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**Official Report
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Tuesday 23 October 2001

**Journal
des débats
(Hansard)**

Mardi 23 octobre 2001

**Standing committee on
justice and social policy**

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

Brain Tumour
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des éléments nutritifs

Chair: Toby Barrett
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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY**

Tuesday 23 October 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Mardi 23 octobre 2001

The committee met at 1535 in room 151.

**BRAIN TUMOUR
AWARENESS MONTH ACT, 2001
LOI DE 2001 SUR LE MOIS
DE LA SENSIBILISATION
AUX TUMEURS CÉRÉBRALES**

Consideration of Bill 14, An Act to encourage awareness of the need for the early detection and treatment of brain tumours / Projet de loi 14, Loi visant à favoriser la sensibilisation à la nécessité du dépistage et du traitement précoces des tumeurs cérébrales.

The Chair (Mr Toby Barrett): Good afternoon, everyone. Welcome to this regular meeting of the standing committee on justice and social policy for today, October 23. Our agenda initially is to consider Bill 14, An Act to encourage awareness of the need for the early detection and treatment of brain tumours. We have several delegations.

Mr Bob Wood (London West): Just one, actually.

The Chair: We've combined two groups. I would ask those who wish to present to approach the witness table.

**BRAIN TUMOUR
FOUNDATION OF CANADA
TORONTO BRAIN TUMOUR
SUPPORT GROUP**

The Chair: Good afternoon, everyone. If you wish to give us your names for the Hansard recording, then you may proceed.

Ms Kathleen Ellis: Good afternoon, Mr Barrett and all the members of the committee. My name is Kathleen Ellis, and I am the executive director of the Brain Tumour Foundation of Canada. With me is Jackie Yates, a brain tumour survivor and a member of our Toronto Brain Tumour Support Group. Jackie's mother, Susan, has also accompanied us, but she will not be presenting; she's just here for moral support, she says.

I want to thank you for the opportunity you have given us today to talk to you about brain tumours and to represent brain tumour survivors and their loved ones in the many communities across Ontario and in fact across Canada.

A little bit about the Brain Tumour Foundation of Canada: it was co-founded in 1982 by a father, Steve

Northey, who had just lost his little girl Kelly, who was eight years old. Kelly had died of a brain tumour. At that time, there was very little known about brain tumours, and so Steve and his family decided that they needed to set up an organization to help families like themselves and also to raise awareness about brain tumours and to try to find more money for research into the cause and effect of brain tumours. Steve tells me that when he did that he thought very naively that a cure would be found in five years. Well, here we are, almost 20 years later and as yet no cure has been found for this disease.

Brain tumours affect "the essence of the self," the control centre that governs our thoughts, our emotions and our movements. Brain tumours can impact very severely on an individual's intellectual, emotional and physical abilities, seriously affecting their employment and financial status, their family and other relationships and their quality of life.

It is estimated right now that between 10,000 and 12,000 people are diagnosed with brain tumours every year, and the incidence is increasing as our population ages. Brain tumours are the second-leading cause of cancer death among children. With improvements in treatment for leukemia, brain tumours are fast becoming the number one cause of cancer death in children; and that is certainly not a first place we like to be in.

Research is ongoing. We have found not so much a cure but that there are more than 100 different kinds of brain tumours, and this makes research very difficult and the development of effective treatments very complicated. Even with this level of incidence, brain tumours are considered a small disease group, and so our access to research funding is limited. The cause of brain tumours is not known at this point, and as I said, there is no cure at this point either.

So at this time, the best chance for survival is early diagnosis and early treatment. These treatments include surgery, radiation and chemotherapy, either individually or in combination.

Along with promoting research, the Brain Tumour Foundation of Canada has always focused on providing support to the families of brain tumour survivors and to the survivors themselves. As well, we have focused our energies on educating the public and raising awareness about brain tumours in as many ways as we can.

We do this by providing informational materials such as our patient resource handbooks, of which I have a

couple of copies here to show you. These are provided to patients free of charge across Canada, and at this point we're distributing about 200 of these a month. We've also developed handouts and pamphlets, which have been distributed to you. These contain information about brain tumours and the types of treatments. Also the one we use quite a lot is the one that we call the Signs and Symptoms brochure. It deals with the more common signs and symptoms of brain tumours. We try to distribute all of this material to the general public to raise awareness.

Since 1991, we have also targeted October as Brain Tumour Awareness Month. During that time, we do additional activities to raise awareness about brain tumours. This takes the form of media stories, public service announcements, displays and also patient information conferences. We've just held two of those, one in Ottawa and one in London. We use these methods to bring the issue of brain tumours to the attention of the public. Of course, we also organize activities to raise funds to support services and try to promote research.

1540

In previous years, several cities have assisted us with this by officially proclaiming October as Brain Tumour Awareness Month in their communities. Official support such as this makes it easier for us to distribute and display our materials through civic facilities such as health units and recreation facilities.

I want to give you one example. The region of Peel recently followed up their official support by allowing us to distribute 250,000 of these pamphlets through their utility bills. We noticed that in the time these pamphlets were distributed requests for information from that region actually quadrupled. Included in the contacts that we had was a letter from a woman who wrote to tell us that because of this information in the pamphlet, she had insisted that her mother go for a second opinion because of some health problems she was experiencing, and she wrote to thank us, because at the time that she wrote her mother was receiving treatment for the brain tumour that was subsequently diagnosed as a result of the second opinion that she received.

It's from experiences such as this that we realize how important it is to have official support and sanction of our efforts to raise awareness. We were thrilled, therefore, when Mr Wood offered to introduce and champion Bill 14, to have October proclaimed as Brain Tumour Awareness Month in Ontario. We have also been very encouraged by the support shown by all parties in the House for this bill.

I want to tell you that the news that the Ontario Provincial Parliament is considering providing official support for raising awareness about brain tumours by the proclamation of Brain Tumour Awareness Month has been well received by people affected by brain tumours and their families, not only from across Ontario but from all parts of Canada. I know of many letters and petitions that were sent to Mr Wood supporting this bill. Many of these letters carry very heart-wrenching and individual comments about the need to increase public awareness about this devastating disease.

I also know that there are brain tumour survivors in other provinces who are waiting anxiously for Ontario to set the precedent so that they can approach their provincial politicians to follow Ontario's example.

At this point, I'd like to ask Jackie to give you some insights into what it is like to live with a brain tumour and why this bill is so important to people like her.

Miss Jackie Yates: First of all, I'll start off by telling my story. I'm a brain tumour survivor. I was diagnosed in June 1996, when I had my first brain surgery. I was very lucky: I came through that surgery without any deficit and I went four years without any growth. I was very happy. Then, in April 2000, unfortunately, the tumour decided to start growing again, so I had to have my second brain surgery. Then I moved on to chemo. The chemo, unfortunately, didn't work for me, so I had to move on to radiation. I finished radiation in January 2001. That worked for two months and the tumour started to grow again. So this past July I had my third brain surgery. Now I'm doing chemo. I just had an MRI four weeks ago. The tumour is not growing, so I'm very happy.

Now I'd like to move on to an example of why Bill 184—sorry, Bill 14 now; it started off as Bill 184—is so important. My father's best friend has recently died of a brain tumour, and I'd like to tell his story.

Back around Christmas—actually, it was before Christmas—he started to have these different symptoms: memory loss and partial paralysis. His doctor was just putting it down to a mini-stroke, then symptoms of diabetes, that sort of thing. That went on for awhile, and his symptoms were getting worse. He finally had a CAT scan, and they discovered that he had a brain tumour. It was at this point that they admitted him to the hospital—right away. The next day he was in a coma. His tumour was inoperable, so he was in the hospital for a month and a half in a coma and died April 12. Sorry, I get a little emotional telling that story.

My point is that Bill 14 is so important to make people aware, including doctors. There are so many different diseases out there that doctors have to be aware of; unfortunately, there are so many that they can't be. But if we get Bill 14 passed and get this information out to doctors, as well as all these other people—Katheleen just told this other story about this woman—it will make a difference. It definitely will make a difference, because I know Mr Jackson would still be alive today.

Another point—I'm sorry.

Mr Wood: You're doing fine. Don't worry.

Miss Yates: Another point I wanted to make is that my doctor, my neuro-oncologist, is amazing. He's the best doctor. One thing he told me was that by the time approximately one third of brain tumour patients are diagnosed, they're disabled. I'm very lucky; I have very few deficits. But there are these other people who have a lot of deficits, and we can make a difference if we get Bill 14 passed. So we would really appreciate your help. Thank you.

The Chair: Thank you, Miss Yates. Ms Ellis, any further comments? Mr Wood, do you have any comments?

Mr Wood: I think the presenters would be prepared to answer questions from the committee, if the members have any questions.

The Chair: Yes, let's do that. We go in rotation. We'll start with the Liberal Party.

Mrs Lyn McLeod (Thunder Bay-Atikokan): I want to thank you both for coming forward to provide support for this and to make us aware of how important the passage of Bill 14 is. You needn't apologize. It's a very emotional subject, and it takes a lot of courage to come forward and tell both your story and the story of somebody who is close to you. It adds a lot to our understanding, and we appreciate your being here.

I have just a couple of questions. You'd mentioned, Katheleen, that Ontario could provide some leadership in terms of other provinces recognizing the importance of building awareness around brain tumours. Would we be the first province, then, to have actually officially declared a month?

Ms Ellis: Ontario would be the first province, yes.

Mrs McLeod: Has there been a reluctance in other provinces or is it just—because you said you'd targeted October since 1991, I think you said. That's 10 years of trying to get this moving forward.

Ms Ellis: The Brain Tumour Foundation of Canada is a national organization, with a head office in London, Ontario. There really isn't another national brain tumour organization in other provinces. So it has basically fallen to the Brain Tumour Foundation of Canada to take the lead, along with the help of Mr Wood, and of course we started in our home province. But we are affiliated with other organizations, smaller even than the Brain Tumour Foundation, one based in Nova Scotia and one based in BC. They are looking to us to try to approach their provincial Legislatures to follow the lead.

1550

Mrs McLeod: My only other question was in the area of research, because one of the hopeful things you talk about in your "Brain Tumor FAQ's" is that there are upcoming treatments that are showing promise. I'm just wondering, first of all, where the bulk of the new research is being done and, secondly, whether or not this is an area of research which gets a reasonable share of the funding that's done for cancer research generally.

Ms Ellis: To answer your second question, we don't feel it gets an adequate share of the funding, but as I said, in terms of cancer sites and disease groups it's a small group. While there is research ongoing in Canada—and certainly one of our co-founders, Dr Del Maestro, has recently left London to head up a new brain tumour research centre in Montreal, and hopefully there will be some major developments coming from there—a lot of the research is happening in the States, and we certainly will be benefiting. We will benefit from wherever there is research, and we at the Brain Tumour Foundation are working with other organizations and with the Canadian Institutes of Health Research to try to make sure there is more funding allocated to research on brain tumours.

Mrs McLeod: Lastly, there's no recognized North American centre, let alone Canadian centre, for work on

pediatric brain tumours, since the incidence is particularly alarming in children?

Ms Ellis: Not in Canada. I shouldn't say that. There is research happening here in Toronto at the Labatt brain tumour centre and of course in Toronto there is the cancer centre at Princess Margaret Hospital, and there are treatment and support services happening there as well as supportive research, so there are research activities happening. There is also something called the Canadian Brain Tumour Network, which is an affiliation of all of the clinicians and researchers and neuro-oncologists, radiation oncologists across Canada. It's a small community, but they share information and they also are very active in trying to get clinical trials happening with regard to brain tumour research. But the complexity of brain tumours, the number of different kinds of brain tumours has certainly complicated the issue of research and trying to find causes and cures for this disease.

Mr Peter Kormos (Niagara Centre): Thank you kindly for coming here and spending this time with us. It appears—and I don't know if you people can comment on this—there are in North America actual geographic differences. There are some advocates in the oncology field who are of the view that if you find a cancer, you zap it. You give it the chemo, the radiation, as much, I presume, as that patient can take, and then there are others in perhaps a more traditional perspective who say, "No, first you try one treatment regimen, and then you wait and see if that works, and then you go on to successive regimens." Have you encountered any of this difference in what appears—and I'm a layperson and nothing but—to be some real marked differences in philosophy about applying these treatments?

Ms Ellis: I haven't encountered that. Now, I am not a medical person, so I'm also speaking as a layperson in this field. My experience with all of the physicians and the clinicians I've encountered in this somewhat small community is that they work very effectively together and they are committed to do whatever works. As I said, whether it's surgery, radiation and chemo in isolation or whether it's a combination, my sense is that they will all work together to find the best combination that works for that particular patient.

Mr Kormos: You talked about a CAT scan in terms of one of your friends and what they underwent. Is that the final, effective diagnostic tool?

Miss Yates: MRI is. But with him they did a CAT scan. He was a very big man and MRI is enclosed. With him being in the shape he was in, they did the CAT scan.

Mr Kormos: Again, it is so very difficult because so many doctors now seem reluctant. Doctors used to get bad reputations for submitting their patients to huge batteries of tests, the labelling of them within the medical community by their peers. A doctor is in a strange position: damned if you do, damned if you don't. If you're a doctor who immediately submits a patient to the whole regimen of tests, you're accused of overtreating and pandering to the patient's fears. But it is obvious when they don't, then they're the ones whom families in

their grief and sense of loss point to and do all the what-ifs and you-should-haves. That's a dilemma, isn't it?

Ms Ellis: I don't know that it is a dilemma in this field, because there aren't that many tests that can be done, I would say.

Miss Yates: I can tell you the story of what my family doctor at the time—she's not my family doctor any more because she moved on to another type of practice. But at the time I went in, and my symptoms were different from what a lot of people go through; I was experiencing what I'd call spells. My doctor allowed me to call them spells. They still do. What it is, I can be talking to you and I could carry on a conversation with you, but what you were saying was a little distorted. This was going on, so I went to the doctor. I, luckily, have a slow-growing tumour.

I was having this for a very long time and I thought it was stress. I was in a new job. I finally went to my doctor and I told her, "I think it is probably stress." A lot of doctors will tell you that, actually. They're bad for that. I will be the first one to tell you that. But my doctor was very good and she said, "You can't put everything down to stress." So we started off doing different things. We did a 24-hour EEG, and that showed that I was having little seizures, which is what my distortion of the voices actually is, but I don't like to call them seizures. So she put me on anti-seizure medication.

Then she said, "Let's schedule a CAT scan." CAT scans, as MRIs, are very hard to get. I had to wait, I don't know, over a month; I think it was probably closer to two months. I was lucky because of the type of tumour I had and the stage it was in. It was a slow-growing tumour at the time. Other people start off with really aggressive tumours. Then I had the CAT scan. I should tell you, though, why my doctor probably did this procedure. Her mother-in-law had been diagnosed with a benign brain tumour the year before, so she knew the symptoms. There is an example of—I was fortunate because my doctor was aware of brain tumours, whereas other doctors never see any.

Does that answer your question?

Ms Ellis: Maybe I could just pick up on that.

Mr Kormos: That's helpful. Yes.

Ms Ellis: If I could just add to that: Jackie did say something about informing not only the general public but also some of the family doctors. This is not meant to be disrespectful to family doctors, but brain tumours are not something they see on a regular basis. One of our co-founders, Pam Del Maestro, who was running our support group in London, said that one day she went around the room—there were about 20 people in the room—and asked them what their presenting symptom was. Every one of them had a different presenting symptom.

You can imagine a family doctor who doesn't deal that much with brain tumours trying to deal with this kind of situation, where no two persons perhaps present with the same kinds of symptoms. That's why it is sometimes so difficult to make the diagnosis. That's why we

really need to increase awareness, even at the community level, so that people are more aware that some of these symptoms—you don't want to necessarily scare everybody and you don't want to send everybody off for a CAT scan or an MRI, because they're too expensive. But if people are more aware that some of these things may not be stress—it might be something else. Some of the vision problems could be a result of brain tumours.

If they are aware that the symptoms they are encountering have another option besides, if they've exhausted everything else and if they know this might be a symptom of a brain tumour, then hopefully they will also then make the referral for the appropriate diagnostic test.

1600

Mr Kormos: Thank you very much.

Ms Marilyn Mushinski (Scarborough Centre): I'd like to thank all of you for coming in this afternoon. I'm particularly pleased and very proud that you're from my riding, Jackie. It takes a lot of courage to do what you've done this afternoon, and I really appreciate it.

I have a couple of questions. I guess a brain tumour is classified as a form of cancer. Is that correct? Do you have any association with the Canadian cancer association or are you a completely separate entity? And is there a reason for that?

Ms Ellis: We are a separate charity. We are affiliated with the Canadian Cancer Society in something called the cancer advocacy network, where there are 12 different cancer site organizations working together. We certainly have partnered and will look to partner with other groups as appropriate.

Ms Mushinski: Is it the complexity of—

Ms Ellis: I think it is the complexity. Certainly the Canadian Cancer Society, it is my understanding, when I've been talking to representatives from CCS, doesn't presume now to speak for every cancer group. The breast cancer has branched off on its own. Prostate cancer has branched off on its own. I certainly wasn't around with this organization when it was started 20 years ago. I think at that time, probably the same as with breast cancer, Steve and the co-founders felt that there wasn't enough information.

Again, no disrespect to the Canadian Cancer Society. Maybe there wasn't enough attention being paid to this particular disease from that society, which of course has so many things it is trying to address. While some of us have branched off into our own organizations, we are now starting to come back to work together on themes that are consistent across the board through things like the cancer advocacy network.

Ms Mushinski: I was interested in your brochure. I would have thought the numbers would be considerably higher than 10,000 Canadians. Can you give me an indication of what percentage of that 10,000 would be children?

Ms Ellis: I can't. We have some problems with the statistics right now. This 10,000 to 12,000 is an estimate. The problem we have with statistics, that we are also trying to address, is that the statistics that are collected

right now only refer to what are called primary site tumours and malignant tumours.

Ms Mushinski: What's the difference?

Ms Ellis: Primary site tumours are brain tumours that actually originate in the brain. There are a number of brain tumours that are metastasized tumours. There may be other cancers, such as breast cancer or lung cancer, that now, with advances, are cured but they now metastasize and become brain tumours. Those tumours are still recorded as their primary site. Even if the person is being treated for a metastasized brain tumour, the statistics that are currently being collected reflect them as whatever the primary site is.

The other issue we are dealing with is that unlike other kinds of cancer, a benign brain tumour can kill you, whereas in other kinds of cancers benign tumours are considered not really as life-threatening as malignant tumours. Because we are dealing with the brain, a benign tumour—as Dr Guha from Toronto said, if it's in your brain, it ain't benign, because it can still impair your quality of life, your ability to function, your cognitive ability, and if it's a relatively fast-growing benign tumour it can kill you.

Because of both those issues, which we are currently trying to address with Stats Canada and Health Canada, we do not have what we consider accurate statistics on the incidence of brain tumours. That's another long struggle that we have ahead of us: to try to educate the public and encourage Statistics Canada and, I guess, all the data-gathering organizations and health facilities across the country to look at brain tumours in a slightly different form than they are right now.

Ms Mushinski: Thank you. I think Mr Gill has a question.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Thank you, Katheleen and Jackie, for coming in and sharing your story with us. It does give us more awareness about what this disease is all about. As I understand, you're saying early detection certainly helps. Is it then reversible? Can you fully cure the problem?

Ms Ellis: No, it isn't.

Mr Gill: No. I understand from your literature, as well as from your presentation, that perhaps it affects the younger group and seniors more and not the middle-aged as much.

Ms Ellis: We're seeing an increase in incidence among seniors, and that may just be because our population is aging and also because there are more treatments available for other cancers, such as breast cancer or prostate cancer, so people are being cured of those cancers. Again, you have the situation of a metastasized tumour as people get older.

Mr Gill: I also agree with Mr Kormos that sometimes we put a lot of—I don't think the word is “demand,” but we expect a lot of our physicians, saying, “I've been going to you for two years. How come you were not able to detect it?”

Ms Ellis: That's right.

Mr Gill: Unless, like Mr Kormos said, they should sort of come up right away with all these hundreds of

tests, and then the peer group accuses them of wasting taxpayers' money. It's a difficult situation, but I'm certainly happy that your group is raising awareness much more, and hopefully many lives will be saved.

Another question I have: since your father unfortunately also passed away, does it run in the family?

Miss Yates: No, it was my father's friend.

Mr Gill: Oh, your father's friend. OK, that's fine.

I'm happy that Peel region, where I live, was able to co-mail this for a good cause. I guess it's very hard to keep statistics as to, out of 250,000 mailings, how many people after reading it said, “I have a lot of these symptoms: hearing impairment, dizziness,” and then went to the doctor, saying, “You know, Doc, I got this pamphlet, and I have a few of these symptoms. Would you please check me?” Do you keep any statistics on how many went ahead with that check and what was found? You said that a case was found.

Ms Ellis: We don't keep those kinds of statistics, but we did accompany that distribution with a mail-out to the family physicians in that region, and we have had some of them contact us for further information for their patients as well. My thought is that if somebody was looking at this and saying, “I have three symptoms of a brain tumour,” I'm sure the family physician would be able to identify other possible causes of what's happening to them. We just want to bring the consciousness of a brain tumour to them, as well as some of the other aspects they're dealing with.

1610

Mr Gill: Of the people who have this medical problem, is it, generally speaking, too late by the time it's detected?

Ms Ellis: Not if it's detected early.

Mr Gill: It doesn't quickly deteriorate, and then you can't do much?

Miss Yates: It depends on the type of tumour. As Katheleen said, there are over 100 different types of brain tumours.

Mr Gill: I meant percentage-wise, by the time they detect it. Does it grow so bad quickly enough?

Ms Ellis: It really depends on the type of tumour. Some of them are fast-growing; some of them aren't. For us, regardless of what kind of tumour it is, the earlier you can have it diagnosed and treatment started, the less chance there is of it growing to the point where it becomes a problem or, if it is a faster-growing tumour, the better the chance of controlling it and stopping the growth to some extent, for as long as possible.

Mr Gill: I also want to thank my esteemed colleague for taking up this cause. I think it's a very worthwhile cause. Thank you, Bob.

Mr Chair, we're done.

The Chair: Does that complete questions from all three parties?

I would ask if there are any other comments. Are there any amendments that anyone wishes to bring forward to this legislation?

Miss Yates: May I say one thing?

The Chair: Yes, please.

Miss Yates: I'd like to say what a wonderful organization the Brain Tumour Foundation of Canada is. They've helped me a lot—actually, I have a support group meeting tonight. I've met other brain tumour survivors. Just this past weekend we had an information day in London, where they had experts, doctors, speaking to us on various topics. It was wonderful. It's very informing and it's so well-run. They're an excellent organization.

That's why last year I had my first charity golf tournament to raise money for the Brain Tumour Foundation. I'm happy to say I raised \$15,750. I named it after Don Jackson, my father's friend. I had started to arrange the tournament beforehand, and then when he passed away, I named it after him. I want to help the organization. They have tissue banks, so that the scientists can do research. It's just an amazing organization.

Ms Ellis: I didn't put her up to that.

Miss Yates: Oh, no.

Mr Wood: I encouraged her.

Miss Yates: And I'm going to live to be 80. I have to always tell everybody that. That's my saying.

Mr Gill: You should put all the MPPs on your mailing list.

Miss Yates: It sold out. I had people calling me two weeks before, and I had to put them on a waiting list.

Ms Ellis: I have one piece of good news to tell you, which Jackie has given me permission to tell you. She's getting married in February next year.

The Chair: On behalf of the committee, that is good news. I do wish to thank you, Miss Yates, Ms Ellis and Mr Wood.

That completes the deputations. If you wish, you can have a seat in the audience.

I would now indicate to the committee that, if you wish, we can go forward with clause-by-clause. Could you turn to the legislation.

Mr Kormos: Can you put sections 1, 2 and 3 to us?

The Chair: Do you wish to collapse the three sections?

Mr Kormos: I'm suggesting you put sections 1, 2 and 3 to us.

The Chair: Separately or together?

Mr Kormos: Together.

The Chair: We are now doing clause-by-clause on Bill 14, An Act to encourage awareness of the need for the early detection and treatment of brain tumours.

As suggested, collapsing section 1, section 2 and section 3 together, shall the three sections carry? Carried.

Shall the preamble carry? Carried.

Shall the long title carry? Carried.

Shall Bill 14 carry? Carried.

Shall I report the bill to the House? Carried.

Mr Wood: May I, Mr Chair?

The Chair: Yes, Mr Wood, briefly.

Mr Wood: May I thank all members of the committee and all three parties for their help in carrying this bill through to this stage. I really think it's going to make a positive difference in the lives of a number of Ontarians

and hopefully in the lives of a number of Canadians. Thank you all very much.

The Chair: Thank you, Mr Wood. I declare that order of business closed.

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: The second order of business is Bill 81. Deputations from two parties are scheduled at 4:30. I see no witnesses at this point. Shall we take a 10-minute recess and return at 4:30?

The committee recessed from 1616 to 1632.

MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

The Chair: We will reconvene the standing committee on justice and social policy. Our second order of business is 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. We have two delegations: the Minister of Agriculture, Food and Rural Affairs; and at 5 o'clock the Ontario Federation of Agriculture. I now wish to ask the Honourable Brian Coburn if he could approach the witness table. We have half an hour, sir.

Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs): Good afternoon, everybody. Thank you very much, Chair and members, for giving me this opportunity once again to speak to you. When I was here earlier, at the start of your hearings, in the opening remarks on the importance of the Nutrient Management Act, 2001, I went over at that time in considerable detail how we had developed Bill 81 through the extensive consultations we had with a large variety of stakeholders who have an interest in this particular issue. The purpose of the bill is to protect the environment and provide a sustainable future for agriculture and rural development by providing clear, consistent standards for managing land-applied materials that contain nutrients on our farms. By doing this, we can only increase the competitiveness, certainly, of our agri-food industry and enhance the quality of life in rural Ontario.

Since that time, of course, you've been busy and have had nine public hearings in locations right across the province. I understand that you've had a number of excellent presentations and some 175 organizations, municipalities and individuals were focused and thoughtful in their presentations. This is the kind of reception we've received as well at the ministry, where the people of Ontario care deeply about our farms and about the environment and about the communities they live in.

I'd like to thank the committee for their efforts and for providing an essential service in the development of this legislation.

I also want to acknowledge the outstanding work done by my parliamentary assistant, Doug Galt, and by the Chair, Mr Toby Barrett, who was the parliamentary assistant to the Minister of the Environment at the time, for their capable leadership and the success of the province-wide consultations that were of considerable assistance to us.

I would like to recognize the Minister of the Environment as well for her willingness to work with me and our ministry to ensure that this proposed legislation does realize its goals of protecting and enhancing the health of the environment while sustaining and promoting the competitiveness of our agriculture industry. Also, I would be remiss if I did not recognize the contribution of my predecessor, Ernie Hardeman, who must be credited with recognizing the need for this legislation and acting on that recognition.

As you are aware, many people contributed to the development of this proposed nutrient management legislation. I believe that by balancing all of that input, we have proposed legislation that would, by putting in place preventive measures to address the effects of agricultural practices especially as they relate to land-applied materials containing nutrients, protect our water, our land and our quality of life.

As we move into the next phase of the legislative process, I'd like to provide some thoughts on how I think we can make this bill even better, based on the feedback that has been received during the hearings.

The Nutrient Management Act sets out a comprehensive and integrated approach to all land-applied materials containing nutrients, ensuring that they will be managed in a sustainable, beneficial manner which results in environmental protection and public confidence in future agricultural and rural development. That's why the proposed act would provide authority for regulations governing several areas, including areas such as making nutrient management plans mandatory; requiring the certification of commercial land applicators of materials containing nutrients; setting distance requirements for manure and biosolids application near wells and waterways; establishing and delivering associated education, training and certification programs; and establishing minimum quality and application standards for land-applied materials containing nutrients.

The people of rural Ontario asked us and tasked us to do what it takes to protect their quality of life and to clearly outline the roles and responsibilities relating to

the management of land-applied materials containing nutrients, and also to provide a framework that allows a balance between agricultural growth, environmental sustainability and community well-being. I believe that, by and large, Bill 81 accomplishes this, but of course we can do better, as you've discovered through this hearing process. That's certainly why this legislative process is in place: to proceed with the best possible piece of legislation.

In response to some of the concerns that you've heard and I've heard over the last period of time, stakeholders commented on all aspects of the bill and its implementation. People contributed suggestions, certainly, on everything from amending the bill to potential standards, to how it should be enforced, to meeting research and education needs. Farmers and farm groups particularly are concerned that the legislation won't cause undue hardship to their competitiveness in the agri-sector. On that particular front, I can assure the committee that the legislation is designed to increase agricultural competitiveness, not destroy it.

As I mentioned a few weeks ago, consumers everywhere want assurances that the foods they eat are not just of high quality, are not only safe, but also that those foods have been produced using environmentally sustainable practices. In the future, the desire for those assurances will indeed become a demand. This proposed legislation would also help Ontario's agri-food producers anticipate that demand. Clear, consistent standards, regular audits and inspections and strong enforcement of the standards are measures that will send a clear signal to consumers everywhere that Ontario's farmers have indeed raised the bar.

1640

Of course, as we go through this, nothing comes for free, but on the other hand, every sound investment yields a return. Ontario's farmers know that, and that's why many of the primary producers have already voluntarily invested their money in environmental stewardship through their involvement in the environmental farm plans and best management practices.

In terms of the proposed legislation, my ministry and the Ministry of the Environment would ensure that an economic impact assessment is done as part of investigating regulatory practices and options. In addition, the University of Guelph is also conducting a study on this issue, and my ministry has provided funding to conduct that study.

We know that farmers and farm groups are also very concerned about protecting their animals from health hazards. They don't want to worry about diseases inadvertently being transmitted to their animals by enforcement officers, and I agree. I think it's only prudent to provide assurance to farmers that any provincial officers entering their property will follow strict biosecurity protocols.

Another issue that was raised during the hearings was the desire for public notification of where and when nutrients are being spread. I believe this can be addressed through the regulatory process. All draft regulations

under this act will undergo rigorous consultations before they're put in place. We'll work with the stakeholders to ensure that the regulation meets both the public's need to know and any need for confidentiality in order to remain competitive.

Concerns around the agricultural experience of both the environmental appeal tribunal and the provincial enforcement officers can be addressed by ensuring that they are well trained. In the case of the tribunal, this can also be handled through new appointments and cross-appointments from existing OMAFRA or ministry boards. It's entirely appropriate to make sure that people making decisions that will affect farmers are knowledgeable about agriculture. I think that's something that has come through to us loud and clear, and it's certainly a major initiative of mine.

I know you heard from many municipalities and groups who were concerned about handling nutrient management issues between now and when this bill is passed and the regulations come into effect. We recognize the importance of this issue and understand that local councils are under pressure right now from many different sides. I want to assure you that the government will work with municipalities during the transition period in a number of ways, such as continuing to help municipalities with bylaws, continuing to offer them help with reviewing nutrient management plans and working as quickly as possible to address priority issues through Bill 81. In addition to that, many municipalities with interim control bylaws either have or are working to put new, longer-term bylaws in place. The model bylaw that we have developed in the ministry has proven to be very useful and effective in those situations.

Finally, I want to touch on the concept of alternative service delivery. I know that many contributors to the hearing were concerned about alternative service delivery, and I want to emphasize that under the proposed legislation, enforcement would never be provided through a third party. I think we must also realize, however, that there are many extremely competent businesses that can and do provide excellent services regarding the management of nutrients.

I have every confidence that Bill 81 can do the job. It's clear, it's strong and it's what the people of Ontario have told us they want through extensive consultations. It provides a firm foundation on which we can encourage a thriving agricultural sector while protecting our environment. This proposed act is a piece of legislation whose time has more than come, as we all know. I know that as members of this committee work through the process of making it ready for passage, you will accomplish the task as efficiently and effectively as you have up to now. Our communities, our food producers and our environment are counting on us to do it right.

The Chair: I will provide an opportunity for all three parties for any comments or questions. We'll begin with the Liberal Party.

Mr Steve Peters (Elgin-Middlesex-London): Thanks, Minister, for being here today. It's obvious you've been reading the Hansard, and George Garland,

who toured around, has kept you up to speed on some of the things. I think George was a trouper like Toby, Tom and myself, who hit all the presentations. I think that's important.

A couple of things that we didn't hear a lot about jumped out at me, like the spreading of biosolids. We didn't have a lot of presentations on that. It's certainly something that is in the news, as recently as Toronto's biosolid pellets in storage; are they going to spontaneously combust? The spreading of pulp and paper sludge is something else we heard very little about. Those two areas, in my opinion, certainly warrant some further investigation.

There was a definite mood shift in the province from southwestern Ontario to eastern Ontario and into the north. The attitudes toward this legislation, I think, changed. I don't know whether that's a geographic issue or what, but eastern Ontario in particular had some different comments.

I think a few things need to be considered. The interim control bylaws are coming to an end in some municipalities and there's some concern. They've already extended them once. Under the Municipal Act, they can only extend, and that's it. There are a number of issues; I'm not sure whether we're going to get into them today. We can wait for the presentation from the OFA. Some of the things: the regulations—you made the commitment right in the beginning, at the opening presentation, about the consultations on the regulations, and I think that one came through loud and clear everywhere; money, of course; the divisions on enforcement; and a lot of concern was expressed over the privacy of the nutrient management plans and what access the public is going to have.

One of the issues that came up in a number of places was the question of the minimum land ownership. There are a number of county bylaws in place. Some of them said that you had to own 20% of the land, some said 30% and some said 40%. Where does that all come out in the end with the regulations from this piece of legislation? The question of liability of the local committees—if they go out and try to moderate an issue or the local committee gives recommendations on something and if they are wrong, who's going to accept liability for that? Local conditions was another one, I think; and it's local conditions/geography. In Essex county, the farmers are on the field a heck of a lot sooner than they are in northern Ontario. So the question of local conditions came up.

You addressed the economic impact study. That was a constant theme. There was some concern over the potential of environmental impact studies and the potential for a need for those. Municipalities are certainly concerned about the authority they already have existing under the Municipal Act and with their own official plans and zoning bylaws. What supersedes what? You know municipalities are the on-the-ground politicians who know the local conditions, so some concern was expressed that way.

I've got a few others here that I think we will address at the amendment stage. For one, and we sent some information to your office today, there was a serious spill in Huron county today. A lagoon has overflowed, and it's quite a serious situation in Huron. So it's going to be back in the news again tomorrow regarding this legislation.

A question I'd like to pose to the minister is, are there amendments coming from your ministry that this committee is going to see? I know we will be putting forward amendments, and I'm quite confident the third party is going to be doing the same thing. But will we be seeing amendments to this legislation from your ministry before we go back to third reading?

Hon Mr Coburn: There will be amendments coming forward, yes.

Mr Peters: That's all I had right now, Mr Chair.

Hon Mr Coburn: Thank you very much for that information.

1650

The Chair: The NDP?

Mr Kormos: No, sir.

The Chair: I'll go to the PCs. Ms Mushinski, any comments or questions?

Ms Mushinski: Minister, will we receive those amendments before 5:30 tonight so that we can pass this legislation, or do you want us to wait a little?

Hon Mr Coburn: I'm working on trying to have the amendments brought here, yes.

Ms Mushinski: OK. I had the distinct pleasure to visit rural Ontario in order to hear all about nutrient management. I thought nutrient management was a bit of an oxymoron, coming from an urban centre like Scarborough, but discovered in reading the regulations and the legislation that it's quite an interesting—

Mr Peters: On a point of order, Mr Chair: Are there regulations that have been prepared? I am certainly not aware—

Ms Mushinski: I meant to say legislation. Sorry.

Mr Peters: OK, thank you.

Ms Mushinski: This is enabling legislation—

The Chair: Oxymoron is not a farm animal.

Ms Mushinski: You did say in your letter that you expect that Justice O'Connor's report will pertain more to the regulations than the act itself because it is enabling legislation. I'm assuming that the amendments you'll be working with, obviously with extreme co-operation with both the Liberal Party and the New Democratic Party, will clearly reflect what you heard around the province in terms of perhaps building on the enabling portion of the legislation; is that correct?

Hon Mr Coburn: I believe it does, yes.

Ms Mushinski: I don't have any more questions.

The Chair: Mr Gill.

Mr Gill: Minister, thank you very much for appearing in front of this committee. Just a quick question. You talked about increased competitiveness in terms of this legislation. Can you please elaborate on that?

Hon Mr Coburn: One of the things that is happening in agriculture, and this is throughout agriculture, is production practices. We want to build on good management practices that a lot of farmers use and implement on a daily basis. The consumer is becoming much more inquisitive about where the food comes from, how it's managed, how it's grown, what nutrients are applied, whether it's fertilizers or nutrients, what type of nutrients and those kinds of things. This presents a regime that I think will stand the test of time.

We've got a nutrient management plan that I'm sure the committee is familiar with. That's a scientific analysis on how we handle nutrients, and that becomes the very cornerstone of this legislation. That helps determine the number of livestock, the acreage needed, the type of soil. It takes all of that into account, the slopes and the grades, the ditches, the wells and all of those kinds of things. It's quite comprehensive and quite detailed. We have heard from the agricultural community that they're very supportive of this.

There's also another recognition. As I stated earlier, we're not out to break the agricultural industry. We're here to work with them. Some of the farmers who have implemented a lot of these responsible practices and invested in them before this legislation came along have recognized these far in advance of us, and we're building on input from those stakeholders.

The Chair: Our allotted time is pretty well wrapped up, unless there are any final comments. Any one-minute statements?

Hon Mr Coburn: Thank you very much, Chair and members. I appreciate the input.

The Chair: Thank you, Minister.

ONTARIO FEDERATION OF AGRICULTURE

The Chair: Our second delegation today is the Ontario Federation of Agriculture. Good afternoon again, gentlemen. For Hansard, we'll ask for your names. We have until 5:30.

Mr Jack Wilkinson: Thank you. Jack Wilkinson, president of the Ontario Federation of Agriculture, and David Armitage, who's having a side conversation, who's senior policy analyst, has been very involved in the development of the nutrient management plans.

The Chair: Please proceed.

Mr Wilkinson: I'm only going to take a couple of minutes for my end because we really appreciate the committee following up with our offer to come in front of the committee and offer up a bit of a technical briefing. David is going to run through a number of the elements that we think will be in nutrient management plans.

To be fair, there are numerous nutrient management plans that currently exist out there. There are a number of companies that have developed nutrient management plans for their particular farms. They may have growers on contract. OMAFRA and others have put forward the

type of nutrient management plans that they think are appropriate. So David will deal with some of the generic issues and how we would deal with those issues as part and parcel of what we hope will be in all nutrient management plans: the soil type, the animal units, liquid manure versus dry manure, placement from streams and communal wells, a host of issues that we think are very important for the committee to see what we're offering up on behalf of the farm community to meet the standards of society.

Therefore, we hope the amendments we have tabled with the clerk in regard to the enabling legislation and, further, in our conversations about developing regulations—if you have a sense of how inclusive we are with this plan, some of our recommendations for changes to amendments and on the regulatory side of the discussion will make more sense.

With that, we'd prefer to start and then answer any questions. I think the technical side has just dropped off the face of the map. We brought down, of course, the disk that would run through that, but knowing full well that that sometimes works and sometimes doesn't, we'll move very quickly to the printed tree version that we have in front of us. David, go ahead.

Mr David Armitage: I apologize. There was a bit of a cabling problem connecting our notebook computer to the projector. But in that green folder that you've been presented with, if you just open it up, there is a nutrient management planning presentation on slides—two slides per page. That's what I'll be referring to.

Initially, the objective of nutrient management planning is to ensure that the rate of applied nutrients meets the requirements of the growing crop while taking into account the nutrients that are resident in the soils. That's the objective of the nutrient management plan, and I think my objective here today is to just illustrate to you the rigour that goes into preparing such a plan.

The benefits to the farmer and to society of planning agricultural nutrient use are: the societal assurance it provides if people realize that agriculture nutrient is being properly managed. From the farmer's perspective, it optimizes crop input costs. It doesn't necessarily minimize them, but it will optimize them in terms of the profitability of the farm. It provides increased flexibility. By going through the planning exercise, they can determine where the nutrient is most usefully applied and to what crops. Finally, it can demonstrate that farm expansion can be attained without additional environmental impacts.

The various components that Jack referred to, or the elements that go into a nutrient management plan—it's dependent upon soil testing, either manure analysis or matching to a book value for manure nutrient; the crop requirements for nutrient: any supplemental fertilizer by way of mineral fertilizer or biosolids application; good neighbour policy: we put an enormous emphasis on that just to make sure people are taking into account what their neighbours may be planning; calibration of machinery: applying the nutrient is very important, that one has

a good idea of both the weight and the volume of nutrient that's being applied; record-keeping in terms of tracking this over the entire farm over a cropping period; and finally, contingency planning in the event that there is a spill of manure or mineral fertilizer or biosolids.

The various sources of nutrient: most plant growth is provided for through nutrients resident in the soil, but additional nutrients can be applied by virtue of manure, through the residual manure from previous applications of either plant or commercial fertilizer. There is also nutrient provided by legume crops, both growing legume crops and particularly if the legume crop is plowed down, and biosolids.

1700

Opportunities through the application of nutrient: the manure in particular contains many nutrients: nitrogen, phosphorus, potassium and a number of micronutrients. Many of those nutrients are stored in the soil, so they're available over consecutive years, and there is also an organic fraction, so the soil tilth can be improved through the application of manure. Finally, manure can be available right on the farm, so it is not necessarily a purchased input, although it can be a purchased input. If a farm that does not have livestock wishes to increase the organic component of the soil, they may very well bring nutrient on to the farm.

Challenges in terms of manure: the nutrients within manure—while the nitrogen, phosphorous and potassium may be there, they may not necessarily be in the proper ratio. That has to be taken into account and perhaps addressed through supplemental fertilizer. The nutrient that is available varies over time and it is generally relatively low. Also, there are questions about odour concerns that have to be addressed. When manure is applied as a nutrient, there is potential for the manure to move overland and contaminate groundwater or to percolate through the soil for groundwater contamination and move over that for surface water contamination.

Also, if one isn't careful, there is the opportunity for soil compaction. If you're travelling with very heavy manure application equipment over wet soil, you can have soil compaction.

The analysis of manure can be, as I say, either laboratory testing for a proper sampling analysis or there are book values that are available. Again, focusing on the composition of manure, we have a number of macronutrients in nitrogen, phosphorous and potassium, a number of micronutrients ranging from calcium to manganese to zinc, and micro-organisms; that's where we get into the bacterias and the pathogens. I should point out that they're not all deleterious. There are some decomposers within that micro-organism mix which are very helpful in terms of breaking the organic material down and adding to that soil tilth.

The composition of manure varies considerably by virtue of the livestock type, and there we can get into the genetic makeup of the livestock, the ration of the livestock and the bedding that is provided. Whether it's straw, sawdust or shavings, those all have a bearing on

the actual nutrient that is transferred to the soil through manure.

Then there's the manure handling and storage, whether it's a liquid manure or a solid manure, and whether it's applied—whether there's direct injection or later incorporation or no incorporation. All of those have a bearing on the nutrient availability. Other factors would be the texture of the soil, the cropping practices, and even weather has an enormous impact.

By way of an example, the following slides look at the actual planning process on the farm. The first thing the farm operator has to do, and this is done on a field-by-field basis—I think it is the OFA's contention that this is much more rigorous in that it actually determines the nutrient application and requirement at the field level, which is far better than any provincial standard could possibly attain.

In terms of planning, at the field level they would identify the size of the field, the crop that's to be grown in that field and the projected yield for that crop. They'd also identify any previous crop—in other words, last year's crop—the soil texture, the soil test results for both parts per million of potash and parts per million of phosphate. I know there was a question earlier about land ownership. It is our contention that if land is not owned there has to be a formal land agreement in place to provide assurance that that field will be available for application.

Finally, if there is an intention to haul nutrients more than 20 kilometres, there has to be some additional documentation that indicates that the equipment necessary for that hauling is available to the producer.

That's basically the field information.

In terms of manure information, again at the field level they have to indicate the livestock class that is generating the manure, the dry matter of that manure and when in the year they plan to apply it, whether it's spring, summer, fall, late fall. We would not advocate winter spreading unless it's under very unusual circumstances. They would indicate their incorporation time, whether it's their intent to inject it, incorporate after 24 hours, after 48 hours, after 72 hours or, as I say, not to incorporate it. All that has to be documented.

Then they have to calculate their nutrient values. In the case of liquid manure, that would be pounds of NPK per thousand gallons, so they then go through an exercise in achieving that.

That's where they're at in terms of their field description and their manure description. Then they get into the process of documenting any supplemental fertilizer they may wish to use by way of starter fertilizer, given that manure may not be immediately available. They also would want to document and calculate by virtue of the previous crop what nutrient might still be available in the soil from that previous crop, and also the nutrient available in the soil from previous manure applications. Then they would calculate for their own manure and for the requirement of that growing crop, and then they'd get into some balancing exercises for both the crop removal and the agronomic nutrient.

The next slide just goes through the process for starter fertilizer. So the actual calculation: if they're using a liquid fertilizer with a ratio of 6-18-6, which is 6% nitrogen, 18% phosphorous and 6% potassium, they can quite easily, by knowing the application rate and the density of that liquid fertilizer, determine the actual amount of N that is being made available, the amount of phosphorous and the amount of potassium. So they can go through that exercise and then they know what's available from that.

They can also get an availability from the previous crop, from previous manure and from their own manure. In calculating for their own manure, they would need to know the soil texture, which we've already dealt with. The fact of liquid manure presents much greater concerns in terms of runoff, so that's a distinct difference between solid manure and liquid manure. The slope is also a factor there, as is the speed at which the manure would be incorporated. So this is another element, then, of that nutrient management plan.

In terms of the crop requirement, I think then we would generally look to the OMAFRA publication 296. If we assume that the corn is being grown with a projected yield of 135 bushels per acre, then the end recommendation would be 128 pounds per acre out of 296.

1710

The phosphorus recommendation: if we have a soil test showing phosphorus at 35 parts per million, the recommendation would be that there's no phosphorus applied. For potassium, we'd be looking at 71 pounds per acre. Again, these are calculations the farmer would conduct based on the crop requirement and taking into account some of those other factors that had been available.

The agronomic nutrient balance is basically a function of the starter fertilizer nutrient, plus the nutrient from the previous crop, plus that from the previous manure, plus that that is currently applied, minus the requirement of the growing crop. In the case of nitrogen, from this sample there would be 22 pounds per acre required of N. We can go through the same exercise for phosphate and potash; we would see 73 pounds of phosphate would be required and 10 pounds of potash.

Having gone through that agronomic nutrient balance, if there's a negative balance, then you could have a reduction in crop yield. Obviously, you're not applying nutrient to the crop requirement. If there's a positive balance exceeding 15 pounds per acre for either nitrogen, phosphate or potash, then the indication is that significantly more nutrient is being applied than is required. That excess, through management, would be better applied to a different field. Remember, we're just looking at that one field through this exercise. There will be additional fields, and that may be where one would better apply additional manure.

Crop removal balance is just another step that's required if there is a balance exceeding 15 pounds per acre. Again, this is just a check that if there's 15 pounds

per acre excess, then you have to go through another series of calculations essentially to determine how to best address that. There again, you look back to the starter fertilizer value, to the nutrient applied and to that which is removed by the crop.

A positive balance in terms of a crop removal would indicate that the nutrients are exceeding those removed from the soil by the current crop. In the sample that's presented here, 82 pounds per acre is too high for an annual application. The annual application cut-off is usually around 75 pounds per acre, but one way you could address that would be to not apply annually but to apply once every two or three years. That is an acceptable method and one that is agronomically sound. You wouldn't want to go more than two or three years or you would definitely be over-applying.

The phosphorus index is something that certainly is important, and again there is a series of calculations to arrive at that, and it's required if the phosphorus soil test exceeds 30 parts per million. In phosphorus, we rely heavily on the universal soil loss equation, which farmers are familiar with and are quite cognizant of the fact that phosphorus tends to adhere to soil particles and move over land with those soil particles as they're moved through erosion.

The equation is basically a function of the annual erosion rate—the rainfall energy, both in terms of intensity and the size of the raindrop, the erodability of soil, the length of slope, the gradient of the slope and then management factors relating both to the crop and to the field. Those are important elements to arrive at the phosphorus index.

In terms of distance from watercourses, these are also calculations that have to be taken into account. If there's a watercourse present on the farm, the calculation there is a function, again, of soil texture, the field slope within 500 feet of that watercourse, the application method and the type of manure. In this example, if we've got a clay loam soil with a 3% slope, that would present moderate runoff potential, and an MDS, a minimum distance separation, from that watercourse of 75 feet would be indicated. However, if phosphorus were being applied above the rate of crop removal, then the MDS would be increased to roughly 100 feet. But again, that's a calculation that is based on the particulars of that particular field.

Finally, the usable acres—and this again is a function of the MDS from watercourse. If we had a 25-acre field and there was a watercourse that was 700 feet long travelling through that field, then a 100-foot setback would calculate out to 1.6 acres. That would be roughly two acres that are not available for application. It has been taken out of the field by way of setback from a stream and, therefore, with those 25 acres you would only have 23 acres available for the application of manure.

The final slide in terms of responsible nutrient management is that manure should be applied in rotation. It's not always necessary to apply manure to every field

every year, but of course that would be based in part on the crop rotation. Supplemental fertilizer should only be used on an as-needed basis rather than on a standardized basis. There are situations where manure can provide all the requirements of the growing crop, and again that comes out through the calculation process. Whenever possible, manure should be incorporated and it should be incorporated as quickly as possible. A direct injection would probably be the preferred manner, but incorporation within 24 or 48 hours is also acceptable.

I can't emphasize enough the need to calibrate manure application equipment. Often people can go through a nutrient planning exercise, but if they don't have a good appreciation of just how accurately that manure is being applied in terms of gallons per acre, pounds per acre or what have you, they can't meet the requirements within their plan.

With winter application, there are situations where days of storage are not sufficient to get through the winter, and that's unavoidable, but generally we would advocate that people increase their days of storage in order to avoid winter application.

Buffer strips along waterways is a technique whereby the setback can be reduced. If you're filtering the nutrient through a vegetative buffer strip, again, that can be factored into those calculations. Finally, fall cover crops are also an excellent tool by which to reduce soil erosion and thereby reduce the amount of phosphorus that could be entering surface water as soil particles erode from a soil.

These are the elements—and again, remember that this is just for one field. A farmer with a 200-acre operation will have several fields, and the soil texture, soil slopes and lengths of slopes could vary on each of those fields. It's very complex, but at the end of the day it's also very accurate in terms of presenting the picture of that farm. Again, I think it's for that reason that Jack would suggest that a nutrient management plan is really what's fundamental to the legislation.

The Chair: Thank you, Mr Armitage. Mr Wilkinson?
1720

Mr Wilkinson: This presentation was not meant to confuse; it was meant to put in front of the committee the degree of detail the farm community is willing to go to to try and meet the concerns of both environmental and non-farm people.

When we said we would like to deal with the variability of a farm in a nutrient management plan, it was important for you to see what degree of detail we're talking about. We're talking about balancing what crop will grow with the soil type, with the amount of commercial fertilizer added, the amount of manure added, the slope, the setback, dealing with those variables so you have some sense of assurance as a committee as to the degree of discipline, and not every farmer is going to enjoy this degree of discipline. They're going to view it as, "I've looked after my farm for the last 40 years. I haven't created a problem. Why are you, OFA and other farm organizations, encouraging and advocating this degree of

complexity?" and in some cases cost and paperwork that they'll have to undergo, and record-keeping.

We're thinking, so that we can maintain viable live-stock and commercial farm units in Ontario with the confidence of the consumer, we have been willing to self-advocate this kind of discipline among ourselves. We felt it was incredibly important, even though I know there was some glazing-over taking place; I appreciate that. But when you see the degree to which we're willing to look at balancing all that, we hope you'll have some sense of confidence when we say that the main thing of this legislation would be to require farmers to have nutrient management, and then we can deal on a micro-climate, micro-farm, a micro-soil level through this sort of application field by field, farm by farm, to meet standards that the province feels are appropriate to deal with surface and groundwater contamination and make sure they're comfortable and not overapplying. That's really why it's here.

We're happy to answer any questions, but we felt that if you didn't see the detail we're advocating, you would think we were just trying to snow you by basically taking the approach, "All we want is a nutrient management plan. Just trust us." There's a lot in here. This is the executive summary.

The Chair: Thank you, Mr Wilkinson. There are about five minutes remaining. We'll go in rotation.

Mr Kormos: The reference to snowing us was a very clear and specific choice of words. Let's get right to the alternative.

I agree it's incredibly complex. I'll say that here and now. As a matter of fact—honest—I read this, because I knew this was going to be the slide presentation, before you folks got here, because there was a gap after the minister made his presentation. Again, I agree that that's a complex, sophisticated approach that is probably considered by many farmers, especially smaller ones, as pretty demanding and pretty onerous and entailing the sort of cost of only the actual calculation process and the diagnostic and analytical process. I simply wanted to state that clearly.

Mr Wilkinson: Thank you.

Mr Kormos: I'm surrendering.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): I'm sorry that I missed the glazing presentation but I sat, along with Mr Peters, with the public hearings.

We don't have an awful lot of time, so I'm only going to make the comment that I believe in risk management, and I think that nutrient management planning is basically risk management. Some people expect that legislation and regulation will eliminate all the risks. There is no such thing that exists. I don't think it will ever exist.

For the record, I would also like to point out that there may be some difficulties with the farming community with regard to pollution. But I would also like to point out that for a number of years, for decades, municipalities have also been polluting with antiquated sewage treatment plants. Some of them don't have them and some of them are not up to snuff. I asked a question of different

municipal leaders during the hearings as to what types of sewage treatment facilities they had in their own communities. Some municipal leaders did not know what types of sewage treatment facilities they had, and most of them said they did not have a tertiary system. Consequently, I think we have to manage what's going on on the farm, but there's also the rest of the story that should be looked at.

Mr Peters: In the nutrient management plan, where do biosolids fit? Let's say your particular farm also chose—I can think of some down my way—John Lyle, who gets the sludge from the city. Does anybody test? You talk about the composition of the manure. Just skimming through quickly, I didn't see anything about it, but where do biosolids fit into somebody's nutrient management plan if it was their choice to apply them on their land?

Mr Wilkinson: Our view is that they would have to fit in the same as either supplemental commercial and/or manure in particular, that there would have to be analysis done on it that would give an estimate of the degree of KNP as part of that ratio. Right now they are tested for heavy metals, and there is a process to test for that. Our view is, they would have to fit in exactly the same way.

The goal here is that when you add up all the nutrients that you apply on your per-acre crop, it either has to match the crop that's growing and the nutrient requirements of that crop or you have to entertain a process to deal with that so that we cannot have overapplication. Sometimes it does get to be a little bit difficult, when you get to the detail, that there are some types of manure that are high in particular nutrients and there are some soils that are particularly high, as in certain clay loam soils of high levels.

That's where the balancing at the end—where we've got to be careful that we don't overapply things like biosolids and manure, whereas you can balance that better with commercial fertilizers. You can go in with the soil sample and get the exact blend that you require from your commercial fertilizer outlet that will match up and take those variations. That's why those over- and under-calculations are part and parcel of it that will vary by the particular soil type.

Clearly, we would have to test those to the same degree. They would have to meet the same standards, in our view, or you run the risk of doing the right thing on the farm side, on commercial and manure, only to have the biosolids and the other applicators out there in fact creating problems that might be on the same watershed.

This really is to hold up to people like Mr Miller, the Environmental Commissioner, and the federal counterpart that we're advocating a traceable system of knowing what we're doing out in the countryside, so that when the next report comes out, he'll be able to see that the farm community is putting a standard out there that they're willing to be judged by. If the science shows five years from now that we have a particular problem that we thought was well in hand, we'll have a history, a standard and a scientific base to which we'll make changes for

future applications. We think we're being very proactive here in this regard and hence will be the request for the government to help us to meet new capital upgrades, both in equipment and storage.

Mr Peters: You made reference to companies out there—my cousin Dale, who's not my cousin, but Dale Peters, whom we joke—

Mr Wilkinson: It's the free advertising section.

Mr Peters: I'm not saying my cousin, Dale, works for me. He's not my cousin.

Are there enough people like Dale and others in the business that we can have everybody working toward the development of a nutrient management plan, or is this potentially going to be a problem, that there are not enough qualified companies out there?

Mr Wilkinson: First of all, even though the minister indicated that OMAFRA and the legislation allows for third party on some of this, we're still working on the premise that the Ministry of Agriculture and Food and the government in general will see the need, particularly in the early days, to be there to help up to 60,000 individual entrepreneurs to move to a new, more rigorous provincial standard. We do honestly—and this is not tongue-in-cheek at all—hope that the ministry will see fit to have the capacity of that third party review to help people with the nutrient management, to help them move to the new bar.

A lot of this is going to be transfer of a really new way of thinking for a lot of producers. They may feel very comfortable that they have done it right on their farm because they view that they haven't polluted their groundwater, they haven't polluted a stream, and so their

question is, as I say again, "Why is this for me?" This really is for the non-farm resident, to assure them that we're doing it right.

I think what a lot of farmers have done intuitively for the last 30 years on their farms, judging the nutrient application rate and varying it by soil, only putting it on once every three years, doing all those good things, they're now going to have to quantify. We want some assistance within the ministry to help us particularly in those early days versus everybody feeling they have to hire a consultant to meet the new standard. We think there will be particularly complicated livestock operations that are close to urban areas that are maybe peaking out on their land base that will be quite happy to hire a consultant for the speed and the detail that will be required, but we feel a lot of that expertise will need to be, hopefully, still housed in the ministry.

The Chair: Mr Wilkinson and Mr Armitage, thank you for coming forward again.

I would remind our subcommittee that we're meeting tomorrow afternoon at 3:30 with respect to nutrient management. The next order of business would be clause-by-clause and considering any amendments that all three parties would bring forward.

Next Monday and Tuesday, October 29 and 30, this committee deals with Bill 101, the Student Protection Act. For that particular bill there's a deadline for any names you wish to contact for potential deputations. The deadline would be tomorrow at noon, if you wish to submit any names to our clerk.

Seeing no other business, committee adjourned.

The committee adjourned at 1732.

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