk assessments become mandatory for the siting of intensive livestock operations. Furthermore, Ministry of the Environment expertise must be utilized to find solutions to the problems posed by the agricultural practices of tiled land and the handling of raw liquid manure.

Statistics Canada data indicates that the country's highest concentration of manure is in the Maitland River watershed. This is an area where a new livestock barn came into production every 10 days in Huron county between 1996 and 2000. While a strong, common set of provincial regulations should set the bar high in terms of environmental responsibility, our concern is that a one-size-fits-all solution will not be strong enough to meet the diverse needs of different communities such as those of Huron county. Municipalities must be given the ability to balance the unique needs of their community by giving them the authority to further strengthen rules governing environmentally responsible farm practices.

At a recent conference, Gord Miller, Ontario's Environmental Commissioner, emphasized that it should be recognized that the agricultural landscape across Ontario varies greatly and that "General rules across the landscape are something we need to avoid." Yet with

OMAFRA in the driver's seat steering this process, we question if this ministry is capable of stepping aside so that municipalities such as West Perth, for instance, are able to restrict the number of animals allowed on a single site. This township believes it is easier to limit pollution by stopping the growth of mega-barns. The Ontario Municipal Board agreed not only that the actions taken by this municipality were valid, but that these elected officials actually had an obligation to do so to protect the interests of their citizens.

In the Bruce county official plan dated April 1997, section 5.5.11 states, "The establishment of large-scale intensive livestock uses can pose a threat to the environment due to possible pollution from livestock-waste handling systems. To ensure the protection of the natural environment, municipalities may establish regulations in their zoning bylaws to restrict the location and intensity of new intensive livestock uses." If Minister Coburn truly believes that Bill 81 will address citizens' concerns and safeguard our environment, then he must ensure that this legislation does not obliterate our local bylaws that recognize local needs and that provide increased environmental protection. To fail to do so would continue to cast doubt as to the appropriateness of OMAFRA as the lead ministry.

In closing, I wish to point out that OMAFRA would have you believe that the concerns of citizens' groups like CARES stem from a rural-versus-urban conflict. Minister Coburn referenced a population shift in his statement to the Legislature on June 13, 2001, stating, "More people are moving out of the cities and into the countryside." However, the fact is that in Bruce county, the Bruce County Federation of Agriculture, a group representing our rural farmers, has also voiced concerns regarding large facilities using liquid manure. In a letter to the Kincardine council dated August 22, 2001, the president of the Bruce County Federation of Agriculture stated, "Should you decide to place restrictions on liquid manure livestock facilities, you will be doing so with the support of the majority of your rural community." Our farming community has concerns, as do the voting public.

We anticipate that Bill 81, the Nutrient Management Act, will represent the interests of the many and not just the few. Developing nutrient management legislation has been and continues to be a long, drawn-out process. In the meantime, enormous livestock facilities continue to pop up all along our rivers in Bruce county. The genie is out of the bottle. We fear that your solutions may arrive all too late. We suggest that you stop consulting and get on with the task at hand. Thank you.

The Chair: Thank you, Ms McCarrel. That leaves us about 30 seconds for a very brief comment from each party. We'll begin with the NDP.

Ms Churley: I don't have time for a question, so I'll just say I share some of your concerns about this legislation in that it doesn't deal with the intensive livestock issue and it will take power away from municipalities to be able to tailor what we need to see as minimum

standards, with municipalities able to enhance those as necessary.

I think what we need to do is have a look at the existing information from Europe and the States where there have been spills and the kinds of problems there have been with intensive farms and go from there because, as you said, that issue is not addressed in this legislation. Thank you.

1140

The Chair: Thank you. Over to the PCs.

Mrs Tina R. Molinari (Thornhill): Unfortunately, there isn't time for the question and response, so I will just make a comment and ask you to ponder it.

During the process of the committee hearings we hear varying views, of course, with the subject at hand, and Bill 81 at this point. Your view is quite different than some of the others that have been expressed as to which ministry should be responsible for it. Our job in bringing this forward is to try to accommodate and listen to the requests. Obviously we can't please everyone, so what I ask you to consider is if there is a possible compromise between the Ministry of the Environment and OMAFRA working together in the process and implementation of this legislation. I think it's key. They're both important. It's just a matter of the roles that each of them plays in the implementation of this, so I ask you to consider a possible compromise.

The Chair: Thank you, Mrs Molinari. The Liberal Party.

Mr Peters: Had the government followed its agenda, we wouldn't still be consulting; we would have been dealing with this a year ago. We've lost a whole year.

Could you please define for me—you used it twice in your presentation—corporate agriculture?

Ms McCarrel: I think of corporate agriculture as what we see popping up in Bruce county. It's the hog industry that's moving in, infiltrating our area. As a definition, intensive livestock is 150 animal units or greater, so I would leave it at that.

The Chair: Thank you, Ms McCarrel. The committee appreciates the presentation from CARES.

BRUCE COUNTY CATTLEMEN'S ASSOCIATION

The Chair: For our next agenda item, we would call forward the Bruce County Cattlemen's Association. Good morning. I'll ask you to identify yourself—I think a lot of us know who you are—for the purposes of Hansard.

Mr Stan Eby: Thank you, Mr Chairman, members. My name is Stan Eby. I'm a farmer in Kincardine township, the municipality of Kincardine, a beef operation. I work with my son.

Just as a comment from the last speaker, I've had about 27 years of experience with liquid manure in our operation and on tile-drained land, with good results and no complaints from the community.

I'm here to represent the Bruce County Cattlemen's Association on this Nutrient Management Act. I certainly appreciate the committee travelling the country to get input, and hopefully meaningful input will result. I'm also a director from Bruce county to the Ontario Cattlemen's Association and am involved with the Canadian Cattlemen's Association.

Bruce county is a major livestock production area. In the last census there was in excess of 1,850 farms that have beef cattle. With major shorelines in the county, Lake Huron on one side and Georgian Bay on part of the other side, and seasonal and permanent residents all the way around, this act will have major effects on how we operate as a livestock industry in the county.

Bruce County Cattlemen's Association is pleased to see the provincial legislation coming forward and the consultation that goes with it. Our major concern is that agriculture, and in particular livestock agriculture, must have a viable future in this province. It's a major engine to the economy. Beef sales in Ontario, farm gate value, are about \$1 billion. Take the spinoff of whatever factor you want and you can see it's a major engine to the economy.

Livestock agriculture is also sensitive to being singled out regarding water quality. There's a big investment by our producers in the industry, and we feel somewhat concerned that people with no investment in the industry seem to be making a number of the rules. Agriculture has been proactive with the environmental farm plans, nutrient management plans, best management practices. One of the concerns we have here in the county is that the Nutrient Management Act should just be a forerunner to a comprehensive water quality and safety act for this province. I think it's very important that such an act would encompass all water quality and water safety issues.

We also feel there should be a means of evaluating the improvements made by this legislation. Have we got baseline data of where we're at now? Can we evaluate what this legislation has done for us in 10 years' time? I think it's very important that we consider this to have some kind of yardstick on the investment we make in it for the returns.

We approve of all nutrients being included under the act. This is a major move. Many livestock operations in this area and across the province have had nutrient management plans, some more formal than others. As the regulations are developed, we feel they must have a practical intent and they must be workable, therefore reducing the enforcement requirements. It's well understood what we're trying to do here. I'm sure agriculture will pitch in and do their share.

We feel any regulations that are developed must have an economic and environmental impact analysis prior to coming into force. They also must be based on science, not on emotion. We have to have good information to base these regulations on. We can think of intensive livestock—the word “intensive” gets kicked around a bit. What is intensive for the land base? Those are the types

of things where we have to be very careful that we don't tend to squeeze operations out of business.

Above all, these regulations must supersede municipal bylaws. We cannot live in a province with a checkerboard of regulations and operate as a competitive industry on a national and global basis.

On the implementation, I think we should consider a phase-in, but if we're truly interested in water quality, all should be brought in in as short a period as possible.

We've also got a concern about wildlife. When we're talking nutrient management, we talk about disease, that type of thing. We have one of the largest deer populations and waterfowl populations this province has ever had. As livestock farmers, where does this fit into the equation? Some of our people have deer yarded up on their property, upwards of 100 deer. It's certainly a concern in this overall nutrient management planning.

I believe one of the other presenters mentioned biosecurity. That's a major concern of people, inspectors inspecting properties. I'm sure that will be addressed.

Financial investment I think is very important. I believe everybody else has mentioned some type of financial package, and we in Bruce county consider that would be an investment by the province for the good of the public.

Cattle access to watercourses: if we make some arrangements to limit access of livestock to watercourses, fencing is not the only option; there are other options there. We would consider a land payment to take that land out of production or a reduced assessment on that strip of property as areas to look at.

As we look at this overall package, what are the costs going to be to the producers? As I mentioned at the outset, we have to have a viable future.

Liability insurance comes with all farm policies, pollution liability. With the Nutrient Management Act, I'm quite certain that the cost of liability insurance for farmers will increase. It's an area that I think we have to consider in some of our impact analysis. We see our taxes going up, our insurance costs going up. It just squeezes us out of existence.

We in Bruce county also agree that OMAFRA should be the lead on this, realizing that they have not got enough staff, that the environment ministry will have to be involved. But I'm sure a good co-operative effort can be made.

In the end, we must strike a balance between viable agriculture and environmental sustainability.

I thank you for the opportunity to address these rather general points to your committee.

The Chair: Thank you, Mr Eby. We have just under two minutes for questions from each party. We'll begin with Mr Murdoch.

Mr Murdoch: Thanks, Stan. I appreciate you coming over today and giving us those thoughts. I think you're pretty well on what most of the farm groups have said here today, or most of the people have said here today.

I was going to ask you, if you hadn't said right at the end there, who should look after this, but the compensation has to be there also.

How important is it with the regulations now that we get the input back, that we go back to the community that is going to have to live with these regulations? Do you think that's very important before they're finalized?

Mr Eby: Well, I think the impact analysis can be responded to by the various commodity associations and be saleable to the communities. Like I mentioned, if the intent is reasonable, the program can be sold.

The Chair: To the Liberal Party.

1150

Mr Peters: Thanks, Stan. As past president of the Ontario Cattlemen's Association, I know that you've been involved in this issue and you certainly are going to continue to be. You've just touched on it in responding to Mr Murdoch and you touched on it at the end of your own presentation, and that's the economic impact. Do you have any inkling, just from what you've heard discussed and possibly read, of what potential economic impact there could be on the cattle industry in this province? If there is going to be an economic impact study done, who should do it?

Mr Eby: There will be an economic impact to our industry. I guess I have to back up a wee bit. The cattle industry has shrunk in this province. The beef cattle industry has shrunk over the last number of years by about a million head. So we're not as big as we were before. Cattle running on pasture, cattle in confinement; we've got two different situations there. The impact of environmental controls like manure storage, the value on that; livestock access to watercourses, a cost for doing that. To come up with a figure—I know that's been discussed with some of the groups but there has been no consensus on a number. But it's large.

Ms Churley: Thank you very much, Mr Eby. I agree with some of your comments and disagree thoroughly with some of your other ones. I certainly agree with your suggestion for a more comprehensive bill to deal with the watershed.

The more I listen to deputations, I think I'm becoming convinced almost that this legislation as proposed should be scrapped, in terms of what we've heard from farmers about the huge cost implications and the amount of infrastructure that's going to have to be set up to deal with this. Yet we're being told by many that it's not going to solve the biggest problem that we have. We're hearing so many conflicting views on how this should be handled. It's my view that should it be handled the way that most of the farm community and you suggested, it should be scrapped because it just won't at all deal with the issues that we need to be dealing with.

I believe that if the bylaw power for municipalities is completely taken away all hell is going to break loose in some of our communities. One of the things that we're hearing different views on is what's called intensive livestock farms. I wonder, because we're hearing such conflicts—we know there have been problems in Europe and parts of the States—should we have a task force to look at the implications of more and more intensive livestock farms coming into our jurisdictions, to find a way

to be able to look at all the facts surrounding it and try to come to grips with it? I just don't believe, from what we're hearing and the letters I'm getting and the telephone calls, that the issue is going to be resolved or go away.

Mr Eby: I guess you and I could have quite a discussion on this. One of the major concerns that we've got here in this country—not in this province or this location—is the cost of food. You're eating way, way too cheap. My margin as a beef operator is less now than what it was 20 years ago. I'm trying to survive and produce cheap food, and these regulations have the potential of putting me out of business. Are you prepared to spend 30% of your disposable income on food? Maybe we should have a task force on that. We're being squeezed pretty hard here.

Ms Churley: Yes, I'm aware of that.

Mr Eby: What's intensive? Intensive is a word that we use rather loosely. There should be some tie to a land base or a land base available on things. The reason that we're producing food the way we are—why do we do it that way? People go to the cheapest place they can buy food, whether that's Wal-Mart—and then we're supposed to operate the way that people think we should have operated in 1950. We don't see a 1950-vintage vehicle in the yard. This is the year 2001. We're producing food for the populace at too small a rate.

Ms Churley: I would agree with that. We could have a good conversation.

The Chair: Thank you, Mr Eby. We appreciate the Bruce County Cattlemen's Association testifying before the committee.

For the information of the committee, there is a table set aside next door for lunch.

As many people realize, in response to the tragic situation in the United States, today is a day of mourning and our local MPP will be identifying a period of silence midway through the lunch hour.

We reconvene at 1 pm.

The committee recessed from 1156 to 1300.

The Chair: Good afternoon, everyone. We wish to reconvene hearings for the standing committee on justice and social policy, Friday, September 14, consideration of Bill 81, the Nutrient Management Act.

NATIONAL FARMERS UNION, ONTARIO REGION

The Chair: On our agenda we have listed as the first delegation the National Farmers Union, Ontario region. I would ask the delegation to please come forward to the witness table here. We'll ask you to give us your name for Hansard, and we have 15 minutes.

Mr Lawrence Andres: My name is Lawrence Andres. I'm the whole delegation here. I'd like to thank you for the opportunity to speak to you today and to be part of an important decision. I'd like to get into an introduction about what the NFU stands for and then lead

into maybe focusing on a few details, since we have time constraints here.

The National Farmers Union is a national general farm organization founded in 1969. We recognize and advocate for the family farm as the country's principal unit of food production, the primary agent of stewardship for the land and water, and the very foundation of the rural community. In Ontario, as elsewhere, the NFU actively promotes family-scale farming that is both economically and environmentally sustainable. It is our firm belief that policies which benefit the family farm are also the best policies for the citizens of Ontario as a whole, whether rural or urban. This is the fundamental principle on which we base our involvement in policy, including the current process of developing appropriate standards for agricultural operations.

I would like to focus today on the size and concentration issues. I would also like to elaborate a bit on some of the technical issues. We're going to have a separate presentation—a second one is going to be made—on the 17th down in Kemptville.

On the size and concentration issues, I would like to read a short paragraph here: The NFU has consistently maintained that the size and density of a livestock operation is a crucial distinguishing factor in determining what practices are acceptable for handling manure, and thus what regulatory measures are appropriate. Classifying agricultural operations for these purposes is not a simple matter, but it must be addressed if regulatory measures are to be feasible and fair.

On that issue we are very concerned—actually, in general, you could say we almost condemn the usage of manure. When we look back in time, traditionally a farming operation was a family-run farm. You would have a certain amount of livestock. The number of livestock would correspond directly with the number of acres which could, in turn, look after feeding the stock. Purchased feed, at that point in time, was not a very common practice. What happened there is that the manure was actually a valuable resource to maintain soil fertility, more like a cyclical principle. These days, on the contrary, you have so-called farming operations which are solely based on feed purchases. You would have to look at these types of operations as scenarios where you have more like a linear principle over the cyclical principle, which is more traditional and certainly more environmentally sound.

With the linear principle, you start with a natural resource, you do manufacturing, and you wind up with waste, and exactly the same scenario. We have what we perceive as an intensive livestock operation, which is a farm which imports all the feed and manufactures what in turn would be pork or beef or what have you, and at the end you actually wind up with waste. In conjunction with what I get to in the technical issues, with the feeding regime which is used in conjunction with all purchased inputs, it's making this an absolutely unacceptable situation.

When we look at the Galt-Barrett report of March 2000, we see that anything above 150 livestock units

would be classified an ILO. That would really do an injustice to, for instance, a cow-calf producer with 200 beef cows, which would be above the 150, but where he might graze his cows seven or eight months of the year out in range land, on pasture, on 500 acres. So you can really not look at him as an intensive livestock operator, and very likely he will make all the feed for his cows and not purchase anything. So there should be a clear distinction between a factory style, industrial approach principle and a situation where a person really still follows that cyclical approach, that method, which we find is absolutely sound and poses a very, very minimal risk of pollution of water, whereas a 100-cow dairy operation on a small land base has not reached 150 animal units but can be a very realistic threat.

In turn, on the size and concentration issues, the NFU recommends that the proposed legislation establish distinct categories of operation, specifically define large concentrated livestock operations as ILOs, and revise its definition of "farmer" to exclude ILO owners and operators.

Further on, the NFU recommends that the legislation specify appropriately different regulatory requirements for the different categories of agricultural operation, with rigorous regulatory requirements for existing and proposed ILOs and less onerous requirements for smaller operations, particularly in regard to procedures and paperwork, which is quite a concern.

Technical issues: nutrient management plans do not take into account many factors which are key to how manure or sludge will affect water quality, the environment and human health. These unaddressed factors include the content and quality of the materials, including the possible presence, along with the nutrients, of pathogens, drugs, disinfectants and heavy metals. These contaminants are potentially very dangerous, and in many cases can move into the groundwater, often through the very measures recommended in a nutrient management plan.

1310

So we'd like to make a point that it's not necessarily only the density and the amount of livestock kept on a farm that are very relevant to the potential of water contamination; the feeding regime in a farming operation has a lot to do with what happens when that manure is—in an ILO, I really would have to refer to it as "disposed of." In more of a family farm situation, where you follow cyclical principles, it's more like a utilization challenge there.

The problems are especially serious in the case of manure from ILOs, which, as noted above, tend to be heavy users of chemical and pharmaceutical inputs. That's a fact. These include numerous feed additives, growth promoters, medications and agents for the massive disinfection operations that such concentrations of animals involve and require. As a result, manure from ILOs is a toxic cocktail in which micro-organisms like *E coli* can mix with antibiotics, endocrine disruptors like hormones, and poisonous chemicals like formaldehydes.

In that potent and nitrogen-rich medium, the pathogens are able to develop mutant and resistant strains, multiply, and enter the environment, even if an approved nutrient management plan is in place.

I think this is a very crucial point in our submission. These large operations are actually using unacceptable production measures in order to produce those agricultural commodities. The focus should be on the situations which are a genuine threat. It should really lead away from situations like I explained before, where things are quite benign and where actually manure is of a totally different nature and is used in a much more sensitive way.

In conclusion, the NFU recommends that the multiple factors affecting manure content and quality be incorporated into the regulations when they are developed so as to improve the chances of a degree of effectiveness for the measures being prescribed.

The NFU recommends that the geophysical studies, section 5(2)(r), that will be required for ILOs be defined so as to include detailed and rigorous hydrogeological assessments. To my knowledge, up to now, these hydrogeological assessments have only been done when we've had a problem, after the fact. All of a sudden you go and say, "Boy, oh, boy, what happened here?" Then actually a conservation authority could have such a measure requested. Assessments should include aspects such as direction of groundwater flow, depth of water table and bedrock, geological composition of soil and substrata etc, and the relevance of these factors to the proposed or existing operation.

The NFU recommends that the government include in the bill and its regulations revised MDS standards which will better respond to the distance-related problems posed by ILOs, including changes or expansions of existing ILO operations.

Finally, the NFU recommends that the government actively support and assist with the further development, adaptation and adoption of processes such as composting of solid manure and the micro-aeration of liquid manure as a complementary part of the answer to the technical problems noted above.

It would be very sensible here that the government would try to provide appropriate financial and technical support for family-scale farming on these issues, such as composting of manures, aeration of liquid manures, things which even in a fairly difficult situation can improve things in a really astonishing way. I'm talking as a practitioner. I've worked with these kinds of approaches myself, and it's really hard to explain to you in a few minutes what it will do with these types of manures. But certainly it would make sense that we would have to end all support for the establishment and expansion of ILOs.

I think there's maybe a few minutes left for questions.

The Chair: I'm afraid we have used up the time. We could have 30 seconds for a comment from any of the parties.

Mr Peters: I will make a comment. I just want to take exception to one point, where you say that ILOs

generally use more drugs and chemicals, which have serious environmental effects. I can't speak for everybody, but I certainly know I have one large operation within my own riding where they do not use any antibiotics whatsoever or any growth hormones in their production. They go very far to stress they're a drug-free product.

How many members are there in the National Farmers Union in Ontario?

Mr Andres: In Ontario there's only right now 120-some registered as a farm business, but there is probably in excess of 200 altogether.

The Chair: Any comments, Ms Churley?

Ms Churley: One of the comments that was made, I think it was in Clinton yesterday—I asked a farmer who took a different position than you overall on intensive livestock. But he did say, when I asked him, that one of the problems is that the price of land is going up and it's making it harder and harder. Because the intensive-farming people are coming from Europe and other locations and buying the land at premium prices, there's some concern that the smaller family farm won't be able to continue to operate because of the land prices.

Mr Andres: That's a very valid concern and it's hard to know an immediate solution for that, because it's just that people who are financially more viable can compete with other people who are, unfortunately, in a less fortunate situation.

The Chair: I'll go to the PCs.

Mr Johnson: Thanks for taking the time to be here. Just quickly, though, you're suggesting that manure from intensive livestock operations should be treated similarly to human waste in cities and towns?

Mr Andres: We take this position because the fact is, when you play around with—

Mr Johnson: No, I don't need to know your reasoning. I just wanted to confirm that that's your position.

Mr Andres: I very much think so. I would even take it a bit further. In the case of ILOs, I would say it's probably even a more potent problem. I can refer in certain situations to it as toxic waste or hazardous waste even. That makes it such a difficult situation, because on the one hand you have a fairly useful, very valuable resource on the farm, and by the same token, out of a different situation, differently managed, it can be such a time bomb.

Mr Johnson: I wanted to know your position. I don't necessarily agree with it, but I wanted to know if that was your position.

Mr Andres: It's definitely that.

The Chair: Mr Andres, thank you for your presentation on behalf of the National Farmers Union. We appreciate that.

1320

COUNTY OF GREY

The Chair: I wish to call forward our next delegation. I'll call forward the county of Grey. Good afternoon, sir.

We have 15 minutes. If you could give us your name for Hansard, and we'll proceed.

Mr Ron Glenn: Good afternoon and welcome to the county of Grey. My name is Ron Glenn. I'm a senior planner with the county of Grey. I'll be making the presentation this afternoon on behalf of the county. The county would like to say thank you for this opportunity to provide the brief.

The agricultural industry in the province is ever changing to meet the global pressures for food production. It has never been more evident than in the recent past and now. As legislators and regulators, we too must keep in touch with the changing industry. The county of Grey supports the province in the introduction of the Nutrient Management Act.

More and more, almost commonplace, are large intensive agricultural operations, be it hog, dairy, poultry or beef, expanding on the rural landscapes of southwestern Ontario. This trend has had and will continue to have fewer numbers of farmers farming larger hectares. However, with this change come the potential impacts on society, the environment and the family farm. Bigger is not always better.

At the same time as the agricultural industry has been changing the rural landscape of the province, Grey county is no exception and has experienced a move by society from the large urban centres to the rural countryside. With the rural area becoming more populated and the agricultural intensification, the stage has been set and is set for conflicts. Also, with the societal trend to move to the rural area on private wells and septic systems and the intensifying of the agricultural industry, the environment has never been at greater risk, specifically the quality of ground and surface water.

In 1998, the county of Grey introduced nutrient management planning across its boundaries. It established a peer review committee to deal not only with complaints issues but also with nutrient management plan approval. It has continued to approve those plans, and it monitors and updates them on a regular basis. The province and its member municipalities have to move quickly to address the changing and challenging issues.

The changes must be socially acceptable. They must be environmentally sustainable. Integrity must be part of the changes and education must be part of the changes. Legislation at the provincial level of government must be socially acceptable and environmentally sustainable. However, there does have to be some flexibility for county and regional diversity. Grey country is not Huron county or Perth county and that must be recognized through the legislation.

Change is inevitable; society must adapt or be part of the solution for change. Society must all be responsible stewards of the land to protect our natural features for future generations. The agricultural and non-agricultural land uses must share in the burden of society to be environmentally sustainable.

Who should participate? All farmers, all privately serviced developments, all users of commercial fertil-

izers; as an example, golf courses, parks etc. The county would suggest that the legislation as drafted has missed the commercial recreational uses. It supports the pretreatment for private services. However, has there been any analysis of the existing capacities of infrastructure to accommodate such an initiative?

How do they participate? Nutrient management plans and strategies, ongoing monitoring of privately serviced development, and environmental operations plans for recreational commercial operations.

When should they participate? There has to be a clearly established implementation timetable; clearly defined regulations of who, when and what; and what happens to the existing approved nutrient management plans. We are very aware that the regulations haven't been announced, and a lot of these issues will be announced in the regulations so we're not going to go into issues with regard to the regulations.

Where should they apply? Across the entire province, and, as I said previously, with some flexibility for county and regional diversity. Different-sized farms should be clearly defined and the implementation regulations should deal with each grouping. There has to be accountability.

Why should society participate? To keep pace with societal change; the protection of groundwater and surface water quality; societal education and acceptance; appropriate application of commercial fertilizer use and highest economic use of nutrients produced from the livestock on the farm; and rural residents' accountability to the environment.

The changes in the process must have integrity and accountability.

Benchmarking existing data: soil samples from farm and non-farm land uses; surface water quality testing prior to development; groundwater quality testing prior to development.

Monitoring: the benchmark data should be updated at a minimum of every two years; mandatory record-keeping during application of manure; and pumping of septic systems etc.

Audit: provisions should be established and resources provided to provide random audits within the mandatory two-year time period. This should include structures as well as the operation.

Enforcement: the legislation should be established that would provide an enforcement mechanism with the issue of liability being addressed.

Location criteria: there should be some flexibility established in the legislation that allows for the establishment of planning policy through county-regional official plans for the location criteria of agriculture, as is the case in all other land uses. More specifically, with the growing societal change for non-farm development in the rural areas of Grey county and intensive livestock operations in non-farm development, not necessarily mixed in a certain area, the legislation should allow the flexibility in official plans to deal with those location criteria.

It should address such issues as urban or built-up areas and the location of agricultural operations; existing sensitive land uses and new intensive agricultural operations; density of animal units per hectare: spatial separation of large intensive agricultural operations; protection of surface water quality, minimum setbacks should be established; method of manure storage and technology advances; a review and a reworking of the MDS, minimum distance separation, guidelines and the incorporation of them into regulations of sort for consistent application across the province.

Definitions are required to be clear and concise.

Education: there's a very strong role for the province in the education of society with respect to agriculture and intensive agricultural industries and livestock operations, with surface and groundwater patterns and conditions; the role and function of nutrient management plans and environmental operation plans; the importance of agriculture; and the protection of surface and groundwater resources.

Legislation: the province in the existing legislation needs to expand to address the issues identified in this brief, yet be flexible enough for county and regional diversities in the implementation. The legislation suggests that there may be a third party takeover of the implementation section after a certain period. This could become a fragmented, inconsistent process.

The county and regional governments should be provided with the resources to deal with audit and monitoring access to the database suggested for implications in planning and infrastructure.

In closing, the provincial government should give real consideration to the appropriateness and locations of large-scale intensive agricultural operations—all this, considering what is at risk: an environmentally sustainable surface and groundwater supply and the risk of additional air pollution.

The legislation as drafted leaves the county with a number of questions:

How does the legislation affect official plans and zoning bylaws in the establishment of location criteria for the establishment of intensive operations?

Who is going to be responsible for the universal application and implementation of the minimum distance separation criteria?

What are the implications of the legislation on the Normal Farm Practices Protection Board and corresponding legislation?

I won't read the specifics of the clauses in the legislation that we have issue with—they are there—to state that we have some issues with some of the legislation that's drafted, with wording or questions associated to it.

The county of Grey would like to thank you for this opportunity, welcome you to Grey county—it's nice to see you in Grey county today for the presentation—and certainly entertain any questions on behalf of the county.

The Chair: Thank you. It's good to be up here. We have about a minute for each party.

Ms Churley: You raised many interesting points. I want to focus on the recommendation that real consideration should be given to the appropriateness and locations of large-scale intensive agricultural operations and the question you asked around that, how this legislation will affect the municipality's ability to deal with local issues and uses. What I wanted to say is that it's confusing because my understanding is the municipality won't be able to do anything. It will be superseded by provincial legislation. Under the right-to-farm-act, the intensive livestock operations have been included as a normal farm, and at the same time this legislation would supersede any ability for a municipality to deal with it. I recognize that you have a legitimate concern there. What do you recommend be done about it?

Mr Glenn: I think, to be honest, that the legislation should provide locational criteria to be established in upper-tier regional plans to make it consistent across the board, specifically in areas that aren't 100% agriculture-related or prime agricultural lands within the context of the provincial policy statement.

In Grey county we have a very diverse economy with regard to recreation, aggregate and agriculture, and then the non-farmland users that compete. To say *carte blanche* across the boundaries of Grey county that intensive agriculture is permitted as a right, subject to the MDS criteria, whatever that may be, is wrong. We're saying that the municipalities at the upper-tier, in the context of the provincial policy statement, should be able to define where large-scale intensive agricultural operations should be able to exist.

Grey county is a good example. We have an agricultural designation and a rural designation. But there is a position paper the county has released for discussion that says large-scale intensive operations should only be in the prime agricultural areas; all other rural areas should have non-intensive or less-intensive agricultural operations typical of the family farm.

The Chair: I'll go to the PCs.

Mr Murdoch: Thanks, Ron, for coming here today and bringing us this brief.

I was in Clinton yesterday too and we had a lot of different discussions. I know that the county says they welcome this legislation, but are we doing it the right way or should we be looking at something different with water quality? Should we be looking at the whole issue of water quality and groundwater and everything? Is this just piecemeal and are we maybe going at this the wrong way? Do you have some thoughts on that?

1330

Mr Glenn: Again, it really comes down to what the regulations are going to say and who's going to apply and what the phase-in and implementation period is going to be for the legislation. The legislation gives the minister the wide ability to affect a lot of land uses in the rural area and private services, but are the regulations going to be in place that suggest that it's going to be universal in a three-year phase-in or a five-year phase-in so that everybody's on the same footing? You can't

attack—and this has been the criticism of nutrient management—the farmers and say, “You have to do nutrient management planning,” and yet the majority of the countryside is seeing privately serviced developments that have no accountability. I put my septic tank in and I don't have any requirements for monitoring it or pumping it out. It just works. There's a risk there for the environment.

I think there are some initiatives the province has put out recently with regard to groundwater studies and monitoring and the advent of those types of things that certainly can help us. But with regard to nutrient management planning, it's a living and breathing environment. Farms continue to live and breathe; so do people in the rural area. Putting this in place kind of keeps a land stewardship process and base to keep track of what's really going on. That's where the county would like to take it.

The Chair: To the Liberals. Mr Peters.

Mr Peters: Thanks for your presentation. On page 1, you point out that the stage has been set for conflicts. I think the enforcement mechanism that we put in place to deal with conflicts that are going to come up is going to be of extreme importance. Right now, though, what do you do if you've got a non-farm rural resident who has a farm that is spreading manure 50 feet away from their house and a conflict exists? The people who live in the house don't like the process of the manure being spread. What do you advise a ratepayer right now to do to deal with this conflict?

Mr Glenn: A lot of it is the good-neighbour policy between the two neighbours.

Mr Peters: But let's say you don't have a good neighbour policy?

Mr Glenn: I only can speak from the Grey county experience since we put it in place. We haven't experienced that. What we have experienced is where there has been an application come forward for a nutrient management plan because there's a new barn going up with liquid manure in proximity to the non-farm development. In Grey county we're a little bit different from everybody else because we treat the MDS as a two times factor for any non-farmland use. If you've got an agricultural operation, and in some cases it could be 3,000 feet, the barn has to be away from the non-farm land use. We've had two in the last three years where there have been 500 public people show up at an open discussion about this barn being there. The biggest issue that comes out of it is the locational criteria where the barns can be permitted.

People put up with the typical family farm that we see in Grey county. The people who move into the rural area say, “That farm was there when I was there and I can put up with the spreading of the manure or the liquid manure that's going on that farm because it was there.” Now, all of a sudden, we're getting these larger intensive operations that are coming in and the non-farm people are saying, “Wait, not in my backyard,” and the farming community is taking some issue with it.

The position paper that we really presented was around that whole issue of conflict between the non-farm

and the farm land users and trying to create a locational criteria of where we should put these large-scale operations. The typical family farm isn't a problem in Grey county for the spreading and application. I believe you're from Middlesex. I've lived in Middlesex and it's different there than it is here.

The Chair: We appreciate the presentation from the county of Grey.

CONCERNED CITIZENS OF CHATSWORTH

The Chair: The next delegation is from the Concerned Citizens of Chatsworth. Good afternoon, sir. We'll ask you to give us your name. We have 15 minutes. If you did want any questions, you may want to do it in 10.

Mr Dan Marshall: My name is Dan Marshall. I'm a professional engineer and a spokesperson for the Concerned Citizens of Chatsworth.

I was raised on a cash-crop farm in southwestern Ontario and currently own and participate in some farming on the 245-acre family farm down in Tilbury. For the past 12 years I have lived with my family and two boys on a rural property in a scenic area just east of the village of Chatsworth.

First, I'd like to commend the provincial government and the standing committee for undertaking this public consultation process in your endeavour to obtain information and ideas to support the development of effective legislation on this key economic, social and public-health-related issue.

My interest in nutrient management began with my involvement in our community last November in a controversy surrounding the proposal for an intensive hog operation near Chatsworth. Since then, I've been active with our local group, the Concerned Citizens of Chatsworth, and have been following and studying the emergence of intensive livestock operations and the development of nutrient management bylaws. Today, I will share with you some of our experiences in regards to our Chatsworth issue in order to give you perspective and represent some of our ideas for key issues that, in our view, the act and subsequent regulations must resolve.

We certainly see the need for province-wide standards for the management of materials containing nutrients and the need to set out the responsibilities of farmers, municipalities and provincial ministries. Within the legislation, we also see a need for a well-thought-out planning and approval process for new and expanding livestock operations. Our major concern is that the legislation could set into place a system that might be too reactive and heavy-handed, rather than being proactive and highly effective. We see the need for an open, upfront, well-planned and intelligent approach to the locating of future intensive livestock operations and the disposal of manure in order to protect our water, health and welfare.

I feel it important to share with you the perspective of our Chatsworth experience in order to relate to you how the current system is lacking and what the new legislation

regulations must address. So please bear with me while I summarize and recount some of the events regarding the proposal for an intensive livestock operation near Chatsworth since last November.

Late last November, my neighbours and I found out, by luck, approximately five days before construction was to start, that an intensive livestock operation was scheduled to be built on a sensitive watershed area—the headwaters for two major river systems, the source of drinking water for the village of Chatsworth and numerous private community wells. The area surrounding the site is a well-populated, scenic, hilly, rural residential area consisting largely of marginal farmland which had been severed off and sold for its real estate value, its property value, as building lots a long time ago. The building site where the barn was proposed contained a provincially significant wetland.

The application process was kept secret from the public. Upon 40 of us presenting a petition and asking for a hold on the issue until the building permit at the following township council meeting, we were ambushed by councillors who said they could do nothing and nothing could be done, by a contractor who stood up and quoted scripture and by a local feed company representative who told us to move over as a new farming regime was moving into our area whether we liked it or not. We were being bullied by business and political interests. People were crying. People were upset. People got mad. Our lives and our property investments were being compromised right before our very eyes. Some social justice.

We then appealed to higher authorities. Our MPP, Mr Murdoch, was not available at the time. The senior planner of Grey county turned out to be the secretary of the nutrient management peer review committee and in full support of the proposal, the director of planning for Grey county ignored our faxes and phone calls and the Minister of Agriculture's office indicated to us that a response to us would not be forthcoming for 15 days. We did not have 15 days.

As our community group got more involved and started to look at how this could happen, it was revealed that the powers that be forgot to issue the nutrient management plan for the proposal to OMAFRA for third party review in accordance with their own terms of reference for the peer review committee.

Finally, we got through to some responsible people at OMAFRA who took a close look at what was being proposed. As a professional engineer myself, I have to commend Mr George Garland of OMAFRA and his particular department for truly treating public welfare as paramount and taking a very close and responsible look at what was being proposed. The application is currently on hold.

The moral of our story is that, for the sake of social justice and protection of public health, the process framework that fosters this type of experience must be eradicated by the new legislation. In this province, there's no reason why people should have to live in fear

under the threat of losing their water and losing value in their property investments because some perceived or new way of making money off the land has come along.

1340

As a sequel to the story, and as we speak, there's an amendment proposed to the official plan of Grey county promoting and justifying the current approach to nutrient management planning and endorsing the peer review committee approach as a working success. We definitely must get overall control of the nutrient management process out of town.

As for some specific ideas and recommendations we would like to forward to the committee, first of all is the need for provincial leadership, process objectivity and responsible planning. The current system is too open to manipulation and tends to favour narrow economic interests at the expense of existing property and environment. We view it as essential that the provincial government take control over the process and provide a framework that will foster objectivity, the requirement for utilization of proper technical and planning expertise, in addition to assigning the necessary responsibilities and accountabilities.

The act must establish a requirement for due public process and involve all stakeholders in the planning and approval process for the location of new intensive livestock operations and the spreading of their manure.

Provincially mandated regulations and standards are essential to setting a standardized system among municipalities as opposed to the variation that currently exists among the municipalities and their various nutrient management bylaws.

The next point we'd like to present is that of being proactive rather than reactive. I know it's financially compelling for a government to set in place a delegated self-directed system of accountability and to minimize government involvement to that of enforcement, but unfortunately there will always be someone who, faced with economic pressures, will take the chance that will do irreparable damage to water and the welfare of others.

We believe it would be preferable for the provincial government to set standards and to provide guidelines to the ag business, farmers and municipalities in as upfront and positive a way as possible.

Sweeping powers to enter on to land and fine individuals seems rather threatening and heavy-handed on the reaction side. Alternatively, government resource, direction and expertise deployed to maintain a positive motivation to the industry and achieve the objectives of a productive ag business without externalizing costs to the environment or private property would be the preferable course of action.

The next point we'd like to make is that of application of the Environmental Assessment Act. There's a need to accommodate wider environmental issues into the Nutrient Management Act and regulations. The principles in environmental assessment as stipulated in the Environmental Assessment Act should be incorporated into the planning and approval process under the new Nutrient

Management Act. The Environmental Assessment Act requires approval of the Ministry of the Environment for the undertaking of new projects as well as the requirement for public notice. Both of these requirements would be most beneficial and they already exist through the Environmental Assessment Act.

Just as another point, the current system places OMAFRA in a conflicting role. How can OMAFRA be both a proponent of agriculture on one hand and a responsible environmental and social decision-maker on the other? We would suggest that the Ministry of the Environment be given the mandate and administration of this new legislation and be staffed with the resources necessary to proactively direct industry and municipalities and oversee the process.

We see the need for an immediate province-wide moratorium. In the interim, we need a provincially mandated moratorium on the development of intensive livestock operations over 50 units, which might even be too high a number in some sensitive areas. Right now there is mayhem as prospective operators and construction companies are hastily putting up as many new barns as they can before the new legislation comes out. We need only look at the growing list of communities in conflict over this issue and the number of new barns that are falling down due to inadequate design and construction standards and the lack of knowledge as to the harmful effects of liquid manure.

We feel that by the time the new legislation is passed and phased in, it will be too late, and the province, and in particular some municipalities, will be saturated with intensive livestock operations and their manure, and irreversible damage done. Given the fact that legislation on this very issue was due out last December and then shelved, it would seem responsible that the present chaos and damage that is being done should be halted immediately as a first priority, with a province-wide moratorium, to take a better look at this.

In conclusion, I would also like to suggest the need for further public consultation. We suggest it would be of benefit to hold further public hearings in the development of the regulations and guidelines as well through the provision of additional public hearings.

I thank you for allowing me to participate today. I and the Concerned Citizens of Chatsworth wish you the best of success in the development of this most essential legislation. With my remaining time, I'd be happy to engage in any questions.

The Chair: We've pretty well used up the time, unless there is a compelling need for a comment from anyone.

Mr Peters: I'd just like to understand this. When you opened your presentation, you talked about the land having been zoned for a residential subdivision. I guess the question is, very quickly, a residential subdivision on environmentally sensitive lands is OK but an intensive livestock operation on environmentally sensitive lands is not OK? Maybe I misunderstood how that was presented.

Mr Marshall: Under the official plan of Grey county, as I understand it, all new developments in environ-

mentally sensitive areas, such as those adjacent to a provincially significant wetland, would require an environmental assessment study to be done, but that was not carried out in this case for some reason.

Ms Churley: Just quickly, you mentioned that you see the need for consistent standards across the province. I assume what you're saying is that there need to be consistent minimum standards across the province that no municipality could water down but that a municipality would have access to the Planning Act so that they could plan for their own area.

Mr Marshall: Yes.

Ms Churley: OK, I just wanted to clarify that.

The Chair: Thank you, Mr Marshall, on behalf of the Concerned Citizens of Chatsworth. We appreciate your input.

1350

TOWN OF MONO

The Chair: I wish to call forward the town of Mono. Good afternoon, sir. We'll ask you to identify yourself for Hansard. We have 15 minutes. If you want, you can make it shorter and allow questions.

Mr John Creelman: My name is John Creelman and I'm the mayor of the town of Mono and currently the warden of Dufferin county. My municipality has a population of around 6,500 people and is just outside the GTA, north of Peel region. According to the latest statistics, we have just over 30,000 acres of farmland, out of a total of 65,000 acres, and 218 farms with an average size of 137.8 acres.

Today I would like to raise several distinct issues regarding this proposed act and the activity it intends to regulate.

First, Bill 81 fails to address one area of serious municipal interest. Large-scale intensive farming operations, by their very nature, attract accessory uses—feed mills, for example. We have a large intensive farming operation in Mono, and you must know that its feed processing plant generates as much concern and complaint as the livestock portion of the operation. The argument is—and it is valid to a point—that processing feed on site makes for convenience and economy, but in the example previously cited, the feed processed is well beyond the quantity needed for the animals on site. This excess feed, we understand, goes to feeding cattle destined for the site for finishing and to other operations under the control of the owner. As a result, the operation escapes being considered commercial, with all of the attendant implications of this, such as proper land use planning, site controls, potential development charges and a very different tax treatment, if it were classed industrial/commercial rather than as a farm.

Now, I am sure someone will tell me that we are free to take our chances with a bylaw to address these planning issues and attempt to impose an appropriate site plan agreement. But this legislation is clear in its deter-

mination to impose province-wide standards while at the same time overruling local prerogative.

We appreciate the need for consistency and certainty when it comes to farm practice. At the same time, however, there is a need for locally driven rules regarding landscaping, lighting, road improvements and, I would argue, hours of operation when truck traffic and noises emanating from something like a feed mill are affecting neighbours. The one-size-fits-all approach on these matters as determined by the bill and/or its regulations won't work.

Bill 81 intends to define what normal farm practices are. If it is determined that municipalities have no right to ask for a site plan that should be no more onerous than one we might expect if the accessory use was a stand-alone operation in an appropriately zoned setting, we will have a problem.

I would further submit that municipalities should not be at the continued mercy of the farm practices board when it comes to the issue of site planning control. Again, we are asking for the specific right to site-plan to local standards and expectations, but no more rigorously than if comparable operations were located elsewhere in our municipality.

Another issue, possibly beyond the scope of this committee but worthy of comment nevertheless, is that large-scale operations bring with them large-scale impacts on surrounding areas and municipal services. Collection of only 25% of potential property taxation on these farming operations in no way comes close to addressing local road impacts, let alone anything else. For example, it will take over 10 years in tax revenue from our one intensive farming operation to recover the cost of implementing an interim control bylaw, hiring the necessary consultants and producing a study and bylaw, not to mention defending ourselves before the OMB—and we are currently there. I suspect—in fact I know—that many of these operations pay no more in municipal property tax than that paid by owners of large homes in the municipalities yet present a call on services far greater than any residential property.

Finally, several other issues: it came as a shock to me recently to discover that while MOE permits to take water are required for agricultural irrigation, they are not required for other agricultural activities, including watering livestock, provided no storage is involved. Even then, I'm told, many operations don't have water-taking permits. This needs to be addressed immediately, if not by this bill, by other means. Intensive, large-scale operations must be drawing huge quantities of water out of the ground and from surface waters. Unmonitored and done without regard to impact, we are heading for potential disaster.

Also, I have some difficulty with the apparent philosophy of this bill that size and scale of an operation do not matter so much as how it operates. I appreciate that a small, poorly run operation can have a greater deleterious impact than a large one. What worries me, however, is that scale and size of operations do matter in the context

of the local neighbourhood. Moreover, an appropriate size of operation can become totally inappropriate in a local context if expanded.

There were good reasons for municipalities attempting to cap the size of intensive farming operations, and they had nothing to do with NIMBYism and everything to do with simple, well-thought-out land use planning. This bill, as currently written, potentially overrides good land use planning.

Finally, and in conclusion, I am alarmed by the fact that any legislation with the broad ambitions of this bill can be introduced and debated without the simultaneous disclosure of its regulations. A quarter century ago, the late MPP and former judge Margaret Campbell warned about government by regulation. Regulations under this act will determine almost everything of importance. It is tragic that we now seem to take for granted the fact that regulations, and not publicly debated legislation, really determine how we are governed.

Thank you very much for your time. I'd be happy to take any questions.

The Chair: You've left just under two minutes for questions. We'll begin with the NDP.

Ms Churley: Thank you very much for your presentation. You focused a lot on the large intensive farms. I think you make a good case for why municipalities need to have the ability to manage some land use. That's an important point.

I wanted to ask you some questions around what you know about how an intensive farm works. You talked about some of it, but for instance, employees. It's not a family farm so there are people hired, I assume, from around the neighbourhood who come in, what, on 9-to-5 shift work? Sometimes it's called a factory farm. Is it run like a factory? Does it come under labour laws? How does it work?

Mr Creelman: I'm not an expert in the operation of these facilities. All I can speak to is the one in my own municipality. It is well run, it is efficiently run. It probably employs fewer people than we imagine. The accessory use, that being the feed processing plant, is in fact running almost 18 hours a day. Theoretically, it could run 24 hours a day, given enough shifts. That of course has an impact on the local neighbourhood, roads and so forth.

We feel powerless right now to do very much about it because, as I said, we are at the mercy of the farm practices board, we are at the mercy of being taken to the OMB. We simply want to impose a site plan agreement that we would do if this was a stand-alone operation in an appropriately zoned area.

Mr Murdoch: A couple of things: first, I know you're concerned about the taxation. I believe I'm right that they do tax farm buildings and the acre, or whatever it happens to be, around that. That opens up a whole new act that we have on taxes for a farming community. I don't know how you distinguish one from another. That's been set for a long time, so the municipalities haven't got a bigger tax base from farming operations up until this

point, even though we changed it. That's just one thing. I know your concern and I can see where you could be.

The other one that I want to get on is that I agree with you about this being governed by regulation, and that certainly has happened over the last 11 years that I've been at Queen's Park. It seems to be the way it's being done. It's not any one government; they all seem to like to do that and it's unfortunate.

I just talked to Tina here. She has been with, unfortunately, what's just a government committee—although I think all parties should be involved; in this case they aren't, but at least it's a start—on the regulations for the tax credit in the school system, for Christian schools and independent schools. So they are out consulting on it before the regulations are there.

Ms Churley: Behind closed doors, Tory members only.

Mr Murdoch: That's what I said, Marilyn. I said it's unfortunate—

Interjection.

Mr Murdoch: Listen to me, Marilyn. You don't have to in the House, but you can here.

Anyway, they are doing that. It's unfortunate, as I said, and I would rather see all parties involved because the other parties do have some good ideas. I sat in opposition so I understand that.

I would hope that with this bill, because it is far-reaching and a lot of things, we do that. I will push for that—I hope the opposition will; I know other members in our caucus will—that somehow, before the regulations are set, we go back on the road and ask people. We can draft a set of regulations as to how the government thinks it should run, but they shouldn't be adopted until we at least go out and hear that. We've heard that from nearly all the presentations too, so hopefully the government listens when it comes to that.

I just want to say that I agree, it's really bad. Sometimes you see a bill in the House and it means absolutely nothing the way it sits until the regulations come out, and then it's a whole different ball game. Then they expect us to vote for these bills, before we see the regulations. They expect us to do that too. I don't agree with that either. Maybe it's going to take some people not voting for some bills before we have the regulations and we change it.

It's not one government; it's all governments. It seems to be the way Queen's Park is run.

Mr Peters: I appreciate hearing Mr Murdoch's comments. He's turning out to be one of the best friends of opposition. Thanks, Bill.

You raise an interesting point, Your Worship. Right now, if a food processing plant chose to open up in your municipality, it would be subject to your site plan control committee. What you're arguing is that if we're going to have a food processing plant subject to a site plan control application, then a food production facility should be subject to the same things. Is that what you're saying?

1400

Mr Creelman: What I'm saying is that first and foremost it would be directed to an appropriately zoned

part of the municipality for that kind of activity. Because this is accessory to the farming operation, because it serves the farming operation, it gets in under the cover of the “farm” in a location which may or may not be appropriate for that kind of activity. It escapes the traditional site plan control regime that we have in place, it escapes development charges and it escapes the kind of arrangements that the municipality negotiates surrounding road improvements and that kind of thing because it is under the envelope of the large-scale farming operation. I think we’re going to see more and more of this.

The Chair: Thank you, Mayor Creelman. We appreciate that presentation from the town of Mono.

ONTARIO FOREST INDUSTRIES ASSOCIATION

The Chair: Our next delegation is the Ontario Forest Industries Association. Good afternoon, sir.

Mr Craig Gammie: Mr Chairman, committee members, my name is Craig Gammie. I’m manager of environment and energy with the Ontario Forest Industries Association. It’s an association representing 17 member companies performing forestry operations and manufacturing pulp, paper, paperboard, lumber, plywood, panelboard and veneer. In 1999, the Ontario forest products sector had sales of \$14 billion, international exports of \$8.9 billion and employed about 75,000 Ontarians.

As an industry we are committed to good stewardship of our air, water and land resources and have an excellent continual environmental improvement record. Our record is evidenced by two things, our spending and our accomplishments. Our spending on capital and environmental expenditures averaged \$86 million over the last 10 years. It is very high compared to other sectors.

Our accomplishments include a 92% reduction in chlorinated organics into the water effluent; dioxin and furan reduced by almost 100%; total reduced sulphur, which is the odour from pulp mills, reduced by 78%; waste paper usage up significantly so that the average recycled content of a piece of paper or cardboard that you see in Ontario has gone from 17% to 43% in 1998.

Pulp and paper mills have also turned most of the organic material that used to go into the receiving waters—streams and lakes—into a beneficial product that we call pulp and paper biosolids.

Here’s how: trees are made of cellulose fibres which are the building blocks of trees, and lignin, which binds the fibres together. To make paper we chemically or mechanically separate the fibres in a water medium and then we literally put them back together in various forms as paper and paperboard. But not all of the tree components, not all of the lignin and fibres, make it into the paper. Some of the lignin and fibres go into what we call the mill effluent stream.

The lignin material is mostly dissolved; the fibrous material is mostly not. Years ago, much of the effluent, complete with lignin, went directly into surface water. At that time, the dissolved material was then naturally

digested in the receiving water, taking up oxygen and sometimes reducing oxygen levels enough to affect fish populations. We quantified this material. We called it BOD or biochemical oxygen demand. In the late 1960s, the collective mills put 800,000 kilograms of BOD per day in receiving waters. I checked this number. It seems like a lot, but I checked this number and it is right. Marilyn would know that.

Ms Churley: I do.

Mr Gammie: The fibrous material mostly settled on the bottom of surface water bodies, sometimes choking out bottom-living organisms and sometimes affecting other organisms which fed on them. We quantified this material and called it TSS, or total suspended solids. Again, in the 1960s, 400,000 kilograms per day of TSS went into the receiving waters.

Over 25 years this has all changed. Pulp mills recovered much of the waste lignin before it got to the effluent stream. It makes a great fuel. Suspended solids were extracted from the effluent stream and recovered and most of the remaining dissolved solids were biologically converted to suspended solids, settled out and recovered.

With these changes, BOD from 1968 was reduced by 98% and total suspended solids were reduced by 94%. There are no longer any measurable effects in the waters from these things.

So we addressed the effluent issue, but by taking these solids out of the effluent we now have a landfill issue and we added the recycling, which increased. That produces solids somewhat similar and made this pile of solids to landfill even bigger. At that time, about 300,000 dry tonnes per year went to landfill.

We very quickly figured out that we had on hand not so much a solid waste problem, but rather a solid waste reduction opportunity, because the material could be used to benefit in both agriculture and silviculture. It had value as a soil amendment, as a soil builder, for erosion control, for weed control, as a water retention enhancer. But perhaps most importantly, it contained nutrients and could often substitute or amend commercial fertilizer and significantly reduce costs.

Mills set out to try to divert as much as possible and we started calling the material pulp and paper biosolids, and anybody who asks me a question about sludge, I probably won’t answer.

We recognized that a good measure of care was required to ensure that environmental risk was minimized or eliminated and that use was actually of benefit. It wasn’t enough just to divert it from landfill. We supported and encouraged sensible governance, or regulation if you like, as something which would encourage and facilitate, rather than inhibit, increased beneficial use. And for pulp and paper biosolids we have that governance. Approvals are required by section 27 of the Environmental Protection Act. A guideline covering the use of biosolids—this is classified as waste biosolids, not just pulp and paper—in agriculture provides a base for all certificates of approval. That’s a guideline produced by

OMAFRA and the MOE. Subsection 15(6) of regulation 347—which is the waste regulation—provides further governance. Finally, the Ontario Forest Industries Association, with help from MOE, MNR and OMAFRA, has produced a guideline specifically for beneficial use of pulp and paper in silviculture and pit rehabilitation. We are just completing one similar for use in agriculture.

If there is one thing that the current governance does not address, it is the integration of pulp and paper biosolids with other nutrients, which we see as something that makes a lot of sense. The Nutrient Management Act provides for this integration around the concept of nutrient management plans, and we support that concept.

We should note to you that with respect to pulp and paper solids, most or all of the other mechanisms that are enabled by Bill 81 are also enabled by the Environmental Protection Act, simply because pulp and paper biosolids are currently classified as a waste under that act, and there are in the Environmental Protection Act many, and we believe sufficient, enabling clauses around waste.

So we will need to be very careful with the Nutrient Management Act and its regulations that we don't end up developing unnecessary regulations or approvals duplicating the Environmental Protection Act. MOE officials are aware of this possible duplication and have assured us that care will be taken. It just would not be appropriate if an applicator, using pulp and paper biosolids, went through the rigorous process of getting a certificate of approval that might have 40 different, very stringent, conditions, and then have enforcement officers come out and make sure that they're adhering to those conditions, and then also have to have a nutrient management plan with exactly the same 40 conditions, and some other inspector come out and watch it. We have to avoid that situation.

One way that we might consider avoiding duplication is by reclassifying pulp and paper biosolids from a waste to a nutrient, which would then take pulp and paper biosolids out of Environmental Protection Act governance and instead govern them through the Nutrient Management Act.

We support the Nutrient Management Act and are pleased that we have the opportunity to participate fully in the development of regulations. By the way, we don't have the same feeling about enabling legislation. We think it's the only way that works. The Environmental Protection Act and many other acts in Ontario are full of it and I don't see how a government could operate without it. There's every opportunity for associations and others to participate in the regulations. In fact, we have anticipated the regulations that might come out of the Nutrient Management Act, and we've already made several submissions to the Ministry of the Environment, which we can share with everybody.

I'd just like to share with you a few of the issues. I won't go into our recommendations. Some of the issues that we see are whether to have combined or separate guidelines—read regulations—for municipal sludge, pulp and paper biosolids and other organic material or nutri-

ents; we are going to take a position about winter spreading, storage guidelines and pathogen guidelines, which is a big issue with us.

I'll just leave it there. If there are any questions, I'd be glad to entertain them.

1410

The Chair: Fine. Thank you, Mr Gammie. That leaves just under two minutes for each party. We now in rotation go to the PCs.

Mr Johnson: Mr Gammie, I'm not an expert in forests and so on, but I know trees, and I know some farms are using old sawdust and shavings as bedding material, as an absorption for—what we think of as nutrients—manure. I assume it would be spread on the land and so on. Sawdust and shavings, are those waste?

Mr Gammie: Under the act?

Mr Johnson: Yes.

Mr Gammie: Yes, they are. They're wastes. Actually, I'm not sure I know the answer to that.

Mr Johnson: OK.

Mr Gammie: I think it depends where they go, whether you classify—I think they are classified as waste, yes.

Mr Johnson: Do you live in an urban area?

Mr Gammie: I do.

Mr Johnson: OK. I was going to ask you if this is a suitable usage as far as you're concerned.

Mr Gammie: Absolutely. It's an ancient usage. Sawdust is, in my view, essentially benign.

Mr Johnson: Did you ask the officials from the Ministry of the Environment whom you were talking with about the change of forest waste to nutrients, whether they had any concerns?

Mr Gammie: It's not really a change, because there's no intent on the part of either ministry to stop calling pulp and paper biosolids—by the way, sawdust is not included as a nutrient under this; it's not being considered as a nutrient; it's pulp and paper biosolids, from the pulp and paper mills. But there's no intent at this point to stop classifying those pulp and paper biosolids as a waste and to take them out of the Environmental Protection Act or to take them out of the approvals process. That's OK with us as long as we don't duplicate those approvals exactly and directly, unnecessarily, with the Nutrient Management Act, which also has an approvals and regulations component. Does that answer your question?

Mr Johnson: Yes, thank you.

The Chair: We go to the Liberal Party.

Mr Peters: Thanks very much. Something that's common to rural Ontario is local gun clubs, and we're seeing an increasing number of berms for these gun clubs that are being constructed by pulp and paper mill biosolids. One of the things that has come to my attention is that there has been a practice of adding sand to pulp and paper mill biosolids or sludge, which in turn then redefines this as a product and leads to exempting these gun club berms from a number of MOE provisions.

Can you tell me what sand does to change the nature of this product?

Mr Gammie: I should point out that in pulp and paper biosolids, from the process—some of them—there is a certain measure of clay-like materials, of calcium-based materials, of lime-based materials; and certainly in the biosolids from recycling mills, there is more than just organic material. I am not aware of either the practice of using them for berms or adding sand to them, but I can't see that it would do any harm. I'm surprised that there are any exemptions because of that. I'm surprised.

Ms Churley: Thank you very much for your presentation. So how's the zero discharge for organochlorines going? I think we put in "by the year 2002"; is that correct?

Mr Gammie: By the year 2002; that's outside the Nutrient Management Act.

Ms Churley: Absolutely, but I thought I'd use this opportunity to—

Mr Gammie: But there has been a huge reduction so that all mills are well below, and the average is way, way below the current limit. No, equipment is not being installed to get to zero. But with the big reduction in organochlorines and all the process changes that are made, it has not only reduced the amount but it has changed the nature of the chlorinated organics in the effluent stream such that they are essentially benign.

Ms Churley: Our government brought that in for the year 2002. Has that been lifted by the present government, or is that still in force? You're supposed to be at zero discharge by 2002, right?

Mr Gammie: The clauses in the regulation that you're thinking of have not been removed.

Ms Churley: OK, good, they did something right. We'll see.

The Chair: On behalf of the committee, I wish to thank Ontario Forest Industries for their submission.

Mr Gammie: Thank you for the opportunity.

GREY COUNTY SOIL AND CROP IMPROVEMENT ASSOCIATION

The Chair: We now call forward the Grey County Soil and Crop Improvement Association. We have 15 minutes. You may want to leave extra time for questions. We'll ask for your name for Hansard, please.

Mr Ray Robertson: My name is Ray Robertson. I'm a farmer from near Markdale. I'm secretary-treasurer of the Grey County Soil and Crop Improvement Association, which I represent here today. I also serve as manager of the Grey County Agricultural Services Centre in Markdale.

The Grey County Soil and Crop Improvement Association welcomes the opportunity to comment on the proposed Nutrient Management Act of 2001. We certainly appreciate the considerable work and consultation with varied spokespeople across the agricultural sector as this act is being drafted. We hope our voice will be welcomed in the future as guidelines are proposed. Agri-

culture is the largest industry in Grey county, so this sector is key to the ongoing prosperity of our communities.

The vast majority of farmers are good environmental stewards of the land and want to take appropriate action. Having said that, it may be beyond the financial capabilities of many farmers, without the help of significant grant assistance programs. Since this is one area where all of society benefits, it seems fitting that all of society should help fund the requirements that have been alluded to under the proposed higher standards.

The environmental farm plan program has been well supported by the farming community in Grey county and across Ontario. Over 1,200 farmers in Grey county alone have participated in the Grey county workshops. We support permanent funding of EFP, as it would also be a good program for delivering funding related to new regulations for agricultural operations.

In Grey county, we have in place a nutrient management review committee with county government, public and farmer representation that reviews all proposed buildings or additions where liquid manure is to be handled. We believe committees of this type are the appropriate first step for citizens with concerns about environmental practices on farms and for farmers wishing to expand or change their farming enterprise.

We doubt that the Ministry of the Environment is the appropriate body to enforce this act. In fact, when local municipalities and citizens have voiced concerns about heavy metal concentrations in sewage sludge trucked from urban centres being spread on agricultural land in Grey, the MOE has overruled. They appear to view agricultural land as a safe place to spread and dilute the problem, rather than as foodland, where anything applied will become part of the quality food products our consumers expect and deserve. Therefore, we believe enforcement should be the responsibility of OMAFRA or an independent third party.

The Grey County Soil and Crop Improvement Association is pleased with the new provincial rules defined by this act, which will be consistent across the province and supersede municipal bylaws. At present in Grey and in neighbouring counties, we must deal with a hodgepodge of municipal regulations or moratoriums that affect what can be done on one location versus another.

In Grey county we have predominately small farms, with less than 50 animal units, with low-density animal units per acre. These farmers are utilizing 100-year-old bank barns, and pasturing is the principal use of their acreage. Most of the manure is dispersed as the animals graze, with a small accumulation of dry manure during winter months. The environmental risk from these operations is generally low, so we feel there should be a minimum number of animal units and a minimum animal-units-per-acre density before participation under the act is mandatory. As these operations are purchased by larger farming operations or renovations or new structures undertaken, the necessary documentation would be completed prior to getting the required permits.

1420

A concern arises with the requirement of a licence to spread a few loads of dry manure from such operations with many acres available. The total nutrient value of the manure may be less than the fertilizer applied to some rural estate lawns each year. The requirement that all documentation and records related to this act, including management of materials containing nutrients, be kept in electronic format is also a concern. Most of our small farmers are older and don't have computers, while some, such as the Amish community, for example, don't even have hydro. We feel exemptions for small operators is better for everyone than non-compliance, supported by the view that the act is inappropriate in these cases.

The Grey County Soil and Crop Improvement Association supports reducing access of livestock to watercourses where obvious degradation problems are evident. We are confident that it will improve bank stability, as well as improving the water quality available to the livestock and wildlife utilizing it. In the cases of fordable watercourses, such as creeks and ditches which dissect farms, functional water crossings and access to water for livestock are a necessity.

The Grey County Soil and Crop Improvement Association has played a lead role in spearheading water quality improvement projects. Between 1993 and 1997, 120 individual projects were completed in the Bighead River watershed, and now the Beaver River watershed is a focal point under which our other program is functioning.

Considerable positive work has been done to improve water quality in our surface watercourses. For example, along the Bighead and Beaver rivers, much of the livestock had been fenced away from the streams, allowing a buffer strip along the watercourse. Stream crossing zones have been stabilized using concrete slatted flooring in the stream bed so that the livestock do not disturb the stream bed when they cross. The placement of the concrete slatting in the stream bed does not restrict water flow in either flood or low-water times. Crossings at stream bed grade are also less intrusive than either low-level or high-level bridging, because in flood times the water may wash away the bridging structure or the structure dams or reduces the water flow, and the higher water above the structures erodes the banks, creating a new bank erosion problem. These stream bed crossings provide a dependable, limited access point for livestock to water, without harming the banks or the quality of water.

Water quality must extend much further than just the agricultural sector. The same requirements must be directed to others and include municipal waste systems, private sewage and septic systems, or the lack of them, and of course industrial companies.

To make our final submission here, I have a few points I would like to make.

First of all, it's our feeling that Bill 81 should supersede municipal bylaws, thus creating uniform legislation across Ontario, but at the same time allow some room for regional diversity. I think it has been mentioned before

that Grey county is certainly different from many counties in southwestern Ontario, so I think there's opportunity for some diversification in that to service the needs of the farm community here in Grey.

We must have opportunity for input from the farm community before any final legislation is enacted.

Third, the legislation must be appropriate to provide for a sustainable and profitable agriculture industry.

Fourth, the provincial grant program must be implemented to assist in funding the requirements.

That's briefly our report. I certainly want to thank you for the opportunity to represent the Grey County Soil and Crop Improvement Association.

The Chair: Thank you, Mr Robertson. That gives us about two minutes for each party for questions. We now rotate back to the Liberal Party.

Mr Peters: Ray, thank you very much for your presentation today. As we travel around, this being our sixth stop, there has been a great deal of debate over the enforcement question, MOE or OMAFRA. You lay on the table here an independent third party. Could you elaborate on who this independent third party for enforcement could be?

Mr Robertson: I think we do in Grey county's outline; I think you've heard it here before. Certainly there is a nutrient management planning system in the county here that could very well serve a role there. I don't want to specify people at this point, but certainly there are people who could be placed on that who would have, I think, a realistic view.

Mr Peters: Is the conservation authority one of those?

Mr Robertson: I would say not, but that's my humble opinion. I think you need somebody who's highly respected by the farm community.

The Chair: We'll move to the NDP.

Ms Churley: I guess you inadvertently said that the conservation authority isn't highly respected by the farm community.

Mr Robertson: I didn't say that.

Ms Churley: I know. I wanted to give you the opportunity to say you didn't say that. I'm interested in following up on that, but I don't have time and I wanted to ask you a different question.

This is another bone of contention. People are really divided on it, although most of the farm community—not all, to be fair—have said very clearly that they want to see provincial legislation overriding municipal bylaws. Now, you did give a caveat that you felt there needs to be some flexibility for municipalities, and I'm glad you said that, because it seems to me there has to be or, as I said earlier today, all hell is going to break loose.

Do you have any idea at this point of how you see that unfolding: what kind of role; under what circumstances municipalities would have that power? Would it come under the Planning Act, for instance? How do you see it working?

Mr Robertson: Having not been involved with politics to any great extent, I'm not sure just how that would be—

Ms Churley: You're lucky.

Mr Robertson: —but I'm sure there's a way. I think through a hearing process, as we go through the actual drafting of legislation, there must be a mechanism to incorporate that into it. I feel very strongly. As I say, Grey county is somewhat different. It's unique in many ways from, say, southwestern Ontario and down in the cash-cropping areas and whatnot. There's definitely a need to do that, and I think it can be done.

Ms Churley: Do I have time for another one?

The Chair: Quickly.

Ms Churley: Your last point about a provincial grant program—would you say that while we're working through this process in developing regulations and whatever, which might take some time, that it would be useful for the government to come forward with some funding programs now? For instance, bring back something like the CURB program and enhance some of the other programs so that farmers can get on with things, even before the law comes into being.

Mr Robertson: I'm really glad you asked that question, Marilyn, because it's something I feel very strongly about. We currently have a whole hodgepodge of programs going on all across Ontario. Even people within a county don't understand those. I have to say we've had some really good programs in this area and I'm sure others areas across the province, but I've always said it should be a provincial mandate to do that. I view the healthy futures program that the current government has been involved with—\$90 million announced, which created headlines back three or four years ago. As of last April, I had direct information that \$7 million of that \$90 million had been allocated. Since then, I think there have been more applications come in, but it's been extremely hard to get—

Ms Churley: Hard to get access.

Mr Robertson: Nobody can get access to it, and most of the applications come from volunteers like myself. I don't mind doing volunteer work, but there's no point in me spinning my wheels doing volunteer work and getting the landowners in the municipality all excited about some project, just to be told it's not going to be approved.

Ms Churley: We'll have to fix that.

Mr Robertson: I see that as an opportunity for the provincial government to actually utilize some of the balance of that \$90 million to implement a program that would be extremely helpful and done as a provincial program across Ontario.

Ms Churley: Thank you.

The Chair: I'll go to the Conservatives.

Mr Murdoch: Thanks for coming, Ray. I appreciate that and I mainly agree with all the points you've put out; that is, I agree in principle that we need this law. I think most people in principle think it's something we need. But I'd like you to just tell us how important it is anyway that people like yourself and the other people who have been here have a chance to talk on the regulations before they become law.

Mr Robertson: I think it's extremely important to have input on that, because the act, as I understand it—again, I'm not a Philadelphia lawyer to understand these things, but it looks like an extremely intrusive act that has sweeping powers we've never seen before, and unless there's some direct input from the rural communities, it may be very difficult to live within and maintain a viable agricultural industry in this province. I'm sure I share your views on that, Bill, that that's the last thing we need in this country.

Mr Murdoch: Yes. That's good. Thanks.

The Chair: Thank you, Mr Robertson. We appreciate that presentation from Soil and Crop.

PERTH COUNTY AGRICULTURAL PEER REVIEW COMMITTEE

The Chair: Our next delegation scheduled is the Perth County Agricultural Peer Review Committee. Good afternoon, sir. You have 15 minutes. You may want to leave some time for questions, and we'll get your name for Hansard, please.

Mr Russell Danbrook: I am Russ Danbrook. I'm a pork producer in Perth county. By definition, I guess I would have an intensive farm operation. The last four years I've been chair of the ag review committee in the county of Perth. I've been involved with it since its inception in the county as far back as 1995-96. I'm a director of the Perth County Pork Producers. I'm a member of the environmental committee for Ontario Pork Producers, and a concerned citizen, I suppose, if that would round everything out.

I have two shorter presentations today. The one presentation regards the recommendations I have for your committee with the response teams, and the other one is to do with the Perth County Pork Producers. I can't get half an hour for that, though.

1430

The Chair: No.

Ms Churley: Nice try.

Mr Danbrook: I guess the first thing to be considered when we start talking about the environmental response teams is that they work. My county agreed to that in their presentation. I have seen it first-hand. I have done the calls. I have delegated calls to others within my community, within the program, who have sat on the committee that we have in Perth, and it just flat-out works.

One of the things we're pleased to see is that the proposed legislation will continue to include the concept of CERTs. There might be a bit of ambiguity here. We're talking about the agricultural peer review committee and we slip over to CERTs. One is just a different acronym for what we established a few years ago and actually made as a presentation to Noble Villeneuve. CERTs are the community environmental response teams, so that's what I'm alluding to here if I go back and forth.

I think the province needs to maintain the responsibility for the training of the CERTs to define a consistent role and to ensure uniformity of application across the

province. Failing to do this, we'll continue to have a hodgepodge of rules at the municipal level and certainly not take an approach that's consistent with the farming community province-wide.

Another thing I believe is that CERTs should be created at the municipal level and should be created to reflect specific community or municipal needs within the makeup of the committee. When we did it in Perth, we weren't under the pressure that an awful lot of municipalities are today, which is partly thinking with their heart. Because the pressure wasn't quite so great back then, we had the luxury of just using our heads, I suppose, which might indicate that others haven't, but they've certainly had to have their heart involved. We have a different committee makeup for that reason. It actually has more commodity memberships and no members of the public. Some committees developed today would probably see a need for either political intervention at the municipal level or certainly citizens being on board with this.

The CERT teams should continue to be a committee of municipal governments and should report to the appropriate county or municipality. That's important. Mr Barrett is gone now, but he did an interview yesterday with CKNX that I heard on my way here, and one of the things he was concerned about was how we maintain the local flavour in this legislation. We can maintain that, I believe, fairly well because folks like myself who have taken on this role are knowledgeable about the conditions in our county, knowledgeable about water levels, water tables and soil types. We're also aware of the list of characters, I suppose, or the citizens, and what their approaches might be, and our attitudes toward them will certainly be reflected. So the local component can quite well be met by the fact that we have the CERTs.

Municipal counties or governments should encourage cross-commodity representation. It's important that we have the commodities buy into this process. The reason I say that is that they're knowledgeable and it's a good pool of people who have a good grasp of the issues within the local counties. The cross-commodity representation certainly ensures that we can touch first-hand all aspects of livestock production as it would apply, and certainly should be encouraged.

I know when we go out and talk to farmers, the fact that I'm a farmer talking to them brings that wall between us down fairly quickly, as opposed to some bureaucrat or somebody from farther off. We can empathize without being judgmental; we can also be objective, because we know right from wrong. We know if overspreading or overapplication has happened, or if there's some other problem. It's an important component and I would hope to see it continue.

The role of the CERTs will evolve, but the base function should primarily focus on dispute mediation on behalf of the municipality between farmers and complainants.

There are other things we will get into in other communities. In fact, the township of Minto in Wellington

county uses their peer review committee—again another term here—to review nutrient management plans. I think the one thing we need to recognize is that five or six years ago we were not even talking about nutrient management plans, so the evolving issues that will come up and be addressed will have to be recognized by an evolving committee.

That's pretty much all I have to say on the development of the CERTs, other than to congratulate the government on including it, and hopefully it stays.

As a pork producer in Perth county and a director, I'm one of about 900 to 1,000 producers in Perth. I suppose our base position would be that we totally agree with the position of Ontario Pork and appreciate the opportunity to reinforce their general position.

One of the things we would hope to recognize here today or emphasize here today is that this legislation will have a higher impact on the family farm than it does on what you think of as the corporate or factory farm. Far and away the majority of our farmers are family farmers. I am myself. Most of the others I know of would fall into that category. Some use labour; some family farms are factory farms by their size and by what your definition was earlier. I can't disagree with what your analogy was there.

Some of the recommendations we hope would continue to be taken into regard here are:

Municipal governments should not be allowed to supersede this proposed legislation either by amendment capability or by the creation of their own bylaws. It's fairly straightforward, what we believe. I guess you have to be in the minority as much as farmers are to respect or understand that position. We make up 3% of the population. We don't, through amalgamation and other things out there, have as big a voice as we used to have on municipal governments. In the past number of years, I've seen people standing up and saying, "I might not know much about bridges, I might not know much about roads, but by Jeez, I'm going to stop those big farms." That's unfortunate, because what it does is put more pressure on other municipalities across this province when you move or force livestock to be moved around the province.

The omission or the exclusion of factors that could alter or diminish the authority of this legislation should not be allowed to compromise the intent of this legislation. Mr Coburn said previously many times that it will not supersede, but we're concerned that if some areas are not addressed, then a municipality could go ahead, for instance, and do something without actually superseding the law which would still have the effect of contravening or diminishing this law.

I think if we as farmers are to give the support we have been asked to give or that we're willing to give, it must be recognized that this support would have to be qualified—we're somewhat reserved, I suppose—and be more contingent on what the regulations say down the road. It's kind of like being the blind man with the dog. You trust his judgment. You'd better hope he knows where he's going. We have a strong feeling about the fact

that the regulations could alter, or certainly are going to temper, our ability to support this overall legislation.

The legislation must include an appeal mechanism to address or redress individual interpretations or inequities of operation. There are going to be situations out there that require farmers to alter behaviour, for lack of a better way of saying it, and we want to be sure they have that opportunity if in fact they think this legislation is wronging them. That, to me, becomes an important one as well.

1440

I'm getting out of order here; I'm sorry. But municipalities whose official plan recognizes agriculture and agricultural designations within their jurisdiction shall continue to recognize these designations where applicable.

The one thing that I think we have to get used to in Ontario is what you're seeing with the larger operations, whether it be livestock barns or cash crop farms or whatever: agriculture is getting bigger. That's the face of agriculture. That's the reality today. I can't change it, and we can't go back, because of the margins that we're faced with, because of the economic conditions that we're faced with in this province, the pressures the farmers are under. We can't go back to the nice little bank barn which even my wife would say is a lot more idealistic and prettier to look at than the newer ones. We haven't got that luxury. And I would make a strong case for the fact that the farmers who are allowed to be economically viable in this province are the ones who can be the most responsible when it comes to the environment. So I guess I want to reiterate the fact that what you're seeing is the face of agriculture.

What we need to do to make this better is reflective of what we're doing here today. Education about this legislation should be vital to the implementation and should be an ongoing responsibility of the provincial government. That education has to start right at the farm. We as farmers need to know that we've got to go get the building permit well in advance of the machinery pulling in to do the digging. That hasn't happened in the past. We need inspectors who know what they're doing when they come to our farms. We need to know that if they see something brown running toward the river, it isn't a Jersey cow, for instance, or something to that effect. So that becomes important.

Inspection and enforcement of regulations should be a function of the MOE. That's my belief. That's what we've come up with in Perth county. It's a little more clear than what the Ontario role is, but it's definite.

We also think that auditing of nutrient management plans should continue to be a role of OMAFRA, and OMAFRA should make a long-term commitment to this role.

The legislation must take a graduated approach in its implementation, with the degree of risk being the underlying priority. I didn't say that really well when I look back on it and see it in writing, but we need to be concerned about the farmers who are putting this province at risk, and that's the direction.

Provincial governments should take the opportunity to find the resources to offset the implementation costs of the creation of this legislation. Where I would go with that is to use the example of water bottling companies, for-profit companies that are taking water out of this province. If a cent a litre was put on a bottle of Dasani or something like that, I don't know that it would change it, but it would go a long way to coming back and putting the money in place to do the other projects that need to be done, the abandonment of wells and the other things. The argument I would make for that sort of surtax, if you will, would simply be that those companies will be better in the long run if we have better water in this province, so they are actually protecting their own or they are being responsible by being asked to do that.

It looks like I've got two points the same there, so I'll just go to the last one. Nutrient management plans should be seen as evolutionary in nature, capable of taking into account new technology and responding to the changing needs of both the farm community and society. As such, there needs to be a mechanism to recognize changing circumstances.

A prime example of what I'm talking about here was the fact that just recently with your environmental committee we started adding the words—and it's not at its final stage yet, so I'm a bit premature, but we've come up with the idea that baseline testing, for instance, before farms go into operation is a good method of protecting both farmer and society, because we know then what the situation was prior to construction. It helps us down the road, if there's a complaint, to know that a farmer was in compliance or that he wasn't.

I've probably got more comments, but I would hope to have a bit of time for questions, so that's all I'm going to say right now.

The Acting Chair: Thank you, Mr Danbrook. You've actually effectively taken up your 15 minutes in your presentation, but unless there's some pressing issues of the caucus members, I will allow some flexibility.

Mr Johnson: There was a pressing issue, because I sat here all morning and had to listen to how great Grey and Bruce counties are, and indeed they are. But I just wanted to thank Russ, because he comes from Perth, and to let people around here know that we have some good farmers down there too.

Russ, the other thing I wanted to say that is important—and I see you're calling your local control CERTs now instead of peer review committees—is the underlying guide or template or whatever for those was what we would call the fence-viewer, and anybody who doesn't know how that was set up and has been working for the last 140 years in Ontario, ask me later and I'll tell you. But that's the way the thinking on the peer review committee was established. I'd just like to thank you for being here.

The Acting Chair: I don't know how many people that was pressing for, but thank you very much, Mr Johnson.

Thank you very much for coming and making your presentation.

Mr Danbrook: I limited what I handed out to just two pages of recommendations. I assumed that you don't have time to read 50 pages.

The Acting Chair: That's effective, thank you. We all have a copy.

Mr Murdoch: I should point out that Middlesex has good farmers too.

Mr Peters: And Elgin.

GREY COUNTY FEDERATION OF AGRICULTURE

The Acting Chair: I would call on the next speaker, from the Grey County Federation of Agriculture. Please take a seat, and if you could identify yourself for the record.

Mr Karl Chittka: Good afternoon. I'm Karl Chittka. I'm the president of the Grey County Federation of Agriculture. I'm also a farmer in Grey county. The Grey county federation would like to say thank you for having the opportunity to make our views known before this committee. We did quite a bit of research on Bill 81, and here it goes.

The Grey County Federation of Agriculture has been concerned about the uncertainty for farmers and rural communities in planning for and addressing concerns about the trend toward larger and more intensive agricultural livestock operations. We have been working with county council and municipalities to develop a reasonable and balanced approach to managing the conflicts arising from this trend by participating in development of bylaws as well as peer review committees.

We are in agreement with the need for this legislation such as proposed in Bill 81 in order to have rules applied equally across the province as well as to instill confidence in the public that food production is being carried out in a safe manner.

Administration: we agree that administration needs to be done on a province-wide basis in order to avoid having different treatment in different jurisdictions, which leads to confusion and conflicting rules in the neighbouring municipalities. An example of this exists right here in Grey county, where minimum distance separation guidelines have been interpreted differently than in the rest of the province and single rural residences are treated the same as hamlets or villages.

The lead ministry must be the Ontario Ministry of Agriculture, Food and Rural Affairs, which has the expertise and understanding of farming. Environmental technical support can be obtained from the Ministry of the Environment.

It is unacceptable to require farmers to pay fees in addition to all the other changes and expenses associated with compliance. The government must ensure that this initiative is well funded so it can be properly administered.

The implementation of Bill 81: the schedule for new and existing operations to come under the act is acceptable to the Grey County Federation of Agriculture; however, the act should include all applications of nutrients on land, such as commercial fertilizer and biosolids.

Enforcement: we are concerned that the largest portion of this act, the purpose of which is to set guidelines and parameters for certain types of agriculture, is focused largely on enforcement. Some 40 of the 60 articles in the act deal with enforcement. Farmers would prefer government to focus on providing guidelines to support the implementation of best management practices in a more positive approach.

1450

It is not acceptable that inspectors may enter farm premises without prior notice or a warrant. This raises questions of individual rights being taken away, as well as issues of biosecurity, which are becoming more and more important in livestock production in view of the recent outbreak of foot-and-mouth disease, among others. Extreme measures should be reserved for producers who have had the opportunity and prior warning to correct problems and have not done so within a reasonable time frame.

As previously mentioned, the Grey County Federation of Agriculture has supported the peer review committee approach for resolving problems. We ask that the legislation include this review and resolution mechanism as part of the process prior to more severe steps being taken to ensure compliance to the act. We recommend that the members of the peer review committee are active farmers who are registered under the farm business registration act and who understand the implications of certain situations. It is not reasonable to expect non-farmers to have expertise to advise on agricultural production.

We are concerned about subsection 17(3), in that these guidelines may allow for frivolous complaints to interfere with a farming business carrying on normal practices. It must be clear that only complaints of a substantial or severe nature can be acted upon under the act.

Now we get to the money part. Cost factors: this act will place expectations on agriculture which imply changes that will increase the costs, both through management and infrastructure changes. While farmers see the benefits in increasing environmental protection, it will be society as a whole that will reap the benefits. It is not acceptable, then, that farmers carry the entire burden of costs associated with meeting the requirements of this legislation. The government must provide financial support to farmers who will need to upgrade facilities or pay for expertise in order to meet the new guidelines. We request that a special funding and education program be developed for this purpose.

Farmers in Grey county are law-abiding citizens who want to contribute to the protection of the environment. We do not want to be treated like criminals by having legislation that makes it difficult or impossible to obey the law.

That's the presentation of Grey county. Thank you.

The Acting Chair: Thank you very much for your presentation. We have just a little over two minutes for each caucus to make any comments and ask questions, so please stay for that. The first on the rotation is the NDP.

Ms Churley: Thank you very much for your presentation. I have no questions. Your position is one that we've heard on many occasions and I think I've asked the questions, but I thank you for your presentation.

Mr Johnson: Thanks very much for being here and contributing to our deliberations. What I wanted to clear up a little bit, if I could, is on the access. You're saying that somebody shouldn't be able to make a spot check on a farm. I think one of the important things to realize is that, first of all, farmers are unique, and that is that their business place is usually their home. Most of us aren't that way. A lot of us would live in a house and drive to the store or the garage or whatever down the street. So I don't think that this would give access to your home on a visit. But there are other occasions when the government, for whatever reason, makes spot checks. I would think a workplace that would be significant would be a food processor in town. The workmen's compensation and those kinds of places make visits. Is there some way of accommodating that sort of need or want, without phoning up two days before and saying, "I'm coming; please have some clean boots and so on for me"?

Mr Chittka: I don't think this is what we are afraid of, an inspector coming to the farm to do an inspection. It's just the way this legislation is written, it says you can get in there any time and you don't have to even announce yourself. I don't think that is right because, first of all, in reference to your comments about the farm being separated from the rest of the operation, this is maybe true, but in many cases the office part is kept in the house. If they want to go look at the books and everything, they would have to enter the dwelling.

I was a milk producer for many years. The inspections generally from the milk inspection branch were done on a random basis as well or when there was a problem. It depends on the diligence of the inspector, to a large degree. Our inspectors, and we had three of them, generally were pretty good. They'd come in, they'd announce themselves: "We're here." Most likely we knew them. But there was one occasion when we had an inspector who felt he owned my farm. He just walked in—

Mr Johnson: He didn't want to pay for it.

Mr Chittka: I was going to give it to him, but he didn't want it. But anyway, he just walked into the milk house without announcing himself. In my milk house, among other things, I have the shower in there as well, so anybody could have been right in the shower. It depends how diligent the inspector is in doing his job. If it's a reasonable approach, then I think inspections can be done, but I have a real problem when somebody says that you can enter premises without a warrant or without announcing yourself. That to me is pretty close to my heart, let's put it that way.

Mr Johnson: I understand.

Mr Peters: In my opinion, an extremely important part of this legislation is going to be these advisory committees or the environmental response teams to search. We just heard a previous presentation on that. I'm not passing judgment where the complaints come from; anybody can make a complaint. But I'd like you, if you wouldn't mind, to expand, because it's very obvious in your presentation here that with these advisory committees, you don't feel that there is a place for the non-farm rural resident on these committees. You base that on the expertise to advise on agricultural production. I just wonder why you wouldn't want the non-farm rural resident, besides not being experienced in agriculture. They live in the community, they're part of the community. Why wouldn't you want a non-farm rural resident on a committee that is supposed to help deal with complaints and solve them?

Mr Chittka: I think we're saying we want only farmers or farm people who are knowledgeable in farming to be on the committee. I'm not much good being on a medical committee to deal with the doctors' issues or other issues. You have to have a thorough understanding of a farming operation in order to make judgments. There are some things which are a normal farm practice, and obviously they don't hurt the farmer either. We're not asking not to have input from non-farm residents, but at the same time I think being on the committee and making the final decision should be left to the people of the same profession.

The Acting Chair: Mr Chittka, thank you very much for sharing your views and taking the time to come and speak to the committee this afternoon.

1500

GREY-BRUCE CHRISTIAN FARMERS ASSOCIATION

The Acting Chair: Our next presenters this afternoon are from the Grey-Bruce Christian Farmers Association, if you could come forward.

Mr Tom Bergstra: Thank you, Madam Chairman, and thank you for giving me the opportunity to speak on behalf of the Grey-Bruce Christian Farmers Association. My name is Tom Bergstra and I'm the secretary of the association. I don't expect my submission to be near the quality of what others have been able to submit. I only found out yesterday that I was able to speak today, but that was no fault of yours. That was only my own.

I will speak essentially from material received from our provincial board office in Guelph, from a comments-and-questions document. I'm sure you will eventually see all of this document, but I will not go through all of it today, only parts. Some of this you may have already heard in Clinton yesterday. I will on occasion give a Grey-Bruce flavour to the comments and perhaps some personal opinion as well.

Speaking personally, I grew up only a few miles from Owen Sound. I am an engineering graduate from

McMaster University and I worked for a large multi-national chemical company for nine years and am a member of the Professional Engineers Ontario. I began dairy farming in 1993 and that is my current occupation.

First, some general remarks. When I skim over the proposed act I get a sense that the essential intent of the act is to regulate the storage, transport and application of farm manure, all with the intent that the nutrients in the manure are used for the intended purpose—that is, to help crops grow—and that the contents of the manure do not cause pollution.

The three main areas are storage, transport and application. Therefore, I will speak only to those parts of the act related to that. Minimum distance rules and livestock unit declarations and such things are there mainly to put limits on location and size of manure storage. Licensing deals with transport and application, and nutrient management plans have to deal with manure application as well.

Storage is not overly complicated. It needs to be large enough for what is produced to prevent needing to apply manure at the wrong time. It also needs to be environmentally sound. Storage is an issue not because there is much more livestock in Ontario than years ago, but because the livestock is more concentrated. Instead of 10 small barns on a side road, there are two. Therefore, it is a simple reality that manure is transported further than years ago. Instead of 10 barns in the middle of 10 respective farmlands, the manure moves from a central barn along public roads to the farmland.

Speaking from a farmer's perspective, there are three general pitfalls that legislation must avoid:

(1) I feel that farmers must see the legislation as fair and fairly enforced. A farmer will easily justify incorrect behaviour if he feels other farmers are already getting away with something.

(2) Legislation must not force a farmer to do something he feels or knows is stupid. For example, I know a farmer who wants to improve his manure storage to prevent runoff. But he lives near the Niagara Escarpment, so when he tries to build a manure storage to improve his current practice, he's not allowed to because of restriction on building near the escarpment. This type of thing causes farmers to become disillusioned with regulations and sometimes the baby gets thrown out with the bathwater.

(3) The regulation must not require too much paperwork by farmers. Pages and pages of forms only lead to the idea that no one can possibly read and review all this, so what's the use?

Comments on the act: definition of business of applying materials containing nutrients. Clauses 5(2)(d) and (e) use the phrase "business of applying materials containing nutrients," and contemplate requiring those engaged in the business to be licensed.

The Christian Farmers Federation of Ontario requests clarity in the act so that farmers applying their own nutrients to their own lands will not be required to be

licensed. Only those in the business of applying others' nutrients should be licensed.

I would like to add some Grey-Bruce flavour to this. Here in Grey-Bruce we will still occasionally help out our neighbours, either for a payment or for a favour. I have helped my neighbour spread manure.

We would favour a different demarcation of those requiring a license or not. We would say that if your transport vehicle needs a license from the MTO, then you need a license too. In other words, if a farmer uses a tractor-drawn spreader, he wouldn't need a license. Once he goes to a truck, whether hauling for himself or others, and the truck needs an MTO license, then he needs a license, too, to apply material containing nutrients.

Management of materials containing nutrients and regulations respecting farm animals, part II: section 5(2)(a)(i) proposes standards for the size, capacity and location of buildings or structures that are used to store materials containing nutrients or to house farm animals. How will these standards relate to the existing powers of municipalities to adopt the site control bylaws? Is this a form of provincially managed site control? Will these standards include separation distances from conflicting land uses? If so, will the existing minimum distance separation formulas 1 and 2 be used for these regulations? CFFO does not support the continuation of the automatic expansion factor now built into the MDS formulas.

Licensing farmers: sections 5(2)(b), (c), (d) and (e) propose qualifications and licensing for farmers. The act needs to be clear in that not all farmers will need to be licensed but all farmers will, in time, be required to participate in nutrient management planning. The CFFO supports requiring all farmers to participate in the basics of nutrient management, no matter the source of nutrients or the size of the agricultural operation.

Section 55 contemplates licensing being subject to a delegation agreement. Delegation of licensing raises concerns for CFFO. Who will be responsible and who will pay the costs? CFFO believes that licensing should remain a government function and a public cost.

Section 5(2)(g) will require farmers to document nutrient management plans. CFFO believes that government should provide financial and advisory support to enable compliance with the new requirements.

Here I want to add some personal comments. I realize I'm probably in the small minority, but I wonder if filing nutrient management plans by farmers is one of the pitfalls I mentioned earlier that farmers should avoid. If the regulations focused on the land and regulated the amount of nutrients that could be applied to land, then it would be up to the farmer to comply. There would be variation depending on the geophysical data, soil analysis and other technical aspects. The farmer would need to analyze his manure, and both the landowner and the applicator would be responsible, but it would be simpler.

For example, if I buy a car and start to drive it, I need a license and insurance, but I don't need to file a plan that says where I will drive, when and for how long. I need to

comply with all the rules of the road or be subject to law enforcement by traffic police. It's the same with applying nutrients to the land. Similarly, there are rules about drug residue in livestock sent to slaughter or in milk sent off for human consumption. I must comply, but I don't file a plan on what drugs I will use, how and when.

Section 5(2)(h) contemplates classes of agricultural operations. CFFO supports the creation of classes of agricultural operations, and all classes need an appropriate level of participation in nutrient management planning. The CFFO supports the creation of three classes of agricultural operations based on the number of livestock units and their density on the site. There would be less than 50 livestock units, 50 to 400 livestock units or greater than 400 livestock units.

Section 5(2)(m) creates the possibility that farmers will be required to file their nutrient management plans with a public agency. The act should be clear on whether this is a municipality or a provincial government agency. The act should also be clear to what extent the filing will make a nutrient management plan a public document. The CFFO believes that only the approval document for the nutrient management plans should be available to all members of the public.

Testing manure for nutrients: sections 5(2)(p) and (q) contemplate requiring the testing of manure for nutrients. Testing manure for nutrients is not an exact science. Nutrients in manures are highly variable, making test results of limited value in nutrient management planning. Nutrient content guidelines based on management systems and crop uptake information are more likely to provide the margin of safety than specific tests. Analyzing the materials containing the nutrients is only a part of the nutrient cycle equation. Testing soil samples where the nutrients are to be applied is more important. Will there be regulations governing the manner in which soil samples are taken and analyzed?

1510

Minimum distance separation: section 5(2)(s) contemplates minimum distance separation in the regulations. CFFO sees no merit in creating a new set of regulations for minimum distance separations for the location of livestock facilities when these exist under the Planning Act and have done a reasonably good job of siting facilities for decades.

Section 5(2)(t) contemplates regulations when the ownership of materials containing nutrients is transferred to other than the agricultural operations that produced them. The CFFO believes that all liabilities for the environmentally responsible management of the nutrients should be transferred from the producer to the new owner, where the new owner has demonstrated compliance with this act.

Electronic documentation requires all documents to be filed electronically. The CFFO does not support forcing all farmers to move to electronic record-keeping. The act must allow for filing by other means.

I'll just conclude with provincial guidelines versus provincial standards. Section 5(8)(e) contemplates ex-

empting some agricultural operations from the act. The CFFO does not support the exemption of any agricultural operation. We support appropriate nutrient management requirements for small and medium-sized farms. This is significant for Grey-Bruce. There are quite a number of small, hobby-type farms in this area. Would it be necessary that all of them require nutrient management? What if they do not even store manure?

I have just a few concluding remarks. The CFFO remains unconvinced that this act takes the best approach available for the development of pollution prevention initiatives for materials containing nutrients. Ontario is too diverse for a one-size-fits-all approach.

Our preference is for provincial guidelines that establish maximums and minimums for various pollution prevention standards; establishment of enabling powers for municipalities to adopt nutrient management bylaws, including the requirement that the municipalities consult on the need to modify provincial standards and demonstrate there are local needs that make the modification important; training and financial support for municipalities to build capacity to deliver and enforce; provincial third party review of all nutrient management plans; no fees or other cost-recovery initiatives—farmers will be paying enough to make or have others make nutrient management plans and update them; all farmers participate in nutrient management planning after a graduated entry process.

That concludes my comments. Thank you for your attention. I'll try to answer questions. I know there's not much time left.

The Chair: We've got about 30 seconds for comments. We'll start with the PCs.

Mr Murdoch: When you first started you said you wouldn't be as good as any of the rest. I think you were quite comprehensive there and we appreciate that. We heard from the Christian Farmers yesterday too, and from Elbert van Donkersgoed.

If the act comes into force, how important is it that you and organizations like yours get a chance to look at the regulations before they become law? Is that imperative?

Mr Bergstra: I would say it's imperative, yes.

The Chair: I will go to Mr Peters.

Mr Peters: Just wearing your own personal hat as a dairy farmer, have you given any consideration, from what you've seen of this act and what you've read, to how it could personally impact on your own farm, and would you be looking at having to make some substantial upgrades at home?

Mr Bergstra: Yes. I have what I call a semi-solid manure system. My manure is simply stacked on an outside pad of concrete. I'm sure I would have to have a covered system that would prevent water running into it and manure seeping off it. So it would have to be changed to a contained and covered system.

The Chair: We'll go to Ms Churley.

Ms Churley: There's no time to ask the questions I wanted to ask. Are you going to provide a copy of your document so that we can take a look at it later?

Mr Bergstra: Yes.

The Chair: Thank you, Mr Bergstra. We appreciate this presentation from the Grey-Bruce Christian Farmers Association.

GREY BRUCE COUNTY
PORK PRODUCERS

The Chair: Our next delegation is the Grey Bruce County Pork Producers.

Ms Wilma Jaffray: I'd like to say good afternoon to the committee. My name is Wilma Jaffray, and I'm a pork producer from Bruce county. I'm also a councillor on the local Grey Bruce County Pork Producers.

Ms Liz Samis: I'm Liz Samis. I'm a Wellington county pork producer.

Ms Jaffray: It's with much anticipation that pork producers and the general public look to the implementation of this act. For producers, there's a sense of relief that a province-wide standard will be put in place which will hopefully alleviate some of the tensions which exist in the countryside with regard to hog operations. For producers, there is also a sense of uneasiness surrounding what the implementation could mean to them on an individual basis. I will try to give some insight into what some of these concerns are for the pork industry.

First and foremost, I think, is the cost of compliance. Everybody wonders, "Where do I fit into this? What will it cost?" It affects the viability of the farm in the end.

The Ontario pork industry competes on a worldwide stage. The price for hogs in Ontario is based on US markets. We have no way of influencing this price. It is strictly supply and demand in the North American marketplace. Also, pork producers in this province have no financial safety net tailored specifically to pork production. Market fluctuations must be weathered by producers on their own.

Because of these two realities, it can be seen that the Ontario pork industry must be very efficient to survive and thrive into the future. Simply put, our cost of production must be in line with neighbouring jurisdictions or we will not be competitive. The cost of implementing the Nutrient Management Act on farms must not be so burdensome that we are placed in a position of being uncompetitive on a worldwide stage.

The implementation of the regulations on farms will have costs for producers. Because pork is a commodity where pricing is not determined on a cost-of-production formula, all associated costs of implementation will be borne by the producer.

Depending on what the costs of compliance are, it could lead long-term to a migration of the pork industry and all its associated economic spinoffs to other jurisdictions. This would not only affect the pork production industry, but also meat-packing, processing, trucking etc.

I believe it is very important that the financial impact of the act for pork producers be carefully studied and appropriate government assistance given to aid in a smooth transition to the future. From the public's per-

spective, I believe the justification for this assistance is in working toward a future where all are confident of the safety of water in the province.

One of the things that I think is very much on the minds of producers is that we be consulted about the regulations that are put in place. The Ontario pork industry is very diverse in its producer profile. We have the full spectrum of production styles, all the way from a mixed, traditional family farm operation, which may run small numbers of hogs seasonally, to highly developed systems which employ many people as consultants, barn workers, barn managers, office personnel etc. All styles of production are capable of producing a high-quality pork carcass in an environmentally sound manner. All styles of production provide a financial existence for the owner and the employees. They are all important contributors to the Ontario economy.

The drafting of the regulations must come to a standard that is achievable for these diverse styles of production. To be achievable, they must be affordable. If one set of standards is to govern the entire industry, the cost of compliance must be affordable by all industry participants, regardless of size. If a tiered system is put in place, the regulations set for each category must be at a level with reasonable associated financial costs.

Although large operations may be perceived as having more potential for influencing the environment by virtue of their size, it would be unfair to place excessively high standards on this size of operation. Whatever the size of operation, the cost of compliance must allow them to compete on the worldwide stage in the future.

For these reasons, I strongly urge that the setting of the regulations be done in consultation with the pork industry. Decisions made by people who have no on-farm realization may be correct on paper, but may also be grossly in error on a practical basis. It is in consultation that good, workable end results happen. In this scenario, the pork-producing community will see the regulations in a more positive light, rather than as something that has been imposed upon them. A positive attitude will go a long way toward achieving full province-wide compliance.

1520

Something that I think touches everyone in this province, which is happening in our communities, is that the public trust—there are just a lot of mad people around. In the past, the farm community enjoyed a healthy coexistence with non-farm neighbours. The relationship was built on mutual respect and trust—trust that what the farm community was doing was healthy and productive for society as a whole. Unfortunately, today this trust has been eroded. Mention the term "hog barn," and the immediate association by many members of the public is negative. From my personal perspective, this is a regrettable occurrence. Our industry has lost some of its former esteem.

In drafting the regulations, the concern of the public must also be considered. All people, regardless of where they live, should be concerned about the safety of their

drinking water. The public must feel assured by what this legislation does. It seems to me we need an educational component based on good scientific principles to communicate the goals that we are all working so hard to achieve.

Dollars are always on everyone's mind and are on mine as well. Much is expected of this legislation. It needs to address public concerns while at the same time being feasible for the pork industry. Because of its importance, it is imperative that sufficient budgets be devoted to the implementation and enforcement of the act. Enforcement needs to be consistent across the province. For reasons of public confidence and consistency, I believe that implementation and enforcement should remain under the domain of the provincial government. Municipal governments must not have all costs downloaded to them. Sufficient funds must be made available from the provincial government to keep up the program integrity province-wide.

I'd just like to comment on a couple of specific concerns, things that are talked about. One is in the regulations when they are eventually drafted, the use of calendar dates for spreading nutrients. I'd like to share with you the experience which a fellow producer had during a recent trip to Holland. Hopefully this will give some insight into what the setting of calendar dates for nutrient spreading may do if implemented.

On a recent trip to Holland, this producer happened to be in that country on the days leading up to a spreading deadline. After the deadline date, no spreading would be allowed until March of the next year. What he saw were producers and custom applicators working day and night, sometimes in wet conditions, to meet the deadline. The smell of so much being spread in such a short time was overwhelming. The week after the passing of the deadline was dry, with ideal conditions for spreading; however, no one was allowed to spread at that time because of the imposed deadline.

My concern is that if a calendar date is imposed on Ontario operations, it would lead to a similar scenario. So much work being done in a short time leads to worker fatigue, equipment breakdown, spreading in inclement weather etc. Imposition of a calendar date could very well exacerbate the problems we are attempting to solve.

The other in the drafting of regulations is just generally inspection of farm premises. The powers given in the act regarding inspection of farm premises give a feeling of uneasiness to producers. The attitudes and actions of these inspectors need to be consistent across the province. The inspectors must realize that in many cases they are entering a family's property of residence; the farm is their home. Utmost respect must be given to observe biosecurity measures for each farm. Many producers have devoted much time, effort and financial investment in building up their operations to the high levels of production they have achieved. With one visit from an inspector who has not followed the biosecurity measures of a farm, a lifetime of work could be jeopardized. Disease is very easy to spread; the UK will

testify to that. Within Ontario there is much difference between herds in immunity levels to certain swine diseases. This issue needs careful consideration. Again, consultation with the pork industry would be of benefit to ensure that standard operating procedures for inspectors are such that the spread of disease never happens.

In summary, I'd like to say it is my hope that the long-term effects of the Nutrient Management Act will be the presence of a strong pork industry, with all of its associated financial spinoffs for the province, while at the same time preserving our natural, God-given environment for future generations to enjoy.

Thank you for allowing me to speak today.

The Chair: Thank you very much. We have a minute for each party.

Mr Peters: I have a question for Liz. It's not pork-related; it is because of where you live, Wellington county. Are there cultural issues that we need to take into account in dealing with the Amish and the Mennonite community, things that we may put in legislation, in regulations, that we need to be considerate of? I ask you the question because I heard "Wellington county."

Ms Samis: In Wellington county, we do have a number of Mennonite and Amish farmers. I think some of the similar points that have been raised in terms of cost of compliance around manure storage issues—we're all farmers, so there's no difference in terms of that aspect. There's going to be some economic impact on-farm, and they tend to be smaller, straw-based farmers. But I think all farmers are concerned about the cost of compliance.

Ms Churley: Thanks for your presentation.

I just wanted to comment briefly and ask your opinion on this. There was a report in the Ottawa Citizen recently that said about 86% of the Dutch intensive hog farms came here to western Ontario because of strict environmental regulations there. We're hearing some reports that because of stricter environmental laws in Quebec, some of the farmers are coming to Ontario. As I understand it, they brought in stricter regulations in those jurisdictions and some parts of the United States because of pollution problems: leaks into streams and drinking water. So I guess it's one of those chicken-and-egg questions, so to speak. If they're coming here because we have fewer or less strict regulations around the environment, we have to watch what we're doing here, don't we, as well, if that's why they're coming here?

Ms Samis: We have a fair number of our farmers who have immigrant status. I find those farmers come over here with good technology and are very productive, very environmentally focused. I don't know if it's regulation-driven or if it's land-base driven or cost of production. The economic aspect, regardless of jurisdiction, does play in. We are competing on a world market. But I don't think we should categorize particular segments of ethnic background necessarily. The issue is farming.

Ms Churley: Oh, my goodness, that's not what I was doing. I'm just reporting an article that was in the Ottawa Citizen, and that's what it said.

Ms Samis: In the Quebec farm situation, the government there has certainly helped farms with environmental programs and initiatives, and we would hope our government would do the same for Ontario farmers.

Mr Johnson: I have not so much a question as a comment. I had made reference to Russ Danbrook a little while ago, of course, coming up from Perth. Wilma, we're pleased that you came and gave us the benefit of your experience and so on in our deliberations. I just wanted to say, Liz, it's good to see somebody from Wellington county here as well.

Ms Samis: We do work together.

The Chair: Thank you very much. We appreciate that from the pork producers.

We've certainly appreciated having the Ontario Legislature up here in Owen Sound. I've had the benefit of five bales of real nice alfalfa and timothy here. We got a very nice fragrance from that during these hearings.

The bus is standing by to head south. We get part of the weekend off, and on Sunday we head east. Anyone with questions around transportation to Ottawa on Sunday, contact our clerk, Tom Prins. Monday, we reconvene at 10 am in Kemptville, Purvis Hall, University of Guelph. Tuesday is the plowing match. We're back in Peterborough on Thursday. We go to North Bay on Friday.

We're adjourned.

The committee adjourned at 1531.

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Chair / Président

Mr Toby Barrett (Haldimand-Norfolk-Brant PC)

Vice-Chair / Vice-Président

Mr Carl DeFaria (Mississauga East / -Est PC)

Mr Toby Barrett (Haldimand-Norfolk-Brant PC)

Mr Marcel Beaubien (Lambton-Kent-Middlesex PC)

Mr Michael Bryant (St Paul's L)

Mr Carl DeFaria (Mississauga East / -Est PC)

Mr Garry J. Guzzo (Ottawa West-Nepean / Ottawa-Ouest-Nepean PC)

Mr Peter Kormos (Niagara Centre / -Centre ND)

Mrs Lyn McLeod (Thunder Bay-Atikokan L)

Mrs Tina R. Molinari (Thornhill PC)

Substitutions / Membres remplaçants

Ms Marilyn Churley (Toronto-Danforth ND)

Mr Bert Johnson (Perth-Middlesex PC)

Mr Bill Murdoch (Bruce-Grey-Owen Sound PC)

Mr Steve Peters (Elgin-Middlesex-London L)

Clerk / Greffier

Mr Tom Prins

Staff / Personnel

Mr Avrum Fenson, research officer,
Research and Information Services

CONTENTS

Friday 14 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-349
Bruce County Planning Department	J-349
Mr Stuart Reavie	
Mr David Smith	
Bruce County Federation of Agriculture.....	J-351
Ms Jayne Dietrich	
FoodTrax Inc.....	J-353
Mr Tony Morris	
Ontario Sheep Marketing Authority, district 2.....	J-355
Mr Vince Stutzki	
Residents of East Luther Grand Valley Township.....	J-357
Mr Peter Turrell	
Township of Southgate.....	J-360
Mr Ralph Winslade	
Grey County Cattlemen's Association	J-362
Mr Lloyd Kuhl	
Mr Robert Scott	J-364
Grey Sauble Conservation Authority; Saugeen Conservation	J-365
Mr Dick Hibma	
Simcoe County Federation of Agriculture	J-368
Mr Keith Currie	
Citizens Actively Representing Environmental Security	J-371
Ms Kathy McCarrel	
Bruce County Cattlemen's Association	J-373
Mr Stan Eby	
National Farmers Union, Ontario region	J-375
Mr Lawrence Andres	
County of Grey	J-377
Mr Ron Glenn	
Concerned Citizens of Chatsworth	J-380
Mr Dan Marshall	
Town of Mono.....	J-382
Mr John Creelman	
Ontario Forest Industries Association.....	J-384
Mr Craig Gammie	
Grey County Soil and Crop Improvement Association	J-386
Mr Ray Robertson	
Perth County Agricultural Peer Review Committee	J-388
Mr Russell Danbrook	
Grey County Federation of Agriculture	J-391
Mr Karl Chittka	
Grey-Bruce Christian Farmers Association	J-392
Mr Tom Bergstra	
Grey Bruce County Pork Producers.....	J-395
Ms Wilma Jaffray	
Ms Liz Samis	