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**Wednesday 5 September 2001**

**Journal  
des débats  
(Hansard)**

**Mercredi 5 septembre 2001**

**Standing committee on  
justice and social policy**

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

Subcommittee report

Rapport du sous-comité

Nutrient Management Act, 2001

Loi de 2001 sur la gestion  
des éléments nutritifs

Chair: Toby Barrett  
Clerk: Tom Prins

Président : Toby Barrett  
Greffier : Tom Prins

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
JUSTICE AND SOCIAL POLICY

Wednesday 5 September 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE LA JUSTICE  
ET DES AFFAIRES SOCIALES

Mercredi 5 septembre 2001

*The committee met at 0959 in room 151.*

**The Chair (Mr Toby Barrett):** It now being 10 o'clock, I wish to commence proceedings. Our agenda for the standing committee on justice and social policy for Wednesday, September 5, 2001, and over the next three weeks will be 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.

## SUBCOMMITTEE REPORT

**The Chair:** As our first order of business, I ask for a motion and the reading of the minutes of the subcommittee meeting that was held July 30, 2001. Mr Peters, you are now duly subbed in.

**Mr Steve Peters (Elgin-Middlesex-London):** Mr Chair, I move the report of the subcommittee.

Your subcommittee met on Monday, July 30, 2001, to consider the method of proceeding on 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, and recommends the following:

(1) That the committee schedule public hearings in Toronto on September 5, in Caledonia on September 10, in St Thomas on September 11, in Chatham on September 12, in Clinton on September 13, in Owen Sound on September 14, in Kemptville on September 17, in Peterborough on September 20, and in North Bay on September 21, 2001.

(2) That the committee commence its clause-by-clause consideration of the bill after the House comes back.

(3) That the clerk place an advertisement on the Ontario Parliamentary Channel and on the Internet. If possible, an advertisement will also be placed in the major English and French newspapers in each of the locations of public hearings. Additionally, if possible, an advertisement will also be placed in some of the major agricultural newspapers.

(4) That the Chair, in consultation with the clerk, make all decisions with respect to scheduling. The Chair and clerk will attempt to create a balanced set of hearings.

(5) That the deadline for making a request to appear before the committee be August 27, 2001.

(6) That the deadline for submitting written submissions be September 14, 2001.

(7) That groups be offered 15 minutes in which to make their presentations, and individuals be offered 10 minutes in which to make their presentations.

(8) That the Minister of Agriculture, Food and Rural Affairs be offered 30 minutes in which to make a presentation. Following the minister's presentation, each party will be offered five minutes to make statements and ask questions.

(9) That the Chair determine whether reasonable requests by witnesses to have their travel expenses paid will be granted.

(10) That the research officer prepare a background paper containing information on other jurisdictions in Canada, the United States and Europe. The research officer will also prepare a summary of recommendations.

(11) That the clerk be authorized to begin implementing these decisions immediately.

(12) That the information contained in this subcommittee report may be given out to interested parties immediately.

(13) That the Chair, in consultation with the clerk, make any other decisions necessary with respect to the committee's consideration of this bill. The Chair will call another subcommittee meeting if needed.

I move that these minutes be adopted.

**The Chair:** Thank you, Mr Peters. We have a motion on the floor. All in favour?

**Mr Doug Galt (Northumberland):** I would like to direct a question to the clerk. It has to do with the travel and the other sites that we're going to. I do not have any information on those at this point in time. I'm wondering if any of these could be collapsed together. We're going to some nine different sites. It seems rather excessive, and I'm just wondering what kinds of requests we've had at these several locations and if in fact they could be collapsed together.

**Clerk of the Committee (Mr Tom Prins):** The information has been sent out. I can make sure you get agendas for all days. I can make sure you have that in the next half-hour. It may be difficult to collapse days at this point.

**Mr Galt:** So you're saying all are filled?

**Clerk of the Committee:** Yes, the days are filled, and I can make sure you have agendas shortly.

**Mr Galt:** It just makes it awkward to be sitting here voting on this and have no idea of what's going on in these next days. I don't know the locations we're going to. I'm being asked about what hall or what hotel we may be in and I'm unable to let people know.

**Clerk of the Committee:** I can make sure you get all that information.

**Mr Galt:** It would be very much appreciated. It's rather late, when the first of the hearings are starting, but I would appreciate that within a half-hour.

**Clerk of the Committee:** Sure.

**The Chair:** We have a motion on the floor. Any other questions? All in favour? Those opposed? Seeing none, I declare that motion passed and 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 épanchés et apportant des modifications connexes à d'autres lois.

### STATEMENT BY THE MINISTER AND REPOSES

**The Chair:** Our next order of business is a presentation from the Minister of Agriculture, Food and Rural Affairs, the Honourable Brian Coburn, MPP.

**Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs):** Good morning, Chair and members of the committee. I'm very pleased to be here this morning. Thank you very much for giving me this opportunity.

Before I get into some of the details of the legislation, I'd like to express our thanks and appreciation to the large numbers of people who contributed and participated in the consultation process. As you all realize, this process of consultation was extensive, wide-ranging and carried on for a considerable period of time. That involved literally hundreds of farmers and rural residents, representatives of agriculture associations and community organizations, municipal staff and officials, environmentalists and engineers; in general, people who cared enough to participate in the consultation process.

In addition to that, there were others who took considerable time to prepare written submissions to us, in short, who understood just how important it is that we get this piece of legislation right.

I also want to acknowledge the outstanding work done by my parliamentary assistant, Dr Doug Galt, and the Chair, Mr Toby Barrett. At that time he was parliamentary assistant to the Minister of the Environment. It was their capable leadership that ensured the success of the province-wide consultations that occurred over the past year.

I also want to recognize the willingness and the co-operation I have received from the Minister of the Environment 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 the agricultural industry.

Also, if it wasn't for the initiative of the former Minister of Agriculture, Ernie Hardeman—he recognized the need for legislation such as this, and acted on that recognition to commence the progress.

In the end, many, many people have contributed to the development of the proposed nutrient management legislation. So part of the process was balancing all that input that helped us with the 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 indeed our quality of life.

Just as I believe that we did get it right, so too do our stakeholders that were most affected by this proposed legislation.

The vice-president of the Ontario Federation of Agriculture has said that “this proposed legislation closely mirrors much of what Ontario farmers and their organizations have been seeking.”

The chair of Ontario Pork describes it as “good news for the primary agricultural producers of this province.”

The Ontario Farm Environmental Coalition said that Wednesday, June 13, the day I introduced the proposed legislation for first reading, was a “good day” for agriculture.

And the president of the Bruce County Federation of Agriculture expressed hope that the government's proposed Nutrient Management Act “will provide the strategy that will guarantee the future of agriculture and rural development.”

That strategy is to provide clear standards, based on the best practices that many farmers already use, and to ensure sustainable growth, safeguard the environment and make rural Ontario attractive to economic investment.

Yet as proactive and as environmentally responsible as our farmers have been, we have nonetheless tried to achieve consistent, province-wide gains with piecemeal, localized efforts.

What we need is an integrated and comprehensive approach in all parts of Ontario. What we need is a clearly articulated and common set of goals.

The proposed legislation would give Ontario that effective, province-wide nutrient management strategy by building on the successes and best practices of our farmers, and by focusing the efforts of the agriculture

industry, municipalities, the Ministry of Agriculture, Food and Rural Affairs, the Ministry of the Environment and other partners in government and throughout our communities.

The old axiom, which has been said before and is worth saying again, is that we work better when we work together toward a common goal.

In developing this bill, we were guided by the results of the extensive consultations conducted over the past year. We were guided by our desire to address the concerns of the Environmental Commissioner of Ontario, expressed in the July 2000 special report entitled *The Protection of Ontario's Groundwater and Intensive Farming*.

We were guided by the recommendations contained in the January 2001 *Managing the Environment* report, which shows that managing the environment requires a new, concerted approach that recognizes the responsibilities, the expertise and the resources of a host of provincial ministries, municipalities, industry and partners in the scientific community.

And we were guided by this government's commitment to Smart Growth, which calls for well-planned and environmentally sensitive development.

#### 1010

That's why, colleagues, the proposed Nutrient Management Act, 2001, 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 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. Those are some of the items that are covered in the bill.

The people of rural Ontario asked us to do what it takes to protect their quality of life: to clearly outline roles and responsibilities relating to the management of land-applied materials containing nutrients; and to provide a framework that allows a balance between agricultural growth, environmental sustainability and community well-being.

Our proposed Nutrient Management Act would allow us to do all that. It would provide the authority to establish province-wide standards, the authority to conduct inspections, the authority to issue compliance and preventive orders, the authority for provincial enforcement and the authority to impose a range of penalties.

At the same time, this proposed legislation would allow an approach to regulation that recognizes the different risks associated with different types and scales

of farm operations. It would support an innovative approach and an interdisciplinary and multi-sector regulatory framework.

We would work with our partners in government, both at the provincial and the municipal levels, and with key industry and community stakeholders to see that strict land application controls, including seasonal and timing restrictions, setback requirements, quality criteria, testing requirements and registry requirements, are adhered to.

The bill will establish provisions for alternate service delivery of activities such as the review and approval of nutrient management plans, and the operation of a registry for those plans.

The proposed legislation would also establish provincial inspection and investigation powers. These powers would be consistent with those given to provincial officers under the Environmental Protection Act. These officers could, for instance, enter a property at any reasonable time with or without a warrant. The bill will allow these officers to make an order directing compliance with the proposed act, or to take preventive action in order to ensure compliance.

The proposed Nutrient Management Act will also allow local advisory committees to be created. They would promote awareness of the new standards and they would mediate as required. Lastly, it would establish the right to appeal to an Environmental Review Tribunal, as well as to the director or indeed to the minister.

To this point I have been speaking only about what the proposed legislation would accomplish here in Ontario. But it will also have a beneficial effect outside this province, in the global marketplace. 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 with environmentally sustainable practices, and in the future, that desire for those assurances will become a demand. This proposed legislation would help Ontario's agri-food producers anticipate that demand. Clear, consistent standards and regular audits and inspections are measures that will send a clear signal to consumers everywhere that Ontario's farmers have once again raised the bar.

Of course, nothing comes for free. But on the other hand, every sound investment also yields a return, and Ontario's farmers know that. That's why so many of our primary producers have already voluntarily invested their money in environmental stewardship. More than 17,000 environmental farm plans have been completed and implemented. Best management practices have been adopted on farm after farm, and producer upon producer has changed their production practices, not only to save money but to enhance their products and safeguard the environment.

These farmers know that by adopting this proactive approach, they are ensuring that valuable resources are being well managed. They are also beginning to realize returns on those investments. They are winning new markets and they are expanding existing ones. They are finding new efficiencies and making productivity gains.

By ensuring this approach is adopted across the province, we can only enhance Ontario's reputation as a producer of outstanding agri-food products.

The proposed legislation would also strengthen the business climate in which Ontario's farmers operate: clear rules and consistent application of these rules. It means that investment decisions can be made wisely, with the certainty that those rules aren't going to change tomorrow.

Whether the farming operation is in the southwest, east or north of this great province, whether it is large or small, whether it is livestock- or crop-based, every farming operation would be able to take advantage of that stable business climate, able to make sound investment decisions and able to reap the benefits of those investments. As we know, when farmers prosper, rural communities prosper. In fact, all of us in Ontario prosper.

The proposed Nutrient Management Act would enhance the reputation and competitiveness of our agri-food industry, it would protect the quality of life that we all value so highly and it would indeed allow Ontario to continue to be a leader in environmental stewardship.

**The Chair:** Thank you, Minister, for that presentation. At this point each party will have five minutes for either statements or questions. We will conduct presentations in rotation and we will begin with the Liberals.

**Mr Peters:** Minister, I'm glad to have you here. As you've opened your comments, one of the things that has troubled me is that as a result of some incidents taking place around the province, agriculture has been made a scapegoat for water quality problems. I think it's important that we recognize right off the bat that each of us, be we urban or rural, has a collective responsibility for what has happened to the water quality in this province.

We know too that this legislation has been a long time in coming. You made reference to the consultations that had taken place previously, and that has led us to this point here. We know that people, municipalities and, most important, the farmers of this province have been looking for this legislation. With these public hearings, though, we need to keep our minds open. As we tour the other eight municipalities, I believe we need to listen to what's being said out there so we ensure that this is going to be the best legislation possible. We need to build on those previous consultations and use what we're about to hear to ensure that this is the best piece of legislation that we're going to put forward.

We know that in the presentations that are going to be made, the people are speaking to the bill. One of the difficulties I think we all have, and I know there are procedural issues to deal with—it's the regulations that are going to be of utmost importance to people out there. I truly hope, once it gets to that point, Minister, that the regulations aren't going to be cut and dried, "This is the way that's going to be." I think there are going to be individuals and organizations out there who are going to want to have some comment on those regulations. I hope, as we continue to consult, that when those regulations are

developed we will give individuals an opportunity to make some comment on that.

Another area that isn't addressed in this bill, which you alluded to but we need to keep in mind, and I think we're going to hear it through the hearings, is the question of capital improvements that may be required. You talked about the nutrient management plans and the strides that farmers have been making, but we know that the potential exists for some major capital improvements that are going to have to be made. This is an issue we can't lose sight of. We can't place everything on the backs of the farmers. At that point, as the rules and regulations are developed and improvements are going to have to be made, we need to keep in mind what the cost is going to be and that government, in my opinion, is going to have to be there to work with the agricultural industry.

**1020**

The other investment we need to keep in mind is that we know ministries of environment and ag, food and rural affairs have had cuts made to them, and we need to ensure that investments are made in those ministries to deal with the enforcement questions, and I'll come to that in a moment.

Another issue that I think we'll hear on these tours needs to be addressed is, we talk about partnerships of different ministries working together and working with the agricultural community, but a key partner and player in all this is going to be the municipalities. We need to ensure that we get input from them, but also that it's clear to them what their roles and responsibilities are going to be.

Enforcement and the enforcement powers: this in some ways alludes to cuts that have been made to ministries. We need to make sure those individuals first and foremost have a good knowledge of the agricultural industry. But we need to also ensure that the financial resources are there for training and education and the dollars that are going to be required for enforcement. Again, that's not clear right now, but we do need to ensure that those dollars are there.

Minister, I think we all know—everybody sitting around this room and people around the province—that this is probably one of the most anticipated pieces of legislation to come forward and a piece of legislation that is going to have ramifications on the agricultural industry for many years to come. I guess my only question to you is, at the point of the regulations being developed, will you give consideration or assurances that there will be an opportunity for input to those regulations?

**The Chair:** Time is up, but I will permit the minister to answer very briefly.

**Hon Mr Coburn:** Certainly that's very much our intent, given the consultations over the past year that have brought us to this point. It's important to me, to our ministry and to all of us, the stakeholders, that we get it right. So there will be all sorts of opportunities as we develop the regulations. It's not meant to drive a square peg into a round hole; it's meant to bring people along

and understand the importance of this legislation so we have sustainability in our agricultural industry and in our environment. So, yes, there will be ample opportunity.

**The Chair:** Ms Churley, five minutes, please.

**Ms Marilyn Churley (Toronto-Danforth):** Thank you for your presentation this morning, Minister. This has been a long-awaited response, particularly to the post-Walkerton situation, as we all know. Your predecessor has been out there consulting, and finally we've come to the point where we're here discussing an actual bill, which is very welcome.

I want to ask you a few questions about the bill. I'm sure over the course of the hearings—by the way, I would say to the members as part of the subcommittee that was making decisions about where to go, there was a huge amount of interest across the province from all walks of life who want input to this. I'm really pleased to say there will be a good opportunity for people across the province to have their say and be involved in this very important piece of legislation.

I have several concerns about it, and of course that's why we're here, to talk about some of those concerns. Hopefully we can make amendments to improve the bill at the end of the day. One of the things that is very clear about this bill, and you of course alluded to this yourself, is that it's enabling legislation, that it's broad strokes but it doesn't have a lot of meat on it to date. Of course, the object of this is to hear from people and put the meat on through the regulations.

One of the concerns I've been hearing from people, particularly from municipalities, is that they feel they don't have enough input to the process. In particular, there is a concern from some municipalities that this legislation will override their right and ability—which the right-to-farm act has in fact been doing as well—to write their own strict bylaws around perhaps the larger pig farms or whatever, that this will override their ability as municipalities to control what happens in their own area. My question is: what will the municipalities' role be in the writing of the regulations, and will this legislation, at the end of the day, override their ability to make bylaws to control what happens in their municipalities?

**Hon Mr Coburn:** Certainly municipalities are important stakeholders in this entire process. They have an opportunity to provide their input, raise their concerns, identify some of the challenges they're facing so we can take that into consideration when developing the regulations. As proposed in this piece of legislation, it will supersede anything that's in place now. In recognition of that, though, we've identified advisory committees—and it's also at the suggestion of municipalities that they have advisory committees. This becomes a vehicle in which they can identify some issues of local concern that we can take into consideration and provide some advice to us.

**Ms Churley:** OK. Again, hearing from some municipalities that grew somewhat tired of waiting for the province to act on this really bubbling issue of what's referred to as intensive farming, they've implemented

some tough bylaws of their own, particularly putting caps on some of the large-scale livestock farms. They're concerned that those restrictions, which they believe are important to their municipalities, will be lost once these regulations come down. So I take it they will then have an opportunity to be involved in the writing of the regulations so that they can have some control of their own areas and municipalities. Is that correct?

**Hon Mr Coburn:** That's correct. Everybody's important to us who has an interest in this particular issue and this bill and in writing the regulations. That'll be an open process where we'll entertain all suggestions in helping develop those regulations.

**Ms Churley:** Right. Which ministry and minister will ultimately be responsible? That's not defined in the bill, and we're all anxiously waiting to know who's going to be responsible—a very important question.

**Hon Mr Coburn:** The Ministry of the Environment. The caveat we have introduced in this piece of legislation, though, is the fact that training is a big component of this, and knowledgeable individuals are going to be part of the enforcement of this legislation. If an individual is knowledgeable in the agricultural side of it, that's an important part of this. We heard that loud and clear through the consultations.

**The Chair:** One more minute.

**Ms Churley:** Can I ask why, in this bill, you're giving such a long time frame to implement it? I think it's four to five years. As you've stated, there have been volunteer practices in place for some time. Why would it take so long?

**Hon Mr Coburn:** Well, I'll tell you: we have over 67,000 farms in Ontario, and they produce over 200 commodities. So when you compare Ontario to any other jurisdiction in this great country, we're the leaders, and that is a very complex situation. As I indicated to Mr Peters, this is not intended to come in and drive a square peg into a round hole. It's to work with the stakeholders to strengthen our agricultural and food business and develop policies that respect our environmental needs and sustainability, both environmentally and in the agri-food business. We want to work with all the stakeholders to bring this in in a responsible fashion. So it's the complexity of it, and it's the large agricultural community we have. As we go down the road I think we'll find that many of them are up to snuff already.

**The Chair:** In rotation, we now go to the PCs. Dr Galt.

**Mr Galt:** Thank you, Minister, for an excellent presentation. It was very informative and an excellent overview of Bill 81, which you're responsible for.

Minister, what I'm hearing quite regularly as we're bringing this bill out is the concern that farmers have over cost. Do you envisage how your ministry will deal with the cost as we move down the road?

1030

**Hon Mr Coburn:** That's always a concern. Whenever there's a change or new regulations or we're adopting new practices, that's always one of the key components.

We have worked closely with our stakeholders and we'll continue to do that to be able to identify some of those areas that may present some challenges. But that's also another reason why we have suggested a five-year phase-in for many of the sectors in our agricultural community to adopt some of these practices. So there's a recognition, but we'll be working closely, along with municipalities, in identifying some of those concerns as we move through it.

**Mr Galt:** Enforcement is going to be carried out from the environment side. I know it's a ministry basically for enforcement. Some of the farmers are very concerned about some of those activities and just whether there will be empathy. I know you mentioned the excellent training and all of that kind of thing. Why has that decision been made? We do have some inspection in OMAFRA. Why are we going to environment for the inspection?

**Hon Mr Coburn:** I'm also concerned. As Minister of Agriculture, I'm also concerned that we have people who are knowledgeable in the agricultural sector and all of the various commodities that we produce, so that when they do go out to enforce any piece of legislation, they certainly have an intimate knowledge of what they're working with. It has been entrenched in here that that will be the case, and that's very important to me.

In terms of being able to operate more efficiently, if there are inspectors out there, that will be part of the regime. But the knowledge base and the education and the training of them is an important piece of this proposed legislation.

**Mr Galt:** You had a question a moment ago about the cost. There are some possible supports out there like healthy futures. Is that something that would apply to this kind of a situation, would help with nutrient management plans or with some of the things farmers may have to do? Is that an area they can look to for some financial—I know Mr Peters was concerned about it and I'm just wondering if you wanted to put anything on the record as it relates to healthy futures.

**Hon Mr Coburn:** Healthy futures is a \$90-million program, and part of the thrust of healthy futures is to improve rural water quality and make efficient use of water resources. We've had applications. In fact, we've approved a number of them, and this was prior to this being introduced. That's as with many of our programs, and the goal of them is to enhance and improve some of the target areas that we have in our communities which are presenting some of the challenges. This is one of the programs that does that. We have approved some and there are some applications in there that the board is presently looking at.

**Mr Garfield Dunlop (Simcoe North):** I just have a couple of quick questions. First of all, I noticed on the agenda for the other days that a number of municipalities are making presentations to this committee over the next five or six days at least. So I think it's important to know that some of the municipalities have already made steps in this way in their zoning and official plan amendments and are very concerned about what exactly is in this bill.

I was curious: in other jurisdictions, not only in Canada but in the United States and maybe even in Europe, is there anything else, is there any other piece of legislation anywhere that mirrors this which has been successful and we can say it's already been implemented, or is this, as far as you're concerned, a state-of-the-art nutrient management plan for the world?

**Hon Mr Coburn:** There are a number of jurisdictions that have implemented their nutrient management plans per se in one form or another in different areas, certainly in Canada and down through the States and in some other jurisdictions overseas, and we've taken a look at all of those. So we've learned from some of them. I guess the underlying goal in all of what we've tried to do is to be sensitive to a number of things. At the end of the day, we want to make sure that we protect the concerns we have for the environment—water quality and land use—and take advantage of some of those farming practices. Don't go and reinvent something that is working well and which we can build upon. We've learned that from some of the other jurisdictions.

Some of the other things in terms of cost, what we've had fed back to us in terms of compliance, are to provide a phase-in period of time so that the change can be made, and you'll have more compliance with that, and to work with your stakeholders, to listen to the concerns and try and address them in a forthright manner so it is clear. I think one of the things we've learned is that the regulations and the bill itself have to be clear, and they have to be consistent so everybody knows the rules by which we're playing and that there will be support. As I go across the province, I'm getting a lot of good comments on the legislation, that it's needed, and there's a willingness by people to work with us to make sure it's implemented properly and that it does the job it's supposed to do.

**The Chair:** I realize five minutes is not very much time, but we do have three weeks of hearings coming up. Thank you, Minister.

#### SIERRA LEGAL DEFENCE FUND

**The Chair:** For our next order of business we go to delegations. I realize we're a few minutes early for the Sierra Legal Defence Fund. Is the Sierra Legal Defence Fund present? Oh, there we are, sir. Please have a chair. For the purposes of Hansard, we would ask you to please identify yourselves so the committee knows who it is speaking with, and proceed.

**Mr Jerry DeMarco:** For the record, my name is Jerry DeMarco. I'm the managing lawyer of the Sierra Legal Defence Fund here in Toronto. I'm also a registered professional planner. With me today is Dr Anastasia Lintner. She is presently completing her final year of legal studies at Osgoode Hall and has a PhD in natural resources and environmental economics from the University of Guelph. Particularly pertinent to today's proceedings, Dr Lintner did her PhD thesis on protecting



water quality in southwestern Ontario from intensive fertilizer use. I will make—

**The Chair:** I'll just draw attention to the committee that for organizations we have 15 minutes for presentations.

**Mr DeMarco:** I understand that Mr Prins has distributed our comments to the committee in advance and those should be before the honourable members. We'll be referring to those comments in the course of our presentation today.

By way of overview and picking up on some of the themes from the earlier comments this morning, it is important to note that this bill as it currently stands does provide the authority for strong regulations, it does allow for the provision of local committees to be created and indeed it is enabling legislation. In fact, it's perhaps a type specimen of enabling legislation. It has very little in it that one can point to as strong standards or enforceable standards because much is left to the regulations.

Whether this bill will be an empty shell or the framework upon which strong regulations are built is completely unknown at this time. Despite comments from the ministry that the standards would be developed over the summer, the public has not yet had an opportunity to even examine those draft standards. Therefore, we're asked to comment on a bill for which the meat of the bill is largely unknown because it is left to regulations. Because of that, our comments are directed to what improvements could be made to the bill itself to ensure that it won't be an empty shell and so that the strong commitments made by the minister and the ministries will indeed be required of the government and future cabinets that are required to implement this legislation, rather than simply being an option for those future decision-makers.

At this stage, our comments are related strictly to the bill, with the knowledge that indeed strong regulations may be coming. But they also could be weak regulations; there could be no regulations under the current bill. That's certainly an area that needs improvement. We'd like to see actual commitments and time lines in the bill for enacting those regulations.

**1040**

Building upon a further comment from this morning's proceedings, there are questions about the municipal role in this legislation. As the minister frankly admitted, this act as currently drafted would supersede municipal bylaws. So we're left with the possibility that in those areas where municipalities have already taken the lead, if the standards that are promulgated by cabinet are actually lower than those municipalities currently have, this act could actually in some areas lead to a decrease in the amount of environmental and quality-of-life protection for those municipalities. That's largely because of section 60 of the bill, which purports to displace municipal action in this field, even if that municipal action was sought to make more stringent standards.

That runs contrary to a Supreme Court of Canada decision earlier this summer, in which we were counsel

for both environmental groups and municipalities, in which the Supreme Court mentioned that it was important that municipalities be empowered to improve upon, but not lower, standards from higher orders of government. This act purports to say that the municipal role will be deleted in its entirety. I think that section certainly needs to be changed in light of that Supreme Court of Canada case known as Hudson.

I will now turn over the microphone to Dr Lintner to provide more detailed comments on some of the other aspects of the bill that we feel require improvement.

**Dr Anastasia Lintner:** As Mr DeMarco has mentioned, the comments we're making, which you have in front of you, are based on strengthening the legislation as it stands, to try and address some of the potential short-ages or weaknesses. Resulting standards or regulations might not be as strong as they could be to promote environmental protection as well as a sustainable rural community.

I've grouped my comments today around four themes or features which we would like to see within legislation to address the goals that have been brought out by the minister in presenting the legislation. Those four themes are that the legislation should be comprehensive, risk-minimizing, transparent and, finally, feasible. In elaborating on these themes, I'm going to draw from the recommendations we've made to OMAFRA through the Environmental Bill of Rights mechanism of commenting.

If we have a comprehensive Nutrient Management Act, it will deal with all types of intensive nutrient use and all types of substances which will include nutrients within them. So within the definitions, there is an expansive definition of what might be included as a nutrient, but I think that could be improved—and this is our recommendation number 2—by including all intensive uses of nutrients beyond just agricultural uses. Certainly one that comes to mind is golf courses. So there will be other instances where there are land applications of these substances that might lead to environmental degradation, and if we're going to put a mechanism in place through this legislation that can protect the environment, it should be as inclusive as possible in the uses of these substances.

Additionally, if we have mechanisms intended to control degradation of the environment from uses of land application of these substances in other legislation, like the Environmental Protection Act and the Ontario Water Resources Act, then we should ensure that within this bill there is an express way to avoid duplication, so that if farmers are putting forward their nutrient management plans, they aren't also having to put forward some other certificate or approval in other environmental legislation. This avoidance of duplication we have expressed in our recommendation number 7, to find ways to not duplicate or conflict with other environmental legislation.

Under the theme of risk minimizing, within this legislation there are no prohibitive or purposive statements which allow us to see the goals that have been announced as to what this legislation is addressing within the

legislation itself. So in our recommendations 3 and 5, we propose that there be sections which allow the legislation to demonstrate what types of activities are prohibited—and not leave that to the regulations—and what the purpose of the act is, to allow interpretation, that the act is meant to protect water and other environmental qualities, as well as to sustain agriculture.

If we're thinking about risk minimizing, then at a minimum we would expect that there's the ability to have local efforts and local governments like municipalities take into account the unique aspects of their locality when developing caps or trying to have a strategic land-use plan that addresses both environmental and economic interests. So in our recommendation 9, when we address the municipalities, as Mr DeMarco has said, we would certainly like to see some evidence that local efforts would not be reduced by the act of this legislation.

For the transparency, it's been suggested that the accountable ministry in enforcement will be the Ministry of the Environment and that's certainly something Sierra Legal would support, that we ensure that if the goal of environmental protection is going to be met, then certainly the environmental ministry is equipped to enforce those types of regulations.

We would add, in recommendation 6, that with sections which give authority to delegated individuals to approve and certify the nutrient management plans and strategies—and then going on to section 56, which distances these delegates from the crown—our concern is that moving the administration of the nutrient management plan approvals outside of the ministry will have implications both for accountability/responsibility and for the public's right to know what's going on under the freedom of information process.

We would also recommend that there be enhanced public participation through the bill. The potential to have regulations and standards which involve also appointing the local advisory committees—those are just regulations that will come out after the fact. It's not within this bill that there will be local advisory committees, and certainly there's not protections within this bill that the public will be able to participate in the review and approvals process.

Finally, in terms of feasibility, it's been mentioned that there is a concern about the cost both to the agricultural sector and to municipalities of putting forth these new regulations and standards and how that will play out. It's important that generally there are dedicated resources to this new act and its potential protection for the environment, and we would also suggest that there needs to be commitments within the bill about how quickly the standards and the implementation of the standards will be developed after the act comes into force. That recommendation is number 4.

Then just a final note on feasibility: we reiterate that the local efforts of municipalities should not be thwarted by this legislation but should be promoted if they are making standards for better environmental protection than would otherwise be the case.

**1050**

**The Chair:** Thank you, Dr. Lintner and Mr DeMarco. We've pretty well used up the time. There could be 30 seconds for a brief comment from all three parties. Ms Churley, we really don't have time for questions but a 30-second comment. We're out of time.

**Ms Churley:** Thank you for your presentation. I think over the course of these hearings we'll hear more of these concerns, and hopefully at the end of the day we'll all listen to those and incorporate some of your suggestions into the bill. That is my hope.

**Mr Galt:** Thank you for your presentation. Just a couple of quick comments, one having to do with what is always a problem: how much in the bill and how much in regulation and when should they come forward? As you're probably aware, until the bill is passed, you don't have the authority to make the regulations.

Your comment on section 60: we're concerned and the message we were getting is, "We want uniformity across the province rather than the patchwork pieces we've had up until now," and understandably so, because the municipalities have been trying to do what was right, and our compliments to them for doing that. But we're bringing in legislation that's going to ensure the quality of the water. Therefore, if any municipality was to want less, we don't want that; if they were to want more, we don't want to penalize those farmers with having to meet higher standards in that municipality if it's unnecessary. We want to be fair with them. So uniformity is certainly important. As you look at a nutrient management plan, there is some flexibility within that to recognize specific areas.

**The Chair:** Mr Peters, 30 seconds.

**Mr Peters:** He had the minute. I know it's not going to be possible today to ask the question, but I would very much like to hear from you further on your recommendation number 2, where you talk about golf courses, and where else you feel that we should be going with this. You're suggesting here that we go beyond just agriculture and you use the golf course as an example. I'd very much like to hear from you, and through the Chair, back to the Chair, other areas that you think we should be looking at with this legislation.

**The Chair:** Dr Lintner and Mr DeMarco, thank you very much for that presentation.

#### ONTARIO PORK, ENVIRONMENT COMMITTEE

**The Chair:** Our next order of business on our agenda, I wish to call forward Ontario Pork, Environment Committee. Please come forward and have a chair at the witness table. We have 15 minutes, gentlemen. We would ask you to please identify yourselves and then proceed.

**Mr Clare Schlegel:** It's a pleasure to be here on behalf of the pork producers of the province. My name is Clare Schlegel. I am chair and I am a hog farmer. With

me are Dennis Zekveld, our environmental committee chair and a hog farmer as well, and Sam Bradshaw.

I can sympathize with Dr Galt in his desire to collapse the meetings, but I also encourage you to take with some seriousness the issue that's before us because it solidifies our future environmentally and sustainably and the economic activity of our province.

I should say that you've got our booklet before you. The speaker notes are there, and behind that is a more detailed presentation that you can look at later on. I'm hoping to speak for seven and a half or eight minutes and have some time for conversation.

At the outset, I would like to say that we're very pleased with the introduction of this legislation and supportive of the principles. We've been calling for it for a long time. We do have some concerns regarding the details of the legislation and have various recommendations and considerations we'll be sharing with you this morning.

Who we are: Ontario Pork represents the province's 4,400 pork producers in many areas, including marketing, environment, research, animal care and quality assurance programs. So we're the official voice of the hog farmers of the province.

Ontario's pork producers in 2000 marketed 4.6 million hogs valued at \$780 million. The total pork industry when you put it together up the supply chain is worth \$4.2 billion and 35,000 jobs to the economy of this province.

Ontario Pork has participated in the consultations and discussions with the government for several years regarding the need for nutrient management legislation. We are pleased the bill provides for province-wide standards that will identify the requirements and responsibilities for farmers, municipalities and others in the business of managing nutrients. The implementation of this legislation will eliminate the current inconsistent patchwork of best practices and bylaws. Bill 81 means that Ontario's pork producers can look to a regulatory environment that provides a comprehensive, clear and effective approach to managing nutrients.

Ontario's pork producers are concerned about protecting the environment and the long-term well-being of Ontario's communities. We want to be certain we can invest in our farms and operate them with confidence and with pride. The Nutrient Management Act, 2001, is the cornerstone in providing this balanced opportunity—and we should emphasize “balanced.” We support this legislation and congratulate the government on its introduction.

We have identified 11 recommendations for deliberation, including both proposed amendments and considerations.

I cannot underline enough how Ontario Pork feels about its involvement and participation in the regulation-setting process. We believe we have a lot to offer and have a track record of making nutrient management work. Ontario Pork, on behalf of Ontario's pork producers, would like to indicate to the committee its request

and commitment to participate with legislators and the government in the regulation-setting process.

Ontario Pork would like to avoid situations where there may be local initiatives to create or enhance bylaws that exceed the terms and standards of the Nutrient Management Act. We recommend that the committee satisfy itself that municipalities are not able to use other pieces of legislation to circumvent the intention of the act, thereby broadening the scope of control on agricultural operations.

Ontario Pork believes that provincial officers would require specific and relevant training to make accurate and fair determinations of compliance—very important. Further, given that family farms are both residences and agricultural operations, we encourage inspectors to use discretion when exercising their powers of entry and inspection on farms. Ontario Pork recommends that the minister can only designate provincial officers who are ministry employees who have successfully completed a training and certification program on agricultural operations and, specifically, nutrient management. Ontario Pork would be pleased to work with the government to develop an appropriate training protocol in advance of the proclamation of the regulations.

Ontario Pork supports the use of local municipal advisory committees as part of the act's implementation strategy for compliance. Such committees would raise awareness and mediate non-enforcement issues. We recommend the creation and use of local county environmental response teams. These teams would respond to a concern, assess the situation and make timely recommendations to resolve the issues. Ontario Pork recommends that in situations where mediation fails, municipalities would refer the case to a provincially trained enforcement officer.

Public information: given that Bill 81 provides for the establishment of a registry to record nutrient management plans and strategies, we believe there should be a specific definition of what information is public and what is private—very important. Ontario Pork requests consideration of an explicit provision on which part of the registry is going to be protected by the Freedom of Information and Protection of Privacy Act. We recommend only the summary of a plan be publicly available, and we can discuss this further.

Addressing biosecurity concerns—again, very important to our future: hog producers employ strong measures and assume great expense to ensure that their farms are as disease-free as possible. We have seen the extensive devastation in Europe from infections such as foot and mouth disease. Biosecurity measures are absolutely crucial to preventing such tragedy being spread on farms. Ontario Pork recommends provincial officers should be fully trained in biosecurity measures. Ontario Pork recommends an amendment to the subset of part IV, section 12, such that all inspectors will act with prudent behaviour and due concern for the premises they visit.

Ontario Pork believes it is important that the review and approval of nutrient management plans be the

responsibility of trained and certified provincial officials. Use of provincial officials is important to maintain confidentiality of record and consistency of practice. We recommend that reviews and approvals of nutrient management plans remain a government activity. Devolution to a private concern should not occur until a history and expertise has been established among provincial officials. Until then, Ontario Pork requests that part I, section 3(1)(c) be interpreted in a way that does not extend the definition of provincial officers to persons other than those appointed under the Ontario Public Service Act.

#### 1100

With regard to new technology, we believe there will be many future advances and innovations stemming from new technologies, and we're seeing some of those right now. It is important to have the capability to incorporate such advances into the act's regulations to ensure effective nutrient management practices. We recommend an amendment under part II, section 5(2)(u), with regard to governing the use of innovative technologies. We recommend an allowance be made to update regulations in order to incorporate appropriate technological advances every other year after this act is proclaimed.

While a number of farms currently use computers, at this time many farmers do not have such access or expertise. Requiring that a nutrient management plan be prepared and filed in electronic format poses a challenge to our membership. We are recommending that copies of paper records be considered acceptable in addition to electronic records. This will allow for flexibility within the regulations and encourage compliance.

Economic impact studies: considering the broad implications of the legislation on agricultural operations, costs incurred to ensure compliance could run into the millions of dollars. This is a significant figure—it's absolutely huge—considering the modest margins that farm operations generate. Ontario Pork recommends that an economic impact analysis be completed to calculate the potential cost of new standards and regulations to the agricultural industry. Following the analysis, we recommend the committee consider an amendment to provide for the establishment of appropriate funding programs to partner with the industry in implementing the act and its regulations at the farm level.

Further, on fees: Ontario's hog producers must finance a variety of costs associated with their agricultural operations. Ontario Pork requests that the determination of additional costs take into account farmers' ability to pay, and there is more detail on this item in the further write-up. Ontario Pork recommends a graduated fee system based on the complexity of the plan. We request consideration be given to minimum and maximum fee amounts, and that the structure be designed to encourage compliance, not making it so expensive that it hinders a farmer's ability to pay.

In conclusion, I urge you to examine our written submission that provides, in greater detail, the rationale for our recommendations and considerations. I want to assure the members of the committee of our commitment

to work with legislators and the government to make this legislation a success.

At this point, we would be pleased to answer questions if we have any time left.

**The Chair:** We have a little over a minute for each party. We'll begin with Dr Galt.

**Mr Galt:** Thank you for an excellent presentation with good content. I'd like to make reference to your opening comment about collapsing meetings. The information I was looking for: on Monday, we're meeting for three and a half hours; on Tuesday, three and three quarter hours; on Wednesday, three hours—for a total of 10 hours and 25 minutes—on Thursday, we're presently scheduled for five and a half hours, possibly an extra hour; and on Friday, for three and three quarter hours. That was my concern.

It's very expensive to move committees around. I do respect and emphasize the need to be in locations where it's convenient for people to get to the hearings. In eastern Ontario there are only two, so some of those people are going to have to drive a long way. I'm just looking at efficiency both from the government point of view as well as the agriculturalist point of view. But I respect your comment—very much so.

I'm curious. Would you mind responding to what we heard earlier and my concern as it relates to uniformity of standards across Ontario rather than allowing patchwork pieces later on? Are you empathetic to allowing that or do you agree with the general direction we're headed in at this point in time?

**Mr Dennis Zekveld:** We agree that we need to have uniformity across the province. There has been a lot of implementation of bylaws, and none of them have been consistent. What that does is make it very uncompetitive; a very uncompetitive atmosphere. The rules are based on whatever rationale. We feel there have to be uniform standards and, if anything changes, it's got to be science and technology that comes into play. There has to be a sound basis for anything to be different. I think there has to be somewhere an understanding of the different—like different watersheds. In some municipalities there may be some things there that someone needs to look at, but overall, I think we need to start at a level base.

**Mr Galt:** Do you think you can see the flexibility with the development of a nutrient management plan and getting that approval by engineers/topologists?

**Mr Zekveld:** Pardon? I didn't get the question.

**Mr Galt:** You can see that flexibility with the development of the nutrient management plan?

**Mr Zekveld:** Yes, very much so.

**The Chair:** Mr Peters, any comments or questions?

**Mr Peters:** I'd like to hear some further comment from you on your section 3.7, government reviews versus private and alternative delivery. To me, it's of utmost importance that it not be delegated at arm's length. I'd just like to have you elaborate a little bit on this point and why it is so important that we not delegate services out.

**Mr Zekveld:** We believe the rules as they are applied should be as consistent as possible, and that goes for the

reviews and the enforcement. Once you start delegating that out, we feel there could be inconsistencies. Depending on who does it, it could make a difference as to what level the standards will be. That's not to say that, once a level has been established, maybe down the road, we wouldn't consider it, but I think for the time being, in the interim, for at least five years anyway, we need to establish a firm framework for enforcement so that there's a level of consistency and confidence out there.

**Ms Churley:** I should say I understand your concern about having a level playing field, but I suppose it's no surprise to you that I disagree with you on that—and I'm not from the city. I understand some of the concerns and I've heard them before. Sometimes people from the city move into a rural area and then start complaining about smells and things like that, and I understand that. But there's also the issue that Huron County, for instance, has—what, is it?—10 times more pigs than people, I've heard, and the amount of manure that pigs create is a lot more than people. So you can have different situations in different rural areas. There might be other mitigating factors within that area which would cry out for a higher level of control. I have real concerns about legislation that generally is not, in some cases, stringent enough to deal with particular concerns in different areas. So I disagree with you on that and I think it's going to be a contentious point throughout this whole process.

**Mr Zekveld:** May I comment?

**The Chair:** Yes, sir.

**Mr Zekveld:** My comment to that is that a proper nutrient management plan or strategy in a plan would ensure that the land is available for the nutrients that you're going to apply. That's going to dictate the size of the operation. You're going to have to tie it to land and the nutrient requirements and the nutrients that are already there. So from our perspective, to have uniform standards across the province is going to address the issue.

**Ms Churley:** But would you agree that there might be some cases where it would not be sufficient, depending on different aspects of what's going on in that municipality?

**Mr Zekveld:** I think you have to start off at a base and then we need to go from there. There could be some opportunity at some point in time to look at specific situations, but I think a proper nutrient management strategy with proper enforcement will address all of your concerns.

**The Chair:** I think our time is up. A very quick comment, Mr Schlegel.

**Mr Schlegel:** I think you raise a very important point. I'd just like to quickly respond to it as well. The communities we live in, our neighbours, our friends, the people we go to church with—we don't want to be seen as polluters; we want to be seen as stewards of the land and caretakers of the soil. Over the last number of years, as it has moved the other way, where we're perceived as being a detriment to the community, it's very difficult to live in those communities. There are obviously sensitive

areas that need to be protected, but saying that, if our regulations are correct at the provincial level, they'll take care of those situations. Then there can even be application across the province so that individuals are not forced to move about simply because there's a local situation that rises up with no scientific background.

**The Chair:** Thank you, Mr Schlegel, Mr Zekveld and Mr Bradshaw. We appreciate your submission.

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#### ONTARIO EGG PRODUCERS

**The Chair:** I wish to call forward the Ontario Egg Producers. We would ask you to identify yourself for the purposes of the committee.

**Mr Brian Ellsworth:** My name is Brian Ellsworth. I'm general manager of the Ontario Egg Producers. I'm a farmer in my own right and I've been doing that for over 50 years. I feel I'm well versed on what goes on at the farm and the business end of the wheelbarrow, as I told one committee, but they don't do the wheelbarrow any more. Nevertheless, I'm here representing 425 egg producers and 161 pullet growers who produce 40% of all the eggs in Canada. We feel the egg business is very important in this province and of course any provincial legislation that affects our producers is a concern to us.

Bill 81 is an important initiative. We commend the Minister of Agriculture, Food and Rural Affairs for holding these and other public hearings about this bill and for building consensus across this province.

Let me say upfront that egg producers and their families share the ministry's interest in developing clear, consistent and reasonable standards. Our reason is simple: we see ourselves as custodians rather than owners of the land we farm and we're deeply committed to passing these resources on to our children, which many of our farmers do, to ensure our way of life is preserved for generations to come. I'm worried about my own personal family. They've been on the same land for seven generations, and I hope they can continue for some more.

Egg producers have a vested interest in balancing agricultural production with environmental preservation. This approach enhances our lives and ensures our livelihood. The Ontario Egg Producers are strong proponents of environmental management practices. For example, We have instituted a self-managed program that ensures our members handle manure in a way that minimizes any environmental impact, and many of our members have worked with the government's NMAN program and are familiar with it. Our standard practice of record-keeping makes it easy to manage the manure-handling system and to comply with a farm's nutrient management plan. We have field men out in the country who will be seeing that our farmers comply with these requirements. These and other programs complement a stringent food safety and quality program that includes regular on-farm inspections to monitor farming standards.

We are pleased to hear that this legislation will build upon the best management practices that Ontario's producers have developed voluntarily. This is a critical point for egg producers. Our management practices are home-grown solutions, developed by producers whose livelihoods rely on agricultural production that's consistent with preserving our environment. It's only common sense for the government to consider many proven practices that reflect the ministry's goal to promote the economic development of rural communities, which is very important to us.

We recognize that farmers must conform to proper, province-wide management practices. However, they must also be able to manage their operations in an effective and efficient manner, free from arbitrary legal constraints and overbearing costs. These dual objectives can go hand in hand by developing a balanced approach with reasonable and attainable goals. As such, we propose five recommendations in line with this approach.

On the value of nutrients: for a farmer, manure is not a waste product but a valuable fertilizer and conditioner of the soil. Provided that egg producers handle it in accordance with a nutrient management plan, new regulations shouldn't limit the use of poultry manure based on size of farm. This is a contentious issue for some of our farmers who have a considerable number of poultry in one location. They believe it's important that they are not restricted in any way about how large an operation they should have, as long as they handle their manure properly. As I say, it's critical that the new legislation recognize the nutrient value of poultry manure.

On enforcing the new regulations: it makes common sense that the new guidelines operate under the Farming and Food Production Protection Act. That means the Normal Farm Practices Protection Board should supervise practices around manure handling. As such, we expect the Ministry of Agriculture, Food and Rural Affairs will be involved in enforcing the new regulations.

On the number of acres owned by a producer: some suggest a minimum amount of land may have to be owned by each farmer based on the number of livestock. Such a requirement would result in considerable inefficiencies in farming operations that limit acreage without addressing the environmental concerns which gave rise to it. In other words, we're saying it's how you look after your manure, not how big you are. Therefore, minimum acreage regulations are not required to protect our natural resources.

On funding new initiatives: Ontario egg producers are self-sufficient in terms of education and training programs. We're continually training our producers and helping them with these types of programs. Adopting new practices based on the new legislation will be no exception. However, the government still needs to help our family farms in terms of capital investments. Otherwise, the new legislation will slap an additional burden onto our backs, even though we have stringent environment practices already in place.

The government already issues tax credits to big industry for reducing air pollutants. It also provides

money to municipalities for improving their sewage systems. Providing financial support to farmers would be a consistent strategy for the government. This has been done by the Ministry of Agriculture, Food and Rural Affairs in the past and we hope they continue some of this in the future.

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

We've outlined these and other recommendations to the minister and your committee and would be happy to discuss them in greater detail with you following this presentation.

One final note: many egg producers are family-run farm operations. For those farmers, success has as much to do with the number of family members who gather around their own kitchen table as it does with the number of eggs they produce on their farm. It's the farmer's hope that these seats are occupied by three generations—the past, the present and, most importantly, the future. Let's look through the farmer's eyes and ask ourselves, will Bill 81 ensure a seat at the table for the next generation of Ontario farmers? We believe it will, by adopting a balanced approach with reasonable and attainable goals. Let's focus on preserving our natural resources, promoting harmony between the residents of rural Ontario and protecting jobs in these local communities.

Ontario Egg Producers appreciates the opportunity to meet with you today and looks forward to working alongside the provincial government to ensure our rural communities continue to thrive in a healthy and sustainable environment.

**The Chair:** We now have a little over two minutes for each party. In rotation, we now swing over to the Liberals.

**Mr Peters:** Thanks for the presentation, Brian. I was wondering if you could elaborate a little bit further on your recommendation number 3, the number of acres owned by a producer.

**Mr Ellsworth:** We have various sizes of producers. We have very small producers and we have some very large producers. Our basic position is that acreage is not an indication of how good your nutrient management plan is on your farm; it's how you handle the manure and where you spread it. We recommend that the larger ones, if they don't own enough land of their own, make contracts with their neighbours and spread it on their land.

**Mr Peters:** A second question—and the pork producers made reference to it—is the concern over ensuring that the inspectors, as they come in, don't just walk into one of your barns without talking to you. Within your industry is there concern as well, as with pork producers about the hoof and mouth, over potential threats?

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**Mr Ellsworth:** Of course, we have a security program on most of our farms where inspectors, or anyone, are not allowed to come in unless they use the proper environmental or security measures, such as clean boots and coats and that type of thing. We would expect that all inspectors would follow this type of security in our buildings.

**The Chair:** Ms Churley, two minutes.

**Ms Churley:** Thank you very much for your presentation. It's very interesting. I wanted to ask you if you could elaborate a bit on your self-managed program that you have in place already and your practice of record-keeping. Can you just tell us a bit about how it works?

**Mr Ellsworth:** Yes. This has grown out of a food safety program that we implemented several years ago under the HACCP banner, where we get the producers to record everything that happens on their farm, people who visit, and they test for salmonella enteritidis and this type of thing in the barns. We've continued to carry that into nutrient management, where we're actually testing the manure they are producing. We're having it analyzed, we're having them do soil samples and we're having them keep records of where they spread the manure and how they spread it.

**Ms Churley:** That's very interesting. I'm also curious about whether or not your industry, the egg producers, has been having problems in your communities as for instance some of the pig farmers have.

**Mr Ellsworth:** No. We feel that most of our people are good stewards of the land, and we haven't had any problems to speak of.

**Ms Churley:** So you haven't had any fights with municipalities?

**Mr Ellsworth:** We always have some concerns, and this is why we support the government's recommendation that it be provincial standards rather than one municipality or another municipality. In fact, one of our producers said to me that he lives in three municipalities and he has different regulations of what he should do in each one of them.

**Ms Churley:** Final question; I asked the question before: would there be a different set of circumstances that might mean that a municipality would need to up the ante on the regulations that may exist in time?

**Mr Ellsworth:** We take the position that farmers should be good stewards and that they obey the rules and regulations—our organization is out there to help them—that they don't need any different rules in any municipalities.

**Mr Dunlop:** Thank you for your presentation, Brian. I had an opportunity myself to visit my first egg-producing farm this summer. I was quite impressed with the biosecurity measures that were in place for even a very small farm.

I was curious. In your very last recommendation you mentioned that out of 425 egg producers that you have, many already have a nutrient management plan in place.

Would you expand on that a little bit in terms of a percentage of those 425 producers?

**Mr Ellsworth:** I can't give you the exact number or percentage, but we're visiting them all and we're bringing them on as fast as they come. The larger ones are into that game, some of the smaller ones haven't yet got on to it, and that's why we asked for a phase-in of a five-year period before you expect everybody to be up to the full plan.

**Mr Dunlop:** Many of them do not have a large acreage with the farm they're on.

**Mr Ellsworth:** I think it's about 50:50. Many of our producers—we're not like the US where they have large egg-producing units—are, relatively, family units. They have a lot of land, and most of them can cover it. There are a few large ones that rent other land to spread the manure on.

**The Chair:** Thank you, Mr Ellsworth, on behalf of the egg producers. We appreciate the input.

LORNE SMALL

**The Chair:** Our next delegation: I have listed on the agenda Lorne Small.

**Mr Lorne Small:** I have a few copies with me.

**The Chair:** OK. The clerk can distribute those. Good morning, sir. If you'll have a chair. Individuals presenting before the committee are allocated 10 minutes.

**Mr Small:** Fair enough. I hope I use less than that.

Thank you very much for the opportunity to come and talk to you today. I'm a sheep producer and am representing sheep producers in our area. I'd just like to emphasize to you that sheep producers in our area are in full support of the initiative that's being undertaken by the Ontario government to provide consistent rules across the province. We congratulate the government for their foresight and perhaps their courage in undertaking this task.

The area that I work and live in is the Wellington-Dufferin-Halton-Peel region. That's probably the fastest urbanizing region of Canada, with a larger population than some provinces. The things we share with our urban neighbours are a desire for a safe, natural water supply, fresh air free of obnoxious odours and land that can safely produce food for generations to come. We trust that the Ontario government will not impose costly regulations without consultation and perhaps compensation.

We ask that regulations in this act be developed in consultation with sheep producers and based on appropriate science. We understand that it's not necessarily you folks who will be drafting the regulations. Perhaps it's your staff doing those sorts of things. We simply would like to be consulted in that process. Regulations that are appropriate for cattle may not be appropriate for sheep, and vice versa. With proper scientific documentation it is easier to understand, explain and for us to accept.

Sheep are a different species, with very different behavioral patterns from cattle. Their flocking habits,

their fear of open water and their very dry manure make us believe that sheep should be treated separately from cattle in regulations.

There are five concerns that we have.

The number of sheep that constitute an "animal unit": we believe if the number is based on reasonable science, it would be in the eight-to-10 range.

The potential regulations that all sheep must be fenced away from waterways: sheep have a natural fear of water and are very reluctant to get their feet wet, and there is virtually enough water in the pasture, so there is very little reason for them to go near water. We simply ask that field studies be used to determine if sheep pose a risk. Sheep fencing for containment is about four times as expensive as fencing cattle, because of their pesky nature.

The potential requirement that all sheep manure must be incorporated promptly after application: sheep producers are very dependent on grazing, making it very difficult to plow in manure and still have a pasture to graze.

The potential regulation that all manure piles must be covered and retained on concrete pads will make it cost-prohibitive for many sheep producers that compost their manure before spreading. We believe that research will show that sheep manure, because of its very dry nature, will behave differently in the environment and will not migrate like other livestock manures.

The potential regulation that winter grazing of sheep will not be allowed as all animals must be housed: sheep wear wool coats and thrive in winter when exposed to dry, calm winter air.

We are not asking for special treatment. We are simply asking for fair and reasonable treatment in the Nutrient Management Act and in its regulations. Thank you for this opportunity.

**The Chair:** Thank you, Mr Small. We have a little over two minutes for each party and we now go to the NDP.

**Ms Churley:** Thank you very much for your presentation. Were you consulted to date on the bill?

**Mr Small:** I guess our concern is that we're not a very large commodity compared to other people. We don't have the resources to hire professional consultants, so we tend to get lost in the shuffle. We're different and we'd like to be treated differently, and we understand that the regulations are still to come. We're just saying, can you talk to us when you're doing that job?

**Ms Churley:** It's good that you've had this opportunity to come forward today. I guess you raise a very important point, that there are differences in how certain animals should be treated under the regulations.

You mentioned in your deputation that research would show that sheep are different and should be treated differently. Can you point us to what we should look at to find out more about that?

**Mr Small:** Research hasn't been done. What we're really saying is that based on our experience, this is what

we believe to be the case. All we're saying is, don't trust us, do some research.

**Ms Churley:** That's what I mean, that the research hasn't been done by you. I understand you're small in comparison to some others. But there is research, I understand, that we could look at that would give us this information.

**Mr Small:** There are for other commodities but not for ours. We're saying, work with us and do the research.

**Ms Churley:** Oh, it seems like we need to do the research.

**Mr Small:** Yes.

**Ms Churley:** I see what you're saying. There isn't any. OK. Thank you very much.

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** Thank you for your presentation. In the first paragraph you mention that the government should provide consistent rules across the province. Could you expand on that?

**Mr Small:** We're saying we much prefer the system of one set of rules across the province rather than having different rules township by township.

**Mr Beaubien:** So what you're saying is that the provincial guidelines should be the guiding light of the nutrient management bill?

**Mr Small:** That's my—

**Mr Beaubien:** Legislation and regulation. Thank you very much.

**Mr Small:** So people know where they stand.

**Mr Galt:** Thank you for your presentation. Is the provincial organization making a presentation to us as well?

**Mr Small:** Yes, they will I believe in Peterborough. This is an individual report based on our experiences in an urban region, essentially.

**1130**

**Mr Galt:** Something that you as a sheep producer may be aware of: you should be very concerned about the nutrient management plan that was laid out for your farm for sheep, very vigilant at the level of copper that might be applied to those soils. Sheep are supersensitive to copper, and I've seen a lot of sheep die from copper.

**Mr Small:** No pig manure, thank you. That's one of the problems with sheep.

**Mr Galt:** You need to monitor what might be in it. Some of the sludges that may come from some cities could also be high. So don't just look in one direction. The level should be monitored very closely.

**Mr Small:** We're well aware that we have to be a little vigilant as to what we put on your soils, particularly that's copper-rich, and hog manure is one of them.

**Mr Galt:** When you're asking to be involved with the consultation, are you looking for invitations being sent to the provincial organization, to your local organization in Wellington-Dufferin-Halton-Peel, or are you looking for Mr Small to get a special invitation?

**Mr Small:** I'm basically saying, talk to a recognized group of sheep producers, and the Ontario Sheep Marketing Agency would be the appropriate one.



**Mr Peters:** Thank you for the presentation, Lorne. In the fourth paragraph you make reference twice—and maybe some comments of Ms Churley’s and maybe a bit of what Dr Galt said. But you use “appropriate science” and “proper scientific documentation.” Who do you propose should undertake that? Who provides the proper scientific documentation? Is this something your organization should do? Is this something you’re suggesting that the Ministry of Agriculture, Food and Rural Affairs do? Who is the qualified person to do this, to provide that scientific documentation?

**Mr Small:** From my perspective, I think there are research monies already allocated by the Ontario government, and some of those I think could be used to do this research. We’re really talking about field studies to confirm—the studies are done for the other commodities. All we’re saying is, fine-tune them, do some field studies and say, “Are we different or are we not?” We think we are, but don’t just take our word on it. We think it’s quite a different product to deal with. We don’t see ourselves as woolly pigs or cute cattle. I think there’s research money there now and I’m sure our provincial organization, with limited resources, would be prepared to participate.

**Mr Peters:** You go into your garden supply store and you buy all kinds of different manures available, and sheep manure seems to be quite popular. I don’t know what you do specifically on your farm, but obviously somebody is buying that manure to resell. Is that something else that should be looked at? Garden centres are selling the stuff and all of a sudden I’m spreading nutrients in my garden. Is that something that, from your perspective, we should be concerned about?

**Mr Small:** I’m not concerned about them selling it, but we have 250 sheep ourselves and we need all the manure we can get to maintain fertility on the farm. I’m happy to use it there. We don’t have a problem with too much fertility. It’s usually not enough on many of our farms. It makes for a much more natural cycle to use it at home. It is popular because the nutrient composition is quite different than cattle and it takes a lot less time to dry it, to get it into the bag.

**The Chair:** Thank you, Mr Small. I hear what you’re saying on fences. Our sheep spent more time on the neighbour’s farm than on our farm.

#### CHICKEN FARMERS OF ONTARIO

**The Chair:** Our next delegation is the Chicken Farmers of Ontario. Please come forward. Good morning, sir. If you could have a chair and introduce yourself, and we have 15 minutes.

**Mr John Maaskant:** We will provide a written copy of our presentation to all of you later.

Good morning, Mr Chair and members of the committee. I want to thank you for this opportunity to speak today and to present the Chicken Farmers of Ontario’s view on Bill 81, the Nutrient Management Act.

My name is John Maaskant. I am on the board of directors of Chicken Farmers of Ontario. I have been a chicken farmer my entire life. In fact, my father was one of the founding directors of the chicken marketing board back in 1965. I was raised on a chicken farm in the Clinton area, Huron county, and that is where I still farm today.

Chicken Farmers of Ontario represents 1,150 family-run chicken farms. Our members are proud of their contribution to Ontario agriculture and to the Ontario economy. Our farmers are proud of the leadership role that CFO has played, and continues to play, in areas of environmental stewardship, marketing and ethical farm practices.

Chicken is one of the few food commodities in Ontario agriculture that is growing in demand every year. Chicken production in Ontario has a farm-gate value of nearly \$430 million annually and accounts for one third of the chicken produced in Canada and 6% of the total farm cash receipts for Ontario.

Now to the issue at hand, the nutrient management legislation that is being studied.

CFO was a charter member and has been an active participant in the Ontario Farm Animal Council and the Ontario Farm Environmental Coalition, OFEC. I have represented CFO on the Ontario Farm Environmental Coalition for more than two years. We at Chicken Farmers of Ontario have put our time and resources into this issue because we believe it is important that farmers assist in advancing and developing modern farm practices that will not harm our environment. This is something we believe and it’s something our customers demand, and as stewards of the land, we owe this to our children.

Chicken Farmers of Ontario is fully supportive of the work of the Ontario Farm Environmental Coalition as it has developed positions on nutrient management legislation that reflect the realities of modern-day farming. Our organization fully supports and endorses the position put forward by OFEC.

I also want to congratulate the government of Ontario for introducing a piece of legislation that is a reflection of the OFEC position. Mostly, I want to applaud the government, Minister Coburn and former Minister Hardeman for taking the time to get this legislation right the first time. Rushing legislation before it was ready and well thought out in response to media demands for action would have been foolhardy and in the end could have resulted in great harm to both the farming community and the environment.

We believe this legislation reflects the notion that a strong agricultural economy and a clean, safe environment are compatible goals.

It is important for the committee to understand that no one has a more direct interest in keeping water clean than farmers. We often get our drinking water directly from private wells on our own property. If farm runoff gets into that water, then it is our families who suffer. We don’t condone polluting and we would expect that the

government would deal quickly and harshly with any farmer who does pollute. The legislation before us today is a good framework for the prevention of pollution in the first place and it allows for stiff penalties if it does occur.

Although we fully support OFEC's position, I would like to address a few specific issues raised by this legislation that are important to Chicken Farmers of Ontario. The first one is consultation regarding the regulations; second, we are concerned about consistency with respect to the regulations; and, third, we have some concerns about inspection and monitoring.

With respect to consultation, CFO recognizes the importance of regulations in terms of how this bill will be implemented. We strongly encourage the government to actively consult the agricultural community before cabinet passes these regulations. We want to make sure that the government understands CFO's position on certain issues that need to be addressed through regulations. One example: Chicken Farmers of Ontario has had a long-standing concern about using livestock units as a basis for measuring the size of farms. A more accurate unit of measurement is the animal manure nutrient unit, or AMNU, as it is called.

#### 1140

It is very important that when it comes to determining the number of birds that make up an animal manure nutrient unit, the decision must be based on science and not other arbitrary methods. While this legislation does not specifically set out the number of chickens in one animal manure nutrient unit, it does allow the government to implement it through regulations that will come after the passage of the legislation.

Chicken Farmers of Ontario needs to be consulted on any regulation that attempts to set the number of chickens that comprise an animal manure nutrient unit. Getting that number right is critical. A number that is too low will not only cost farmers money, but it will also mean lost production, reduced competitiveness with other jurisdictions and higher costs. Conversely, a number that is too high could threaten the environment.

A second issue I want to talk about is the consistency of regulations. One of the problems that exists today is that municipal governments have different rules in place when it comes to nutrient management planning. This hodgepodge assortment of rules makes running farm businesses difficult. The provincial government has attempted to address the fact that municipal governments and farmers have been asking for clear and consistent rules for nutrient management planning.

Chicken Farmers of Ontario would hope that the rules that come out of this legislation become the final rules that municipalities abide by. These should not be considered minimum standards that municipalities can then build on. If that were allowed to happen, we would quickly find ourselves dealing with different rules in different municipalities. Chicken Farmers of Ontario and the agricultural community at large need to be assured that municipal governments won't be able to use other

tools—for example, the Planning Act—to circumvent the Nutrient Management Act.

Our third area deals with inspection and monitoring. While we recognize the government's need to have an inspection system in place that garners public confidence, we would like to point out that having government inspectors going in and out of our barns poses a significant biosecurity threat. As we have seen happen in Europe recently, disease can spread very quickly through livestock. Therefore, to maintain biosecurity and consumer confidence in our products, whoever physically does the inspecting must develop a very detailed biosecurity protocol that will prevent the spread of diseases through our barns and across the countryside.

This issue is very important to us since the Canadian chicken farmers have recently developed an on-farm food safety assurance program. It is an HACCP-based program aimed at providing assurance of the safety of our product. Any biosecurity protocol for inspectors would need to be compatible with our OFFSAP program in order to maintain its integrity.

This does raise the point, though, about who will set the standards and who enforces the rules. CFO strongly suggests that the Ontario Ministry of Agriculture, Food and Rural Affairs be the one to set the standards and monitor implementation. We believe that OMAFRA should also create a special unit of properly trained people who would be responsible for enforcing the rules.

The goal of nutrient management planning is to prevent spills and the contamination of groundwater. If a spill happens, then it is the Ministry of the Environment that will be involved in investigations, enforcement and punishing offenders. On the other hand, since Bill 81 is about planning and prevention, Chicken Farmers of Ontario believes that OMAFRA should be responsible for developing standards, monitoring compliance, and enforcement. Otherwise, we run the serious risk of someone who does not know or understand farming in the position of being the one to tell farmers how to run their farms, and that's of great concern to CFO.

There are other issues raised by this legislation that will prompt the agricultural community to seek direction from government. One of these issues is the need for capital funding to enable farmers to meet the new standards. So far, the government has been silent on this issue but it is one that it will need to address. We would suggest that an economic impact study of the new rules be undertaken so we can all properly assess what the financial needs are.

In closing, I would like to reiterate to the committee that Chicken Farmers of Ontario endorses the direction the government is taking on this important issue. We have outlined suggested improvements and we certainly look forward to continued dialogue with the government of Ontario.

In summary, we want to be consulted on the drafting of the regulations. We want assurances that the rules will be uniformly enforced regardless of what township one farms in. We also want to be certain that inspection and

monitoring will not pose a biosecurity threat to our farms. These are reasonable requests, and we believe the framework of legislation that is laid out before us offers considerable room for further discussion.

On behalf of Chicken Farmers of Ontario, my colleagues on the board and all of Ontario's 1,150 chicken farmers, thank you for the opportunity to make this presentation and good luck with your deliberations. I'll be happy to take any questions in the remaining time.

**The Chair:** In rotation, we have about a minute for each party. We now turn to the PCs.

**Mr Galt:** Thank you for your presentation. I appreciate your support and I think I can set your mind at ease as it relates to consultation. It has been very thorough up until this point and I don't see any change of direction. I can see extensive consultations as those regulations are being developed. At the same time I wanted to compliment you and your industry, both the egg farmers and the broader industry.

Biosecurity is nothing new to the industry; it's well over 30 years old. We've had sort of a locked-door policy, guarding the driveway, and my congratulations to you on leading in the livestock industry and biosecurity. It's certainly something that a lot of the other livestock commodities have been picking up more recently. So thank you for the support. When it comes to biosecurity, there's no question we need to have the inspectors, the enforcement officers, well versed in agricultural practices, if not coming from that sector of the economy. Again, thank you for your excellent presentation.

**Mr Peters:** John, thanks very much for the presentation. It's pretty obvious just from what we've heard this morning that there's a lot of common ground that different organizations are expressing. When the regs and standards are developed, and the biosecurity issues, I hope everybody is taking note of some of those areas of input, because I think that's going to be of utmost importance.

You raise a good point regarding the Planning Act. I think that's something we need to pursue because we don't want the Planning Act superseding something else.

Your industry is growing. Will this legislation help to encourage further growth and expansion in the industry and more investment out there or is it something that has the potential to hold back somebody from investing?

**Mr Maaskant:** I don't think it's a holdback. We have to deal with the reality of managing the impact on the environment, regardless. Hopefully what this does give, though, is uniform rules across the province so that everyone has the same opportunity to meet the standards and do their expansion in a responsible way, and to be assured that if they do meet the standards, they are able to do that. I guess it gives some stability.

**The Chair:** I will go to the NDP.

**Ms Churley:** Thank you for your presentation. I would agree with you; I think the economic impact study is a good idea. We've had a couple of presentations now around the issue that the ability to pay for the new regulations is a problem, and perhaps that's a good

suggestion. I suppose to some extent it would depend on what's in the regulations and what it is you have to do, and that could determine the extra costs.

My question would be, under the right-to-farm act and the regulations that are now in place and bylaws and whatever, what kind of costs are already incurred by your association?

**Mr Maaskant:** By farmers or by ourselves?

**Ms Churley:** By the rules that you have to follow now within your industry. I assume there is already a cost associated with reporting and whatever else you're required to do.

**Mr Maaskant:** Yes. It's a difficult question. We all have added costs, trying to be more responsible, first of all. Of course, some of the municipalities make it more difficult, so there's a lot of time involved.

**Ms Churley:** That's what I'm trying to get at in terms of—

**Mr Maaskant:** If we work with the Nutrient Management Act, the way it looks, and the nutrient management planning, that's already an added cost, but I think it's workable. It's if it gets unreasonably stringent—

**Ms Churley:** So the concern is that there are costs associated now in terms of protecting the environment but there could be more costs in terms of reporting and whatever else, and that needs to be looked at.

**Mr Maaskant:** Yes.

**The Chair:** Thank you very much, Mr Maaskant. We appreciate the presentation from CFO.

I now ask the committee to break and reconvene at 1:15 this afternoon.

*The committee recessed from 1152 to 1314.*

#### CITY OF TORONTO

**The Chair:** Welcome back to the afternoon session of the standing committee on justice and social policy's consideration of Bill 81. From our agenda we have a number of deputations scheduled. I would ask the city of Toronto to come forward. We have 15 minutes for your presentation. We would ask you to please identify yourselves for the purposes of Hansard.

**Ms Sandra Bussin:** I'm Sandra Bussin. I'm the city councillor from Beaches-East York. It is the location of the Ashbridges Bay sewage treatment plant that is in my ward. I've been very active in terms of finding solutions to dealing with our sewage waste, and I do have a short presentation.

I would like to start my comments on the proposed Nutrient Management Act, 2001, by providing some history of the city of Toronto's program related to beneficial reuse of biosolids captured at its largest waste water treatment plant, the Ashbridges Bay treatment plant.

In 1996, the municipality of Metropolitan Toronto, now the city of Toronto, started a five-year land application project. The project called for land application of approximately one third—that is 10,000 dry tonnes per year—of the biosolids at the Ashbridges Bay treatment plant. This program called for strict monitoring of the

quality of the biosolids for not only heavy metals but also pathogens. The level established for the metals was in accordance with the Ontario guidelines for application of biosolids to agricultural land. The level established for the pathogens was taken from US regulations, regulation 503, for class B, which is two million fecal coliform per gram of solids. This program has proceeded with minimal problems.

In 1998, the newly elected city council decided to accelerate the conversion of the Ashbridges Bay treatment plant to 100% beneficial use of biosolids. Up to this time we had been burning the sewage sludge. The city issued a request for proposals to qualified consulting engineering firms to assist them in the development of the plan for 100% beneficial reuse. All the firms invited to submit proposals had extensive experience in land application programs. After review of the proposals, the firms of R.V. Anderson Associates Ltd and Brown and Caldwell were selected to assist the city.

The process selected by the city and its consulting team called for the development of an expression of interest. This expression of interest was released, and resulted in responses from 16 different companies. These EOIs were short-listed down to seven. These seven received detailed requests for proposals, and the proposals were evaluated based on the qualifications of the company and the price.

In order that the final selections were appropriately chosen, the consulting team established two review committees, one a public review committee and the second an independent review committee. The duty of the independent review committee was to review the details of the proposals and peer review the selection made by the consulting and the city team. The independent review committee was made up of people from academia, federal and provincial regulators, experts in land application and two large US municipalities with experience in land application programs. The public review committee was to receive the recommendation of the consulting and city team and provide input into the RFPs.

The process resulted in the selection of two proposals, one for direct land application and the other for thermal drying. The thermal drying will result in the production of a pellet that will be used as a fertilizer, and we've just completed the building of that structure on the site at Ashbridges Bay.

The beneficial use of biosolids is a program to which the city devoted considerable resources and expense in order to ensure that the program is both viable and, more importantly, environmentally sound. The experience the city had gained with its direct land application program provided a sound base for the continuation of this method.

Considerable experience and research has been conducted on direct land application. The direct land application of biosolids has been conducted in the US for over 100 years and in Ontario for 40 years. The province of Ontario has developed guidelines which have governed the land application program for over 25 years. These

guidelines are consistent with the proposed nutrient management regulation. These guidelines are consistent with the US regulation 503, which is the most researched legislation that has been established by the US Environmental Protection Agency. The basis of this regulation is health and environmental risk.

#### 1320

The city's program is well protected by its sewer use bylaw which has recently been updated and is perhaps the most stringent sewer use bylaw in Canada. A copy of the amended parameters are attached. The city conducts extensive analysis of the quality of the biosolids and, again, attached to my presentation are the 2000 records for metals and pathogens. You can see in both cases the quality of the biosolids is well below the limits.

We would further note that the contractor selected to do the land application for the city of Toronto provides the services of nutrient management plans to any of the farmers applying the Toronto biosolids.

In addition to the analysis conducted by the city, the city has also invested in additional anaerobic digesters to increase the retention time of the biosolids to 15 days. This will improve the quality of the biosolids removed from the Ashbridges Bay treatment plant.

The use of biosolids pellets for the purpose of fertilizer has been practised in the US for 75 years; and in the city of Milwaukee, Milorganite. This product and production of pellets is noted in the US regulation 503 under the category of class A biosolids, which means that it has unrestricted use. That product can be bought anywhere in any of our hardware stores.

The proposed nutrient management plan, as we have stated before, is in line with the land application program as practised in Ontario for the last 25 years. It should not present a great change to the program itself.

When reading the proposed act, it is unclear as to whether the proposed approval process will cause any delay in the land application program. As the land application program is controlled by climate and cropping needs, it is important that the approvals not be delayed. The act calls for the development of a biosolids strategy for the generators of nutrients applied to agricultural land. It is not clear at all as to what these plans are to include, who is to review the plans and how often they are to be updated. It is unknown whether there will be increased costs, and there is no indication as to who is to bear any costs related to this act.

There is a shortage of detail around the implementation of the act, which we understand will be developed over the next few months. We would hope that the input of all municipalities that apply biosolids to agricultural lands is sought by the authors of the act. We assume the act will be applied to all products applied to agricultural land for nutrient purposes. This should include commercial fertilizers as well as biosolids and manure. This would ensure that all products are dealt with on a level playing field.

The Nutrient Management Act, 2001, has laudable intent. However, due to the scarcity of details, we are

unable to determine the impact on the land application of biosolids.

That's my presentation. Thank you.

**The Chair:** We have less than a minute for each party. If there is a need for a brief comment, we'll start with the Liberals.

**Mr James J. Bradley (St Catharines):** You have a somewhat sophisticated sewer use bylaw compared to others. Under the municipal-industrial strategy for abatement, all of the municipalities were to have developed one. I'll throw a little two-parter in here: do you foresee a problem with other municipalities that do not have such a sophisticated sewer use bylaw and, second, do you see a need for more staff in the Ministry of the Environment to ensure that approvals are looked at very carefully and given in an expeditious period of time?

**Ms Bussin:** I can't really comment on other municipalities. I'm just very pleased that our municipality has moved ahead with a very stringent new bylaw for sewer.

The issue is certainly that we are concerned that we have a retention storage in Halton. Because the ministry is suggesting they have concerns about what is being applied to farmland, our product is also being held up. So we're in a situation where in Toronto we will be forced to send our sludge to some other processing, or stockpiling until that's resolved. Because of the timing—it's a seasonal application—it is of real concern to us in the city of Toronto in terms of what it takes to get the approvals to have the land application go ahead.

If that is a requirement for more Ministry of the Environment staff, then certainly we are supportive of that. Once we get this pelletizer functioning, we don't want to be having to burn it. The pellets are actually a good product; it can be used as energy. But it is a better product, in our opinion, to be using as land application.

For my community, where burning of waste has been the way of doing things, it hasn't been a solution that we think is the appropriate solution. We need to find this act and any other mechanisms there are and to move them ahead as quickly as possible.

**The Chair:** Ms Churley.

**Ms Churley:** Thank you for your presentation. We're going to be receiving a deputation a little later from the Canadian Environmental Network, the agriculture caucus chair whom I've heard from before about this issue. There are some who believe that the pathogens and chemicals that are in this kind of waste are a problem. I understand, from your perspective, the burning of the waste was a huge problem in our end of town in Toronto. But there is a concern about that. Spreading it on farmland is a problem as well. I'm just not quite sure how Toronto has dealt with those concerns.

**Ms Bussin:** Certainly, we're very conscious of that concern. I did attach to my presentation a report that was written to the works committee that deals with some of those concerns. But you will see there are charts attached that clearly indicate that what we are producing is well below provincial requirements.

We expect, with the pelletizer—this is based on the actual land application—that the quality of the product will be of an even higher level in that it's a pasteurization of the actual sludge at a very high heat. I did bring with me drawings of the actual new structure that we'll be using. It's a process of drying. This is not a new technology. It's been used in the US for at least 12 years.

I did meet with the Belgium company that is producing this particular pelletizer. It has been in operation in Europe for a number of years, and it is a very successful way of dealing with sewage sludge. In fact, they're beyond that at this point. In Belgium, for instance, where a great deal of pork is eaten and, as a result, there is a high level of waste from pigs, they're trying to develop a way of dealing with that particular waste, which is very hard to break down.

In terms of Ontario and Canada, we are far behind what's happening in the US and Europe in terms of how we're dealing with sewage and turning it into a usable and viable product.

**The Chair:** I'll go to Dr Galt, please.

**Mr Galt:** Thank you for your presentation. Two quick questions: one, should we have nutrient management plans for golf courses and front lawns? Two, have you considered in Toronto handling your sewage with what some would call the breaking technology of gasification? I'm not talking about incineration of waste energy; I'm talking about gasification whereby the bonds are broken down and hydrogen comes off as a gas to be burned as a fuel, and about 50% of it can then also be used to produce electricity. Have you considered that kind of technology for golf courses, and then gasification?

**Ms Bussin:** Firstly, in my presentation I talked about a product that you can buy now. It's called Milorganite and that you can apply to your garden. It's the same traditional pellets, it's available and there aren't nutrient management plans for that when application is made to your own personal lawn—I can buy that any time I want—or to golf courses, but I do think it is probably a good thing to consider, in terms of having those kinds of plans, in terms of how it's used.

Your other question was?

**Mr Galt:** Gasification.

1330

**Ms Bussin:** Yes. Actually, presently at Ashbridges Bay they do draw off the gas, and the gas is used as heat, in terms of heating the actual building. We will be looking at that in the future, because one of the problems we still have in our neighbourhood is that there are these setting tanks—they look like Olympic pools—and they are uncovered. As a result, we do get the gases that are emitting from these pools. Although they are not deemed to be a health risk to the community, they are a nuisance in terms of extreme smell. Because it is located near the lake, there are certain parts of the east end of Toronto that will get a very strong odour depending on which way the winds are blowing.

So certainly that is our next goal. It's a very expensive one. I think our staff have given me a quote of about \$25

million to look at enclosures over those pools and the use of those gases. Enwave—what was called the Toronto District Heating Corp—has expressed an interest in a way of drawing off those gases as well and using those as energy, but I think we're some way away from that becoming a reality.

**The Chair:** Thank you, Ms Bussin. We appreciate the presentation on behalf of the city of Toronto.

PAUL BROWN

**The Chair:** Our next delegation is the Canadian Environmental Network. Could I ask the deputant to come forward? If not present, we could move forward. I would ask if the Association of Municipalities of Ontario would be ready to make their presentation? Does the clerk have any information? I understand Paul Brown is here. Are you amenable to coming forward?

**Mr Paul Brown:** I might as well get it over with.

**The Chair:** As an individual, you have 10 minutes to make your presentation, and if you want to leave room for questions.

**Mr Brown:** OK. As you said, I'm here today representing no one but myself. I'm just a concerned person involved in agriculture, and I want to make sure this is consistent with my plans of staying in agriculture. I farm in partnership with my father, Harvey. We farm in York region and also in the newly formed city of Kawartha Lakes. We have a medium-sized beef operation. We're not a mega-farm, but it's enough to support two families.

We fully support the implementation of the Nutrient Management Act. It will do away with a lot of the hodgepodge of municipal bylaws, which are restricting farm expansion. One of our four municipalities in the new city of Kawartha Lakes has a bylaw on the books that is limiting the construction of new livestock facilities. So I'm here to make sure my business can remain viable in the future and expand, as that is important for us to remain competitive on the world market. It's very important from my point of view that there be no cap on the size of livestock operations in the future.

With regard to enforcement, there are many points I'll make today that are consistent with what's already in the Nutrient Management Act, and a few things that I may differ with. In the city of Kawartha Lakes, one of the positives that came out our recent amalgamation was the formation of an agriculture advisory council. This council is made up of farmers, ag business leaders and councillors. I feel this council should play a key role in the enforcement of the Nutrient Management Act. The agricultural advisory council would be a logical first point of contact for a citizen to make when they have a concern about a farmer's environmental conduct. The council could then direct a representative from the appropriate commodity organization or someone with expertise to go out and talk to that farmer and resolve the problem. This is quite similar to how the humane society is currently handling complaints with regard to farm animal welfare.

The ultimate responsibility, if this first step is not successful in resolving a problem, should lie with OMAFRA, not the Ministry of the Environment. The Ministry of the Environment has a culture of enforcement and punishment, while OMAFRA's history of extension would be far more conducive to finding solutions rather than just meting out punishment. OMAFRA is also the group most likely to have the expertise to understand specific farm situations. There will be many circumstances where superior management on individual farms will have a far greater impact on the environment than whether their facilities are up to 100% of the standards. I believe that OMAFRA is the organization that has the expertise to recognize these situations.

It must be noted that a distinction should be made between confinement-based production systems, such as poultry and swine, and grazing-based systems, such as beef and sheep, where the animals are on pasture for a large portion of the year and spread the manure themselves. With the diversity of farm production systems in the province, the number of livestock units on a farm is not necessarily an accurate indicator of the amount of nutrients that have to be stored and dispersed at a later date.

When the specific regulations of the Nutrient Management Act are developed, there must be financial assistance to help producers meet the heightened standards. The capital expenditures that society may expect us to make will provide no financial return to the farmer whatsoever. At a time when most farmers are fighting for survival, we cannot be expected to borrow more money to finance these projects. Permanently funding the environmental farm plan program with adequate amounts of money would be a good delivery vehicle for any funding related to the Nutrient Management Act. I feel that if society wants these new regulations for its peace of mind, then society as a whole should help pay for them.

**The Chair:** Thank you very much, Mr Brown. We have a little over a minute for each party. In rotation, we go to the NDP.

**Ms Churley:** Thank you very much for your presentation. Just very briefly, you mentioned that you think there should be no cap on the size of livestock operations. You yourself have a small farm, I take it.

**Mr Brown:** I would call ourselves a medium-sized operation. We have between 600 and 700 beef cattle.

**Ms Churley:** One of the things I've heard from a couple of farmers, and I don't know if this is widespread or not in their areas, is that because there are so many huge, particularly hog, farms coming on stream, they feel forced to get bigger because they can't compete otherwise. Do you find that's an issue for you?

**Mr Brown:** No, we're not competing in a local market. We're competing—

**Ms Churley:** Where is yours, by the way?

**Mr Brown:** We're in beef production. We're competing on the world market, so we're buying all our feed grains on the world price, we're selling our product on the world market. Half of our production is going to the

United States right now. To compete on the world market, we have to have a certain economy of scale. I'm not expecting to see western-Canada-sized operations in Ontario. It's just not feasible. But we can't be restricted in our size, because we don't know where the industry is going in the future.

**Mr Dunlop:** My question follows up exactly on what Ms Churley said on the capping of livestock operations. You're still on one particular farm, but what about the land required for disposing of the manure?

**Mr Brown:** We certainly think they'd have to meet whatever regulations are set. If it's a set amount of acres they need for that size of farm, that's fine; they would have to adhere to that. We're not arguing with that. But just to say you can only have so many animals and that's your limit I don't think is necessarily the proper solution.

**Mr Dunlop:** How many acres would you have to dispose of manure for the 600 or 700 cattle you have?

**Mr Brown:** We crop about 700 acres.

**The Chair:** I'll go the Liberals.

**Mr Bradley:** You mentioned that you do not think that a matter raised because of environmental concerns should be under the auspices of the Ministry of the Environment. I'm sure the mining industry would want the ministry of mines to be the lead industry and the steel industry would like the ministry of industry to be the lead industry, but the Ministry of the Environment's job is to protect the environment. Why wouldn't you want the Ministry of the Environment to be there to protect the environment? Don't you think there's a conflict of interest when it's a ministry which has as its client the agricultural industry?

1340

**Mr Brown:** I don't think there's much—I would hardly even consider ourselves clients of OMAFRA any more; we hardly even have contact with them any more, as far as that goes.

**Mr Bradley:** Point taken.

**Mr Brown:** It goes back to—OMAFRA has a history of teaching, helping producers modernize. We're in an industry where our average age is over 55 now. I think a lot of producers would benefit from probably a little gentle prodding as opposed to just having their arm cut off. It goes back to what I was saying, that the agricultural advisory council would be the first point of contact, which is similar to how the farm animal welfare cases are handled.

We know from personal experience. My father is the contact in York region and he goes out and makes the farm calls. When a respected member of the community goes out there and says, "You know, you're not up to snuff. I think you should clean up your act," I think it has a far greater impact than the Ministry of the Environment going in there, where a 65-year-old farmer is likely going to be less than receptive to his suggestions, to put it nicely. It's just maybe a way of helping them modernize.

I'm not sure whether I've clearly answered your question.

**Mr Bradley:** You've answered the question and you presented your view well.

**The Chair:** Fine, then. Thank you, Mr Brown. We appreciate your coming before the committee.

I'll just back up. I'm not sure that the Canadian Environmental Network is here. I'm not seeing them here.

## RURAL ONTARIO MUNICIPAL ASSOCIATION

**The Chair:** The Association of Municipalities of Ontario, would you be ready to come forward now?

**Ms Pat Vanini:** Yes. We're waiting for the chair of ROMA, who had to drive in from Belleville. I understand he's soon to be here, so I can start if you wish and he'll join us.

**The Chair:** We appreciate that. Thank you. We have 15 minutes.

**Ms Vanini:** Great. My name is not Lloyd Churchill, who is chair of ROMA. My name is Pat Vanini. I'm director of policy and government relations for the association. As you probably all know, ROMA is a member of the association and represents, really, the rural part of our association. But there are a number of issues we'll address today that are of interest to all our members.

Unfortunately Ann Mulvale, our president, couldn't join us today. We had hoped we could move her schedule around but, unfortunately, she had to be elsewhere on association business. As soon as Lloyd comes, he'll be accompanied by Jeff Fisher, who is also one of our policy advisers. I apologize. I think it's the state of the congestion on the roads between here and Belleville.

As you know, municipal government has been very concerned about the issue of nutrient management for a number of years and we have been actively involved in the government's previous consultations on managing nutrients, including consultations at last year's ROMA conference. More recently we held a very well attended workshop that examined the legislation at the AMO annual conference on August 21. We feel that the government has listened carefully to stakeholder comments and municipal governments' concerns.

Although Bill 81 is enabling legislation, it is an important step in dealing with this environmental problem which has become such a concern to Ontarians. It also clearly shows how the government hopes to manage the issue. We are very pleased that the Minister of Agriculture, Food and Rural Affairs, the Honourable Brian Coburn, has taken the advice of municipalities and made the enforcement of the act and its regulations a provincial responsibility. Due to the fiscal and staffing constraints rural communities face, many municipal councils would have had difficulty funding and managing this new role. Developing provincial standards regarding enforcement will also ensure greater consistency throughout the province.

Notwithstanding our support for Bill 81, we would like to raise a few issues and concerns that we hope the standing committee will deal with during its delibera-

tions. These issues include municipal planning powers, nutrient management planning, timing of legislative and regulatory implementation, and municipal consultation and appeals. We will also comment on other parts of the legislation and the framework to support its implementation.

The first issue is municipal planning powers. The legislation draws into question the impact of provincial regulation of nutrient management on the planning powers of municipalities. Section 60 would make municipal nutrient management bylaws inoperable if the subject matter is already addressed in regulation. It is not yet clear which authority will decide whether a municipal bylaw, especially one based on the Planning Act, conflicts with a provincial regulation.

This legislative override may restrict the ability of councils to limit large-scale operations near sensitive areas, and by that we mean aquifers, environmentally sensitive lands, urban areas, beaches or tourism areas. It is unclear how this legislation would affect a municipality's authority, through its official plan or bylaws, to identify and protect significant geographic features such as environmental or tourist-sensitive areas or watersheds.

Also, the government's regulatory powers regarding geophysical studies, such as groundwater flow, may restrict zoning or planning control decisions made by councils based on hydrogeological studies. We have also heard that local controls, through section 210 of the Municipal Act, over stable barns and manure pits could be removed. It is unclear what types of provincial controls will be used to replace them, and I would assume we'll wait to see some of the regulations on that matter.

In terms of nutrient management planning, AMO and ROMA welcome the emphasis on the application of nutrients for environmentally beneficial use rather than simply as a disposal method. Consequently, nutrient management planning will result in a reduction in the available land base for land application of anaerobically stabilized biosolids and a narrowing of the land application window. However, it must be recognized that this policy will also result in increased costs, due to a greater reliance on disposal options such as landfill and incineration and other techniques.

It is essential that municipalities and the province work co-operatively to ensure the success of a new biosolids management framework in Ontario. Reasonable standards must be applied and enforced uniformly across the province, and net-producing municipalities must include relevant net-receiving municipalities in their planning processes.

The proposed phase-in of a ban on raw septage spreading will also require close consultation among the province, septage generators, septage haulers and municipalities. It is anticipated that the ban will result in the need to invest in the expansion of local waste water facilities as well as the development of dedicated facilities to treat septage. The ministry will need to work with municipal governments and stakeholders to assess if

there are viable alternatives, such as user-pay systems, for septage disposal and to ensure that these alternatives are practical and, more important, affordable. A comprehensive evaluation of the capacity of existing facilities and of the cost of absorbing the increase in septage to be treated must be completed before the province moves ahead with its ban on septage spreading. We need to know the size of the problem and what the solutions will entail.

The implementation of this ban must be considered very carefully. Rural communities do not want to deal with midnight septage dumpers. Although we are pleased that the government is looking at linking the requirements for the proposed nutrient management strategies with the certificate of approval process, these changes and any other regulations surrounding the disposal of biosolids will need to involve both urban and rural municipalities.

Given that it is the government's intention to regulate larger farming operations first, there may be a lag of up to a year in the regulation of smaller operations. Given that this gap in regulatory oversight of these smaller operations could pose a considerable risk to municipalities, AMO and ROMA recommend that municipal bylaw authority over these operations should remain in place until appropriate provincial regulations take effect rather than simply when the legislation is passed.

It is important that municipalities remain involved in the consultation process if and when the legislation is passed and regulations are formulated. Municipalities will need to discuss with provincial officials when new regulations will be phased in and how they may phase out the related municipal bylaws, such as municipal management bylaws. Both orders of government need to ensure that no important health and safety issues fall through the regulatory net.

Once the legislation and regulations are in place, we feel that municipalities should be included in consultation or review of nutrient management plans and strategies. At this time we do not know what information will be provided to municipalities under the proposed legislation, but we recommend that serious consideration be given to providing clear direction on this through regulation.

Also, greater clarity is needed regarding the opportunity and mechanism for municipal appeals of provincial approvals of nutrient management plans and strategies.

It is important that these legislative changes and any future regulations be immediately outlined to farmers so that they are clearly understood. This will assist in both compliance and enforcement of the legislation and regulations. We hope that the provincial government will fund education and assistance programs to assist the agricultural industry in this regard.

New enforcement responsibilities will require appropriate resourcing. We have heard concerns from several of our members that the Ministry of the Environment, with its current resources, cannot adequately oversee legislation for which it is already responsible—for example, complaints about spills that are not acted upon in a timely manner.



We understand that the government is planning to add some significant staff resources with agricultural training to do this work. We strongly endorse this step, as any future regulations will only be as good as their enforcement. In addition, the government may want to contemplate random audits of nutrient management plans to ensure that all farmers are developing and following them.

**1350**

It is important that the province keep up with new technologies, which may resolve many of the environmental problems associated with nutrient management at a lower cost to farmers. We hope the province will continue to fund research in these new methods, developed in Ontario and around the world, so they can be properly approved and utilized by the agricultural community. This will help ensure that our farming and food production industry is progressive and competitive.

We are pleased that Bill 81 recognizes the positive work done by local agricultural committees established by municipalities. Their role will clearly need to be further defined in future regulations. We trust that municipalities will have input into those regulations. We also hope that the government will be flexible regarding the structure of the committees and how they are appointed. Much of this work has been done in many rural communities, and the government should be cautious of any move to unilaterally restructure them.

Although enforcement is clearly a provincial responsibility, the bill contemplates the need for police assistance in some cases. So the question is, how frequently does the government contemplate the need for police services?

It is also proposed that the municipal property tax system and the Municipal Tax Sales Act be utilized to obtain funds owed to the provincial treasury under the bill. We would like the government's assurance that municipalities will be compensated for both of these services as they are supporting provincial efforts.

*Interjection.*

**Ms Vanini:** You're not surprised; I can tell. This will be easy, then.

A provision that sets out this principle of fee for service for other enforcement activities would be a positive signal that rural municipal budgets will not be susceptible to unpredictable cost pressures.

The bill contemplates that some delegated agencies in the future may deliver some provisions under the act or regulations. This may include nutrient management plan reviews, audits or educational programs. Some municipalities, if they so desire and are appropriately funded, probably through a fee-for-service basis, may be well placed to deliver some of these services as the province's delegated agency, but I say on a fee-for-service basis. We note, for example, that some communities have already moved forward with GIS databases that the provincial government could utilize for their registration system.

Again, thank you for allowing us to appear before you to present our comments. We are anxious to see this legislation move forward and we hope we can see some

action on some of the comments we've made. We are confident that the municipal governments will be involved in the discussions on the many regulations that will be needed to implement the legislation.

Now I can introduce Mr Lloyd Churchill, who is the chair of ROMA. You can answer all the questions.

**The Chair:** In rotation, I would turn first to the PCs. We have about one minute for a quick comment.

**Mr Dunlop:** It's good to see the people from AMO here. Just aside from the Nutrient Management Act, because you deal with municipalities of all sizes, do you keep a close inventory of the municipalities and the types of sewage treatment plants they have, and which plants can handle septage, and how many you have in the province etc? Is that something you work very closely with the municipalities on now?

**Ms Vanini:** If you're talking about a database, the Ministry of the Environment should have that database through its certificate approvals. We try not to duplicate other pieces of information.

**Mr Dunlop:** I realize that, but I'm thinking, what do you do with that with your municipalities?

**Ms Vanini:** Sorry, I'm not understanding the question. Let's try again.

**Mr Dunlop:** You have 400 or 500 municipalities now.

**Ms Vanini:** Four hundred and forty-seven.

**Mr Dunlop:** By the way, it's a great—

**Ms Vanini:** Thank you.

**Mr Dunlop:** But I'm curious. How often, and do any of your subcommittees deal with that as an issue on the side? I know the ministry has a database, but what do you do with that?

**Ms Vanini:** Most of our work, Mr Dunlop, is related around the policy, and obviously we build the policy based on local circumstances, knowledge and what happens at AMO. There are a number of places that this happens. In fact, tomorrow it starts again at the Walkerton inquiry public hearings. A lot of the questions that revolve around this issue will also be raised there tomorrow. So it happens at AMO in a number of places, but if you're asking me can I press a button and say, "This is what the existing capacity is in Ontario's sewage treatment plants," no, I can't do that.

**Mr Dunlop:** But certainly septic has become an issue.

**Ms Vanini:** Yes. I think you can appreciate that gathering that information is pretty time-consuming and requires quite a bit of field work. We're a very small organization of 15 staff folks. We try to keep up with about 16 ministries, so our database—we rely on other sources for that, including the province.

**The Chair:** I now wish to go to the Liberal Party.

**Mr Bradley:** My question revolves around your genuine concern about how the regulations look ultimately. Most people in the province, in fact most members of the Legislature, until they get to the Legislature, probably assume that virtually everything is contained in legislation. You have expressed concern that regulations, which are formulated behind closed doors

and do not appear finally under our government structure until later on—and the opposition and members of Parliament have no direct input on them—will have some surprises for you. Would you like to see, as much as possible, the details of this program contained within the legislation rather than within regulations, in order that everyone will know what's coming right away and everyone will have input on a public basis?

**Mr Lloyd Churchill:** Myself, personally, I wouldn't see any problem, Mr Bradley, of having it in the legislation. I agree with you, once and for all we'd know what direction we're going in. By regulation, it could probably serve the same purpose, but I question whether it would serve the people as well.

**Ms Vanini:** If I might just add a comment, it's sort of a double-edged sword, because once something is in legislation it's difficult sometimes—when you've got what I call the oops factor, when you've overlooked something or there are some unintended impacts—to get that changed. Obviously the speed of changing regulation is there. But I think even in a regulatory framework there are ways to have and develop some openness and transparency on the regulations. I think one of our clear recommendations today is how you can do that.

**The Chair:** I'll go to Ms Churley, please.

**Ms Churley:** Thank you for your presentation. You raised some very interesting points, some of which I was trying to make this morning. I have here a very tattered document that was leaked to me from the Ministry of the Environment, a cabinet submission, where it says that less than 10% of sources of pollution in the province are being inspected in any one year. This document was trying to find ways to deal with that problem. That is the reality we face, yet we're here bringing on more laws and regulations, which we all agree are needed. But the resource issue you raise is a very serious one that we have to consider as a committee.

The other thing you raised, which I asked questions about this morning, is the authority. Who will decide whether a municipal bylaw conflicts with a provincial regulation around sensitive environmental areas? It seems to me from what I've heard so far that the farm community in general supports that there be a consistent law across the land that everybody has to adhere to. I think that's going to be a matter of some conflict. I support your position on this and I'm concerned about it. It might be something you would want to expand on more at a later date.

I know the OMB, under the right-to-farm act, squashed the government's appeal. You will recall this. There was a decision made that a municipality make a bylaw I think to stop what's known as a factory pig farm. The government went to the OMB and lost that. I suppose that is going to continue to be an issue. I don't know if there is any time to answer that question. Do you think it can be worked out in such a way that everybody can be happy here?

1400

**Ms Vanini:** I'd like to think so. I guess my glasses might be a little rosier than others. The real challenge is

that there are nutrient management issues in relationship to the land, but there are also these other land use planning interests and needs of communities. So it's a matter of integration and balance, and that comes from good processes and openness and accessibility. I think that even as we're looking at the provincial policy statements under the Planning Act, there's a whole pile of things that aren't separate but come together, and we need to see that fit. I think that would be one of the roles we'd like to bring in terms of looking at the regulations and how enforcement is going to be done, because it all has to come together. There has to be a balance and integration, but there also need to be some clear statements on objectives and how to get there. I think the challenge here, without seeing the regulations, is not knowing whether or not we can make that integration and balance. That's certainly what we'd like to bring to that discussion on the next phase of this bill.

**The Chair:** On behalf of the committee, I wish to thank AMO for coming forward.

#### CANADIAN ENVIRONMENTAL NETWORK

**The Chair:** We now wish to ask the Canadian Environmental Network to approach the witness table. I'll ask you to identify yourself for the purpose of Hansard. Please proceed.

**Ms Maureen Reilly:** My name is Maureen Reilly and I'm here on behalf of the Canadian Environmental Network. I'm the agriculture caucus chairman.

Thank you very much for the opportunity to comment on the proposed Bill 81. As was just pointed out, it is quite difficult to comment on it because it is indeed very general. The "thou shalt nots," the specifics of the scope of the bill and its restrictions have not yet been formulated. It makes it difficult to comment in a meaningful way, but it nonetheless provides an opportunity for input toward the standards and procedures that would be encompassed within the scope of this piece of legislation.

I have to note first that it's actually not the nutrients that we seek to manage; it's contaminants that the province is seeking to manage. Nutrient applies to the agricultural uptake of the plant life of these materials. It's really not that issue to which the province addresses itself, but it's the overuse, runoff and contaminant addition of those nutrients into groundwater, surface water, soil, air and water that we're concerned about. It's not actually the nutrient aspect that is our concern; it is in fact groundwater, human health and the environment that we seek to protect. We need a contaminant containment program which would include pesticides and other toxins, not simply phosphorus, nitrogen and the other plant nutrients.

I was surprised to see that the scope of the bill included biosolids and materials that are currently managed under a certificate of approval as waste. I was in part surprised because there has been no consultation with the biosolids utilization committee on this matter. I would have thought that this government would consult with the

senators of sludge, as I like to call them, in terms of providing background, and their 25 years of experience in the land application of these kinds of materials, in advance of the creation of a bill. It gives me some idea of the very early stages in consultation that this bill represents.

I guess I would really like to see a very formal series of consultations with agricultural and environmental organizations in preparation of the actual standards, enforcement mechanisms and the regulatory aspects of this proposed bill. I understand it's just enabling legislation and somewhat vague as to what would be managed, how and by whom.

It's important to note that in encouraging farmers to be drawn into a regulatory framework for manure management, it's important for the province to address exactly the same contaminant issues in those materials and nutrients that it's currently applying, providing the management framework. In other words, sewage sludge, septage and paper sludge are all currently applied under waste management certificates. They are inadequately managed under certificates of approval in the province currently. Unfortunately, the land application of sewage sludge, for instance, would never meet a nutrient management scrutiny. The phosphorus content in city of Toronto sewage sludge means that you could only apply it at about one tonne per hectare, and it's currently applied at eight tonnes per hectare, so it exceeds 800% the nutrient management guidelines that you would enforce upon farmers. I think you're going to have resistance to farm uptake of this legislation if, on the neighbouring field, the Ministry of the Environment is providing permits and promoting the use of sewage sludge as a soil conditioner, in violation of the very principles you're asking farmers to adopt.

On the other hand, it's important that all sources of contaminant on farmland be addressed in the legislation, and that will be a step forward. But I think you need know that it's going to have serious implications around the economic viability of our current land application and biosolid strategy, because you're going to need three to eight times more acreage to land-apply the current mass of sewage sludge that's going on the land, and you're hard pressed to find the acreage or the storage space for that volume of sewage right now. Since it is the intention of the province to terminate the use of septage on agricultural land, that will only increase the amount of biosolid material that you're going to have to learn to dispose of as well. So the problem isn't going away.

In terms of that aspect of the nutrient, I think it's the opportune time to look at whether sewage sludge, paper sludge and those other kinds of industrial wastes, should be land-applied agriculturally at all.

The Canadian Infectious Disease Society has called for an immediate moratorium on the land application of sewage sludge and septage because of the risk of infectious disease. This has not been addressed. The issues have not been adequately studied. The American EPA acknowledges this, as does OMAFRA, the Ministry of

the Environment and the Ministry of Health. I think that, given that it's not going to be an economically viable procedure and the other contaminants are excessive, it makes sense to rescind the land application of sewage sludge right now and start to bring the manure management into line.

One of the aspects that needs to be looked at is the promotion of certain kinds of nutrient management practices that are unlike those that have historically been used. Liquid manure: the land application of liquid manure and liquid manure holding tanks create a slurry of material that is a far greater risk to the environment and to groundwater contamination than were the semi-composted barn scrapings of days of yore. Historically, bedding material like straw or sawdust would be mixed with animal manure and set aside for a number of months prior to land application, and in the process they would become more stabilized. They went on as a solid, and the nitrogen and the nutrients were not as volatile as they are in the liquid holding tanks. I know there are some initiatives looking at composting of manures, and I think it's very important to further that work, because the risks to groundwater of liquid manures and of slurries that are being currently applied are largely unaddressed.

Land use planning: my colleagues at the municipal association suggested that land use planning really is needed to look at how we manage resources and farm versus urban land use priorities. The suggestions that are coming forward are that this be done on a watershed-wide basis, and that's really important. A whole watershed provides a picture, a mapping of the water resources, both surface waters and groundwater, that would allow a community to not situate intensive livestock operations in environmentally sensitive lands, for instance, or other kinds of industrial uses that could contaminate headwaters or groundwater.

#### 1410

It's very difficult to have retroactive actions once you realize you have an industry that's ill situated in terms of environmental impact; you know, when the water intake valve is downstream from the sewage outflow. We need to avoid those situations by having municipalities, conservation authorities and provincial government officials involved in land use planning exercises that have fallen away in recent decades and that dearly need to be enabled.

In terms of the legislation itself, enforcement should be done by the Ministry of the Environment. It's impossible to suggest that municipal government levels have the capability or the arm's-length relationship from their communities to provide the enforcement of nutrient management plans.

One of the strongest ways to enforce is to provide transparency of the information that would be provided in the farm-to-farm nutrient management plan; that is to say, post it on the Internet using the environmental registry. That would allow people to say, "Ah, you've missed that uncapped well," or "There's a stream that goes through that property that is intermittent that you've

missed.” It would allow for fuller public participation, and it would also provide the enforcement mechanism, because people would know what separation distances need to be respected and whether they are being respected. Those documents could also be left available at the municipal offices for public review.

Repeat offenders should certainly be the subject of a transparent complaint file so that there is some leverage within the communities. These are rural neighbours. There needs to be harmony in a rural community, but people need to see that the laws are being equally applied and abided by. We do not have the ministry management and enforcement officials to manage the land application of industrial waste that we have going on now, never mind every farmer in the province. So that kind of transparency of oversight can be provided locally with the available mechanisms of EBR postings.

In conclusion—and I would really very much welcome questions—I urge the committee to do public consultation with NGOs around what regulations you actually put in place. I would have liked to see something more substantive to comment on at this point. To leave everything to the regulations at the end deprives us of a meaningful discussion of boundaries and what phase-in periods are actually going to be proposed, and we would need another round of consultation after those had been developed.

It’s time to reassess those materials that are currently managed under certificate of approval. Under no circumstances should the use of certificates of approval to manage those wastes of sewage and septage be eliminated. Those sources really need to stay under the tightest possible ministry control as registered wastes, because their toxicity goes far beyond their nutrient content.

It’s timely to eliminate the land application of sewage sludge as well as septage and to do a wide consultation with rural, agricultural and environmental organizations around separation distances and what practices can be more protective of the rural environment.

**The Chair:** Thank you, Ms Reilly. We do have a brief bit of time for a question from each party—about a minute. We’ll begin with the Liberal Party.

**Mr Bradley:** There are many very good points made in your presentation. The committee will wrestle with a very difficult problem, and perhaps you could be helpful in this regard as well: if it isn’t applied on land, what do we do with sewage sludge?

**Ms Reilly:** Funny you should ask that. I prepared a memo on that topic this morning already. There are a number of strategies that need to be used. Until very recently, sewage sludge disposal was relatively equally divided between incineration, landfilling and land application. This is no longer the case. Landfill has been diverted to farm application, and incineration is being phased out because of air quality concerns and ancient incinerators. We have a flood of trucks trucking these wastes out to the hinterland at this point, and rural residents are in shock, frankly. The volume of sewage right now on rural land is untenable and there’s no

storage for it and no backup for when we have rainy seasons like we had last year. So we can’t tolerate the current practice for a whole variety of reasons. What we can do is to go back to a diversity of end uses immediately. Sewage sludge pelletization doesn’t handle the question, but it allows for easier storage and facilitates faster incineration. But we would then need to have incinerators that are state-of-the-art and that have adequate emissions controls. Incineration is not a politically favourable kind of proposal at this point in time, with the smog alerts and the other issues that challenge that technology.

I would suggest that we also go to some composting and use the material that’s generated with sewage sludge to rehabilitate landfills. The Keele Valley landfill is closing. We can use it in the final rehabilitation of the landfill. And we can divert it back to landfill proper. But the really important part is to curb the production in the long term of sewage sludge. What we need to do is to re-examine whether it makes sense to use drinking water quality to flush waste. It seems a rather absurd prospect, actually, when you look at it. When you mix human sewage—human manure, if you will—with industrial waste, you can’t recapture the industrial waste and recycle it and you can’t use the human manure safely agriculturally, and the water is contaminated in the process. As we saw on CTV news last night, it’s very difficult to clean it once you’ve put antibiotics and a whole variety of hormones and endocrines into it.

The whole notion of sewerage up a community really doesn’t make sense. Inasmuch as it made sense in the London of the era of plague and cholera, what public health sense does it make to gather up the sewage from one community and then truck it out and spread it on another? It’s public health in reverse, quite frankly.

So what we need to do is to certify the use of composting toilets and dry toilets so that we’re not using drinking water to flush waste and mobilize the pathogens at the same time. There should be a green ring around urban areas. The King City debate is a prime example of this. Do they want to be on the big pipe? Well, no, they actually don’t. Community residents like the rural character of having drinking water wells and protecting groundwater sources. This is rather a long answer. But we need a long-term plan with priority, primary pollution. The city of Toronto sewer use bylaw is an excellent model for the province to promulgate across the province so that industries cannot use sewers for the disposal of toxics.

We can clean up the sludge by eliminating the use of priority pollutants in industry and limiting their discharge into the sewer system. In the meantime, reduce the extended use of sewers in new communities by protecting groundwater sources so people can drink their well water. Then we could have a green ring around urban areas where industry and other land uses won’t permit the contamination of groundwater because people are still drinking it.

**Ms Churley:** Thank you very much for your presentation, Ms Reilly. I’ve certainly been getting e-mails

from you over the years and I thank you for keeping me up to date on your thoughts on this whole issue.

You've answered somewhat—I know it's more involved than that—the whole vexing question around sewage sludge. I represent an area in Toronto which burns it in an old incinerator which, as you've said, is also a problem. You're quite right that it's going to take a very thoughtful and considered time to come to a conclusion and get this worked out. None of what we're doing now makes any sense. I appreciate your brief comments on that today.

I think I take, in the short time that we have here today, from your comments that the most important thing you're asking of the committee today is to make sure that you're included, as well as municipalities and other environmental groups, in consultations around the regulations. I think that's the most important thing you've probably said to us today. Would that be correct?

1420

**Ms Reilly:** It's difficult to choose among the things, but I think ongoing consultation once the regs and standards are developed—I have to note that under the certificates of approval, most of them violate the regulations in 347. Reg 347 stipulates a 300-foot separation distance between drinking water wells and sewage sludge application. Every single certificate of approval stipulates between 25 and 15 metres. It violates the provincial requirements every trip out.

We're a year past Walkerton and it seems we've learned nothing. The legislation is being violated in each site-specific certificate of approval for Ottawa sewage sludge and city of Toronto sewage sludge, and the distance from surface water is equally truncated. There are just these tiny margins.

That's why we need transparency. It's one thing to have a grandiose plan and a philosophy to protect the environment, but then to give that away in every single site-specific certificate of approval or nutrient management plan would certainly be hypocritical and counter-productive, and I wouldn't want to see that happen.

**The Chair:** Mr Beaubien, please.

**Mr Beaubien:** Thank you very much for your presentation. I don't want to dwell on the subject matter for too long because we're probably out of time. But when you talk about standards and regulations, who should oversee the standards and regulations and who should enforce them? Could you be specific, please, because you mention that nothing is being enforced and everything is being contravened. Who should enforce it and who should oversee it?

**Ms Reilly:** We do have a somewhat knee-capped Ministry of the Environment in terms of their enforcement function. We now have three levels of enforcement within the MOE: the local area office, investigations and enforcement and the SWAT team. So instead of having enough people do their job once, we've got three sets of people vying to do that job. It's within the Ministry of the Environment mandate. They are the cops. They have the sort of regulatory authority to oversee these.

My suggestion is therefore that the Ministry of the Environment abatement staff be enhanced adequately to provide supervision but that local transparency—in other words, that local availability to review the nutrient management plans and the requirements on each farmer to manage nutrients adequately be publicly available so that communities can, by and large, be assured that the standards and specifics of the legislation and the requirement of that particular farm are being obeyed. There are so many farms, that community involvement could be facilitated without any expense by simply allowing for that transparency.

**The Chair:** Thank you very much, Ms Reilly. We appreciate your coming forward on behalf of the Canadian Environmental Network.

SIERRA CLUB,  
EASTERN CANADA CHAPTER

**The Chair:** Referring to our agenda, I would now ask, is the Sierra Club, Eastern Canada Chapter, available to come forward? Good afternoon, sir. We would ask you to take a chair, and if you could identify yourself for the purposes of Hansard.

**Mr Don Mills:** I'm Don Mills. I'm the chair of the intensive livestock operations campaign for the Eastern Canada Chapter, ECAN, of the Sierra Club. I'd like to thank you for the opportunity to come today and speak to this bill.

ECAN has been and continues to be very supportive of agriculture in Ontario. We recognize the importance of Ontario's farming community. ECAN believes that the growing of food in Ontario can be done in a manner that's respectful of the environment and of rural communities.

For several years the paradigm has been emerging that the Ontario livestock sector espouses consolidation of livestock facilities into large, concentrated sites that have been called intensive livestock operations, or ILOs. In other jurisdictions throughout the world, ILOs have created a great deal of environmental degradation and societal strife. In order for Ontario to avoid the same fates as other areas such as the Netherlands and North Carolina, it's necessary for the governments here to be proactive and take a lead in making decisions to direct growth effectively and regulate new development. I'd like to make some comments specific to the act and then some generalities. Then I'd be happy to take some questions.

In looking through the proposed legislation, all reference to the role the province intends to take in the administration of this act omits naming a specific ministry or minister. An example is subsection 2(1), where it says, "Any minister responsible for the administration of a provision of this act..." We have consistently held the position that the Ministry of the Environment should be in charge of enforcement of the regulations that will be coming down. We think it's inappropriate that OMAFRA would be responsible for this, largely because of the

perceived conflict that OMAFRA would have and, from a farming community perspective, that it is putting OMAFRA in a conflict that builds distrust of the role they have in terms of offering extension services. We think it's more appropriate that the Ministry of the Environment would be in charge.

Moving along to section 5, where most of the regulations will be found within the act, 5(2)(a)(i) says, "specifying standards for the size, capacity and location of buildings." In other words, there will be the ability for the province to draft regulations around siting and sizing livestock operations or barns, and that's appropriate. What concerns us is, when you take that with the later segments of the act about municipal bylaws, that it will in effect mean that any municipal bylaws out there now that deal with siting and scale of intensive livestock operations will be superseded.

If we look at OMAFRA's position paper from 1998—I haven't seen anything more recent in terms of these issues—the position is that size doesn't matter, and yet many municipalities obviously that feel size does matter, because they've passed bylaws restricting single-site densities—not total ownership of livestock but single-site densities. When we look at this, we're concerned that a regulation will be passed that in effect says that size doesn't matter, and if we end up before the Normal Farm Practices Protection Board with the municipal bylaws, the bylaws will be overturned.

There's a subsection under section 5 that refers to geophysical studies, and "geophysical study" is not defined in the definition section of the act. It does make mention of direction of water flow. We would argue that whatever geophysical studies are, they're going to have to include a proper assessment of sites for intensive livestock operations. These sorts of assessments would include depth of water table; the type of surficial deposit, the type of deposit separating the surface from the groundwater regime; the type of aquifer material; the direction of groundwater flow, of course; the depth of the bedrock; the type of bedrock; soil chemistry—a proper environmental assessment to determine groundwater vulnerability from any point source leakage or land application. We will be submitting later a brief we had prepared for the Walkerton inquiry that deals specifically with this issue, and that will be part of our submission to your committee.

A large part of our concern is around the provincial role. We're concerned that under section 55 the ministry—again "the ministry," whichever ministry this may end up being—the government, has given itself the ability to download or privatize certain responsibilities under this new legislation, and particularly at the review of nutrient management plans or the issuing, amending, suspending or revoking of certificates and licences. This is a concern for us in terms of responsibility. If something does go wrong, who exactly is responsible when this has been offloaded to the private sector? We feel that this is more appropriately a public service and should be maintained by the government of the day.

I mentioned earlier our concerns around municipal bylaws, and it's expressed in the act under section 60 that this legislation will supersede any municipal bylaw. We perceive this to be a real source of conflict as soon as this act becomes law. There are many bylaws out there that seek to deal with intensive livestock issues in terms of getting a handle on environmental impacts and also in terms of planning: Where should they be within a community? How do we fit them in with other aspects, other industries within the community? This act, as written, will really leave us in a position of continued acrimony within the rural community.

I don't think it serves us well in terms of the environment either. Some of the bylaws that have been written have a good basis in terms of trying to protect groundwater regimes. They reflect the geographical, the societal peculiarities of the many jurisdictions across Ontario. While we've supported all along a provincial law that would give us some sort of minimal protection across the province—when I say minimal, I don't mean to say that it should be minor, but something that's out there for communities that don't have protection—I think it is necessary to allow specific municipalities to try and plan and develop and reflect the strengths they have in their communities. This law, as written, would restrict that.

#### 1430

One other thing, along the same issue as the amendment to the normal farm protection legislation: it confuses me somewhat in that if something goes before the Normal Farm Practices Protection Board now, they will have to consult these regulations. If the practice in question complies with these regulations, then they shall deem it normal. So we're left wondering why we need a Normal Farm Practices Protection Board if in any issue dealing with livestock or agriculture they merely have to look to this act. We've had some problems with that legislation in the past and we feel this is worsening the right-to-farm legislation, and if there is a need for it I think this is just going to make the public turn against it all that much more. So the legitimate protection we may have needed as farmers under the right-to-farm legislation is going to be under attack because of this further loss of power given out to the Normal Farm Practices Protection Board.

About the act as a whole, it relies obviously almost exclusively on nutrient management planning, and we're in support of nutrient management planning. It's a good tool for balancing crop needs to manure applications, but it doesn't deal with pathogens and it doesn't really deal with groundwater protection in the sense that it doesn't address what's underneath the top six inches of soil. As such, nutrient management planning alone is not going to protect groundwater in Ontario.

We need proper assessments for any intensive livestock facilities that are put in, and those assessments should be fairly extensive. We need to also do a lot more in terms of finding out what's out there. We need to get back into mapping aquifers, determining what our groundwater regimes really are. I think the province has

been unable to continue that strategy that it had been on stream with for a few years. We really need to get back on board there, and that means co-operation with the conservation authorities and probably some money put in.

We're concerned with how we're going to pay for this legislation. It's going to have to have resources thrown at it, and it doesn't matter whether it's OMAFRA or MOE; it's going to take money and it's going to take bodies to make this thing work. We're very concerned that the province dedicate significant funding to this and makes sure that whatever strategy we're going to go with has the people to make it effective.

A personal note I'd like to close on that may seem niggling to some of you is the definition of "farmer" in this legislation. What I think is important about it is that this is how society shifts, and language is very important. A "farmer" is defined as "the owner or operator of an agricultural operation." In my community that can mean the individual who is the owner of 30,000 sows spread across Ontario and Manitoba, and this is an operation that's probably worth \$50 million or \$60 million. Now that individual will be legally defined as a farmer. I hope it wasn't the intent of the legislators to define farmers as the controllers of \$50-million operations who never actually do anything that's directly connected to agriculture. I think this is the sort of thing that leads us down the path away from sustainable agriculture and toward a separation of community from society from the land.

I'd be happy to take any questions you have.

**The Chair:** We have very little time, perhaps one question. It is the Liberals' rotation.

**Mr Bradley:** I have a question which, again, I'll put to you because I heard you say at the last—I think I know where you're coming from in this—that it didn't matter whether it was the Ministry of Agriculture or the Ministry of the Environment; they would have to have a lot of staff. My presumption from your earlier comments is that your preference with this legislation would be that the lead ministry be the Ministry of the Environment and that OMAFRA would be consulted, obviously, and have an involvement, but that the Ministry of the Environment would be the lead ministry. Would I be right in assuming that's your position?

**Mr Mills:** That's exactly right. I think that's the appropriate way to go. And I think OMAFRA has a continuing important role to play and should be freed from the regulatory regime so that they can be an effective extension to the agricultural community and not be placed in a conflict.

**The Chair:** I think we should move on unless you—

**Ms Churley:** Thank you. I come from the municipal spectrum myself. I was a councillor before getting elected provincially. I believe in minimum standards being set by provincial government, but as a former municipal politician, I get really nervous. A municipality, after all, knows its own district better than we sitting on high up here. I get very concerned and very nervous when you have overreaching legislation that takes away

the ability of politicians, who know their jurisdictions best and can consult with all aspects of the community, to set rules and bylaws. And that's what appears to be happening under this legislation.

Now, the farmers and agriculture community that we've heard from to date—and I remember as well when we went through the right-to-farm act, which I sat on—really support, so far, the government direction in this. They want even standards; they want a level playing field. I'm just wondering if you have any thoughts on how this can be done—not everybody can be happy, but it's going to be an area of big conflict, I think—so that people can generally live with it on both sides.

**Mr Mills:** I think it may be difficult. It's difficult. I can't speak for all farmers, but I can speak for a number of farmers in my community and some farm organizations I belong to that support municipal involvement and think that we should have minimum standards with a municipal role.

It's important to allow communities to develop, and I think that there is not just one style of agriculture. There will be only one style of agriculture if you impose cookie-cutter barns; the same barn can be slapped down anywhere in Ontario regardless of local circumstance. If a community restricts a certain type of agriculture, I don't think that spells the end of agriculture in that community. I think there'll still be lands there that are productive. There will be agriculture there. It is difficult. I make no excuses; it will be difficult. But I really believe that you have to allow municipalities to develop and to be diverse. And I think that's good for agriculture. I think a truly sustainable, strong food system is one that's very diverse. You're not going to have diversity unless you let communities develop diversity.

**The Chair:** I now go to Dr Galt.

**Mr Galt:** Thank you for your presentation. I just want to ask you how you would respond to Mr Brown with his presentation earlier. I know you weren't here, but I'll give the information.

We all agree that if there's a spill or pollution, it's the role of the Ministry of the Environment to go out and do their thing in a very forceful manner, the sooner the better, no argument. The key point that he was making, one of his key messages: enforcement must be the responsibility of the local agriculture advisory councils and OMAFRA; the MOE should not be involved. In my words, paraphrasing what he said was, basically he says a bill about prevention of pollution should have Ministry of the Environment backup; it's a ministry that's there for education and training, sort of lead-with-the-carrot-rather-than-the-stick approach. How would you respond to him? Because you are very much on the other side. If he was still here, what would you say to him, confronted with that information and that side of the argument?

**Mr Mills:** I think local advisory committees are attractive, and I also think they're difficult to be workable. When you talk about peer review committees—and I'll go back to the example of the extremely large operation in my community, if I was on that advisory

committee, I would not be their peer. They have no peers in our community. And so it's very difficult to set up a peer review committee when one entity dominates the local landscape. I think OMAFRA could be more effective by taking them out of the role of being involved with the administration of the regulation under this act. I think there's a certain scale issue here where agriculture has had problems for a long time, I'm sure. If we look at groundwater contamination records from the late 1980s or early 1990s, obviously we have had some problems and agriculture is a part of that, along with a lot of other things.

1440

I think we have to separate out what's coming down the pike from what we have experienced in the past. A lot of our concerns revolve around what we are going to see in terms of large barns. I was told four years ago by an OMAFRA representative, "Don't worry about it, because MDS, minimum distance requirements, will prohibit large barns." At that time we were talking 1,000 to 2,000 hogs. Since then, 4,000 hogs have become commonplace and here in Kinloss they're arguing about 6,000 hogs. In New Brunswick, they've got 10,000 hogs in a barn.

I think when we talk about this sort of legislation, we have to be looking down the road. What are we going to be faced with? The pressure is coming from the Americans where 100,000 isn't unheard of; it's quite common. You have millions of hogs in one operation in Utah, Circle 4. I don't think we'll see that in Ontario and I don't mean to use that as a scare tactic, but certainly we're looking at a lot of pressure in terms of growth. When we go with the carrot approach and we talk about advisory committees, how is that going to play out? This is legislation we're looking at for a long time. How is that going to play out in five or 10 years? It's happening very quickly, when we look at larger operations and more consolidations. So I think those are the sorts of issues we need to look at.

**The Chair:** On behalf of the committee, I wish to thank the Sierra Club for coming forward.

#### ONTARIO FEDERATION OF AGRICULTURE

**The Chair:** Our next item on the agenda is the Ontario Federation of Agriculture. Have a chair, gentlemen, and for the purposes of Hansard, we would ask you to identify yourselves. Please proceed. We have 15 minutes.

**Mr Jack Wilkinson:** Thank you very much. I'm Jack Wilkinson, president of Ontario Federation of Agriculture.

**Mr Dave Armitage:** I'm Dave Armitage, staff of Ontario Federation of Agriculture.

**Mr Wilkinson:** First of all, thank you for having us at the committee. This is a very important piece of legislation. In our view, it is very significant as to what unfolds in the agriculture community over the next number of years, and how we deal with the question of nutrients

not only from the farm side but from urban, industrial biosolids, raw sewage, and the whole question of how we deal with water quality in the province.

I would like to make a couple of comments before we get into the details. First of all, the Ontario Federation of Agriculture and the farm community in this province have had a very long history of being proactive in regard to dealing with the environmental questions and our stewardship with that environment: best management practices that were developed really by commodities and organizations like ourselves, going back 20 years; environmental farm plans that were initiatives from the farm community back to 1991; pesticide grower courses; intensive pest management programs; the reduction of 50% of pesticide use etc. There is a long list. So first of all, we welcome this legislation, if done appropriately.

We've been lobbying for nutrient management legislation for a number of years. We're pleased that it's in front of us now, and so I think we need to approach it from that context. The farm community wants nutrient management legislation, wants it done right to deal with the concerns of the population at large, and give us a framework in which we can do our business with some degree of knowing where the future lies.

With that, since we have a limited amount of time and we want to leave some time for questions, I would like to flip through our brief to the bold points which really are our recommendations.

Number two in this comment is that our view is there is reason for a provincial standard. That really came to us over quite some time period of concern with certain municipalities taking a different approach to the number of days of storage they thought was appropriate to a size per farm population, all the way to prohibitive construction to varying dramatically from 50 animal units to 200 to actually no rules. Our view was that it's appropriate to put in a province-wide standard.

That does not mean, with legislation, that we're saying one size fits all; that's quite the contrary from our point of view. The legislation and the regulations should talk about the need for a nutrient management plan. Then, when it moves to meeting the objectives of that plan, it gets very site-specific, very farm oriented, dealing with soil type, setbacks, streams, slope, MDS formulas—all of those issues—because we now then move down to that individual, the capacity of that land to deal with the nutrients, the crops that are being grown, the application rates for the soil type, groundwater. All of those issues are covered on that individual, but the regulations and enabling legislation make the requirement for a nutrient management plan. That is our view of the best way to really deal with this question.

On page 4: OFA recommends that the Ontario Ministry of Agriculture, Food and Rural Affairs be named as the lead ministry and that the enforcement expertise of the MOE be really obtained and established in a unit within OMAFRA.

It's clear to us that OMAFRA does have a responsibility and an expertise that it can offer with regard



to reviewing a nutrient management plan, applying the science and the expertise through whom they staff within the organization, to give the best advice from the farm community as an agent of the government. Also we accept the notion that those people who are outside of agriculture will somehow view that if OMAFRA does the enforcement, as in the individual officer, there'll possibly be a sense of conflict there.

We're saying very clearly, let OMAFRA be the lead agency. Let them do their job, but at the same time put a unit within OMAFRA staffed by MOE expertise, seconded from MOE so you'll have the best of both worlds, in our mind, administered by one authority but having the MOE and the background of the MOE individuals being the police force at the end of the day to deal with the regulations, but OMAFRA will be housed by all segments of this legislation.

Moving on to the nutrient management plan: not really, as far as the administration being outsourced, as is being talked about, or as really within the mandate of this current legislation. Our view is that the ministry does have an awful lot of power right now to delegate versus hiring people, the authority to meet provincial regulations. If we're going to have the confidence of the consumer at large, the water user in the province, the citizen of the province, we think that the ministry should be the one which does it, versus outsourcing all of these activities.

On page 5: OFA recommends that the government of Ontario develop reasonable projections of the cost to administer Bill 81 and then ensure that sufficient funds are available for new initiatives.

We look at it this way, and this is something that is a big thing from my point of view, from a personal point of view as the president of the OFA. We're talking about bringing in legislation that is in addition to the standard for everybody else in the province. We currently have a very clear system that if someone pollutes, the MOE will move in and deal with pollution. We're talking about changing farm behaviour and farm practices and ensuring that we meet standards to prevent or minimize the risk of pollution in the future, which I think is quite a novel concept.

When we leave here, we'll all get on transportation—or at least, most of us if we don't walk—and we know we'll pollute. Whether we get on the subway or we turn the key of the ignition on, we know we're going to pollute. Fact: obvious. We're talking about preventing pollution. Our view is, if we're going to set a new bar, a very rigorous bar, there is a reason for society in general to help us meet that bar, because we're talking about reducing the risk of the possibility of future pollution.

It needs to be tabulated, what the new regulations are going to require us to do in the legislation and then help the farm community move to that new standard. We basically believe there needs to be a baseline, ongoing studies to determine the environmental and economic impact on the agricultural community. Further to that, as the science becomes more rigorous in all of these areas, I

think the farming community will quite happy, as long as we do baselining and really set a standard of meeting new standards as science is developed, and amend what we do as we have more working knowledge of that.

The inspection and enforcement: as indicated, the OFA recommends that ensuring the order should be really reserved. It goes back to my point that our goal here is to educate the farm community. We think most of us are already there with our track record. But the goal here is with local peer committees, advisory panels, commodity boards and OFA being involved with their members, of improving any behaviours that may be viewed by others to be questionable.

We would think the first step would be you talk to the person, you respond to a complaint or a concern and you check out the behaviour on that farm. Where possible, through education, suasion, peer review, suggesting new alternatives, you try and amend the behaviour. That's the first order of activity. If at the end of the time period that does not come forward, then of course you have the ability of MOE to enforce those regulations. So we see that as the second step versus the first step.

#### 1450

Under page 8 on regulations, we recommend that Bill 81 commits the Ontario government to establish and use such committees by indicating that the Lieutenant Governor in Council "shall" rather than "may" provide for their establishment. That's back to the committee approach that I just got finished suggesting.

On the following page, the OFA recommends that such committees be composed of individuals having registered farm businesses. Again, this is the point that we know MOE as a subsection seconded to OMAFRA will be there as the administrator of the legislation if there is any breakdown and lack of compliance. So the peer review approach at the local level is really to help educate and encourage people to move to a new provincial standard; therefore, it's appropriate at that level to have people who know about the agricultural industry and can give the type of advice that's required.

As far as the closing comments, then, the OFA recommends that the Ontario government proclaim a Nutrient Management Act, complete with regulations, as expeditiously as possible, and maintain the type of consultative process that has been long going and needs to be brought in place.

We've always said, "Take the time to do it right, provincial government, because this is critically important." But at the same time period, certain municipalities are still moving forward to bring in their own bylaws because there are no provincial regs. We still have the inability to go to farm practices through this process. We know that a patchwork is still developing across the province, so we would like you to move as quickly as you can in getting the enabling legislation passed and then move through the regulatory process. There has been a long history of consultation with the farm community and many ministries as part of that consultative process.

We think now is not the time to stop those consultations; continue them on in the developing of the regulations, and put an act in that's practical, that's workable, that meets the standard of society and still allows the appropriate farm business activity to take place in the countryside to deal with the risk.

We have learned what has happened in North Carolina and other jurisdictions in Europe in not being proactive and therefore having the nutrients get ahead of the management. So we view that there is an opportunity now to put nutrient management in place so that we'll grow our industry in an appropriate fashion and not put the environment at risk.

So with that—unless, David, you have any additional comments I missed—we'll happily answer some questions.

Oh, yes. I don't know why I didn't turn my page over. It would be totally remiss of me not to talk about the need for the government to help us meet the new standard. I did cover it off a bit, but transition funding is going to be very, very important in this.

We think, quite frankly, a new barn that's being built with new standards should meet those standards themselves. They'll make the business decision as to whether they build or not. But if there's going to be a province-wide standard brought into place, we think that the carrot approach has worked very, very successfully on a joint partnership between the individual farmer and government to help meet those new standards. We've done it with municipalities, we've done it in a number of areas with business in the past, and we think it would be appropriate to move quickly to that new standard by giving some assistance to the farm community. Thank you.

**The Chair:** Thank you, Mr Wilkinson. We just have a minute for each party. NDP?

**Ms Churley:** Thank you very much for your presentation. In fact you're correct. The Netherlands, North Carolina, I believe, have curtailed or put moratoriums on new, big pig farms, and places in Quebec have banned—in some regions anyway. You're right. We want to get out ahead of disasters here in Ontario, and that's partly what this is all about.

But what I want to ask you about, you said one size doesn't fit all, and you had a sort of remedy for that. But I would still submit to you that a municipality in its planning in its region has to take into account environmentally sensitive land, headwaters etc, tourism plans where beaches are located, all of those things within its plan, and if there is not the possibility for a municipality to have a say if there is a proposal to build a huge pig farm, then you've got a problem. That municipality and the people living in that municipality will not have an opportunity to have a say, and the environmental considerations will not be able to become part of that plan. I find that very problematic.

**Mr Wilkinson:** I think it only becomes a problem if there's a sense that the province gets it wrong. Our view is that if we have appropriate nutrient management—and

I'll give you an example. I sit on the Oak Ridges moraine panel, and that group has accepted the notion that there are no additional levels of restrictions on livestock operation in the Oak Ridges moraine as long as they meet environmental farm plans, nutrient management plans, the setbacks that will be part of it and the nutrient loading that goes with it.

I think you're absolutely correct in saying that if people do not feel the provincial legislation deals with their concern, it will be problematic. Our view is that we think an appropriate provincial standard that varies by region to deal with setbacks, that deals with nutrient loading to soil type, that deals with setbacks from streams, that deals with environmentally sensitive areas—if we do it right and the regulations match that and we comply as farmers, we think the local community will be happy with our farm practices.

What I think is a problem now is there is the sense that a lot of these municipalities do not have the science available to them, they do not have the management available to them, they do not have the expertise locally, and so a lot of them have been overrestrictive because they don't know how to manage this issue. It's not only agriculture nutrients; it's all nutrients. It's biosolids, it's raw sewage, it's industrial wastes, it's paper waste. All these things have to be captured by this so there's a sense of confidence we've got it right in the province.

Our view is this is possible within a provincial jurisdiction, and therefore that's our original goal. If we find in a time period that doesn't work, we're quite happy to look at any solutions. But we think it can be done with the flexibility of doing it right provincially.

**The Chair:** Mr Beaubien.

**Mr Beaubien:** I have a quick question. This morning we had a presentation from a farm group, and I'll read you what they said in their brief about public information: "Given that Bill 81 provides for the establishment of a registry to record nutrient management plans and strategies, we believe there should be a specific definition of what information is public, and what is private."

This afternoon we had a presenter, and she was talking about transparency. She said, "Farm nutrient management plans should be publicly available documents. Full disclosure is required for accuracy of property mapping and for neighbourhood oversight of local operations."

Where does the OFA stand? What is your position on this?

**Mr Wilkinson:** There is a process in place right now. If a farmer makes application for a building permit for a livestock operation, as an example—because we're talking about more than livestock, but nutrients in general—they will in fact have to go through the process with their municipality of making sure they've got a nutrient management plan that's been third-party reviewed by experts and that it's tabled as part of the request for a building.

Maybe a case could be made as to why that needs to be publicly available. We think the standards need to be publicly available. We think that people need to be able

to get at the fact that this soil type is allowed this level of tonnage of liquid manure per acre. Then, by definition, everybody in the municipality will know that nutrient management plan will not be approved unless they meet that standard. So everybody will know for sure what that is.

The actual details—I may want to do it less on my farm, I may have other aspects. We do not, at this point, see the need for that kind of detail to be public record. We may be convinced otherwise, but we think the standards in that municipality may need to be public, which would be provincial, by soil type, by whatever, so anyone will be able to walk in and say, “This sandy clay loam in this area has this nutrient loading for this crop that’s being grown,” and you know that any farmer who makes application will not get a building permit unless they meet or supersede that standard.

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**The Chair:** Mr Peters.

**Mr Peters:** The minister made the comment in his opening comments this morning that nothing comes for free, that every sound investment yields a return. In questioning to the minister, he cited the healthy futures program, the \$90 million, as one possible source of funding. Are you confident that in the discussions you’ve had with the ministry and the consultations leading up to this there will be a commitment, or what is your comment on a financial commitment from the government toward any capital improvements that may result out of these new regulations and standards?

**Mr Wilkinson:** I don’t believe the government has made a commitment in that regard to date. We’ve had numerous conversations with Minister Coburn as well as the previous Minister of Agriculture on the need for that commitment. We have made suggestions like opening up the healthy futures program to the type of flexibility that would allow money flowing to meet the new standard. We’ve also suggested OSTAR, and we’ve suggested there may need to be more, depending on how that’s available.

As far as I’m concerned, the government has not said no to our request, but they’ve also not said yes. So we are going to keep pursuing the fact that if a new standard is set in the province, which we’re advocating, and it costs a significant outlay of capital for individual farms to meet that new standard, for the good of the public in helping lower the risk of pollution—not talking about pollution but the risk of pollution—we will continue to work for that.

So I’m not trying to be evasive. They have not said yes; they have not said no. We’ve suggested OSTAR, healthy futures and other funding agencies to help us meet that new standard, because there could be considerable outlay required. That’s why in the presentation we’ve indicated that we want some accounting done. I believe commodities have made some attempt to try to tell the government and their staff what the cost could be, depending on what’s part of the regulations.

In all fairness, until we see the regulations we will not know, nor will the government know, the cost of imple-

menting this legislation. We could have a modest increase on the days of storage requirement. We could have requirements for fencing on all streams for the livestock sector. If that’s the case, that will be a substantial cost to producers in eastern and northern Ontario, as an example, with their cow-calf operations and their sheep operations. So I am still optimistic that the government will see a need to help us move to a new provincial standard depending on the bar that is set by this legislation.

**The Chair:** Thank you, Mr Wilkinson and Mr Armitage. We appreciate the Ontario Federation of Agriculture coming forward.

#### GLOBAL EARTH PRODUCTS

**The Chair:** The next delegation on our agenda, which will be our final delegation, is Global Earth Products. Good afternoon. I’m going to ask you to identify yourself for Hansard. We have 15 minutes.

**Mr Tom Smith:** My name is Tom Smith. I’m from Utopia, and I’m president of Global Earth Products.

*Interjection.*

**Mr Smith:** That’s right. Already I can’t disagree with the committee.

Mr Chairman, I would like to thank you and your committee for the opportunity to bring our concerns and comments for your consideration.

Global Earth Products was incorporated in 1994 to resolve environmental issues associated with agriculture. After carefully reviewing the alternatives, we determined that composting was the one solution which would allow utilization of end product after safely killing pathogens and stabilizing the nutrients in an organic form. We have developed an aerobic, in-vessel batch composting system. Our Marvel System composts farm waste or sewage sludge in a covered building where we eliminate the potential for any leachate. Our system is designed to be a practical solution for commercial farms and municipalities. Our goal is to have a measurable impact on earth, air and water.

I grew up on a farm and have been a farmer all my life with the exception of five years at the University of Guelph, where I was both a student and, after graduation, worked in the crop science department.

From 1975 to 1993 I was involved in the politics of pork. During this time I served as director, chair of Ontario Pork for three years in the mid-1980s and president of the Canadian Pork Council from 1990 to 1993.

The issues associated with manure or nutrient management became very clear to me in the 1980s. My travels across Canada and internationally brought me face to face with the problems of existing manure management systems. In Taiwan, the ocean was a disposal area. In Holland, the overapplication of manure on small acreage had nitrates at threateningly high levels. In North Carolina, lagoons were leaching or overflowing into lakes and rivers. In Canada, there was a false sense that if we eliminated the odours, we eliminated the problem.

History has now shown that the issues are much more serious than simply masking the problem.

I am deeply concerned with the depletion of our water, both in quality and quantity. I am also a strong advocate of the importance of the livestock industry to the well-being of agriculture and the country as a whole. It is with this background that we formed Global Earth Products and have developed our Marvel cost-effective total nutrient management system which kills harmful pathogens, stabilizes nutrients, eliminates odours and produces Utopia Gold, a high-quality organic fertilizer and soil amendment to enrich soil quality. Therefore, I laud the government for taking serious steps to protect our environment.

I do feel very strongly that there are a number of policy issues that must be addressed before the legislation is in place. I not only offer but request the opportunity to work with staff in addressing issues which currently restrict the ability of individuals or companies to make progress in resolving environmental issues.

The greatest obstacle to making progress environmentally for Global Earth Products, sad to say, has been the Ontario Ministry of the Environment. Although the ministry speaks of its desire for waste diversion, the staff appear bound by 1991 legislation. If the ministry would allow practical solutions, we could have a measurable impact on water quality more quickly than it has taken to create new policy.

We require carbons to mix with farm manures to attain high-quality organics without losing these farm-generated nutrients in the process. Corn stalks, straw and other carbons generated on the farm can be used. However, leaves, backyard wastes, wood chips and other by-products are an excellent carbon source for on-farm composting. The combining of these products not only solves a landfill issue and a farm issue but also creates a spirit of co-operation between urban and rural populations.

Government policy suggests that leaves are a waste, and therefore farmers must designate their farms waste disposal sites in order to receive these leaves. This attitude is totally unacceptable. Despite written requests from a municipality and a local federation of agriculture, leaves are being directed to landfill. We have a couple of exceptions where the community worked with the farmer to get leaves to that farm to resolve the issues; however, in reality, that could be challenged as being illegal.

We have requested a systems approval, whereby farms using our Marvel composting system would be granted the right to receive leaf and yard waste, wood waste or compostable vegetable waste for the purpose of composting with agricultural waste without a certificate of approval. A second option would be to allow the farms to be an extension of their municipal system. A third alternative would be to have a system of approval similar to that operated by the biosolids committee.

Another issue is the compost guidelines currently in place in Ontario. The levels allowable were not based in science and had no relation to or consideration of

compost generated on-farm. Livestock are fed high levels of nutrients and minerals for growth, and as such the presence of nutrients in manure is well understood. How they are handled is the issue. Unless policy issues are addressed, you will be forcing the utilization of practices already proven troublesome, namely the spreading of raw manure. You will be making it difficult or impossible to use the Marvel composting technology or others like it.

#### 1510

Even though we have killed all harmful pathogens, captured all the nutrients and stabilized these nutrients, reduced the potential for leaching or runoff, created a high quality organic fertilizer which can be marketed off the farm to areas that are low in organics, yes, even though we resolve all the issues that the government says they are attempting to address, we could be told, "Your nutrient levels are too high. Take this product to the landfill."

Guidelines for the marketing of farm-related composting must not be made more stringent than for the use of conventional manure systems, or the spreading of raw manure will by necessity be the method of choice.

Bylaws for on-farm livestock facilities must take into account new technologies which can reduce the number of days of storage and also the minimum distance of separation. In other words, if we've resolved all the odour issues and any of the issues with leaching, then there should be a different set of guidelines as to where these buildings can be and should be.

Agriculture in Ontario has less government support than most regions in North America and Europe. Clean air, productive, healthy soil and pure water are public issues. We ask for consideration of support programs for farms to adopt new technologies which resolve environmental issues.

In summation, it is imperative to address these issues before putting suggested regulations in place: allow leaves and other carbons as a feedstock to on-farm composting; guidelines for farm-related composting must be based on nutrient end uses rather than opinion; public support for the uptake and use of new technology; flexible guidelines for minimum distance separation and storage requirements with new technologies; and we offer assistance in the development of practical, meaningful policies.

I thank you for this opportunity to bring to you our concerns and suggestions for creating a new environment of respect and trust among the stakeholders in our province.

**The Chair:** We have a little more that a minute for each party. I'll begin with the Conservatives.

**Mr Galt:** Thank you very much for your presentation. We've talked to you about this particular issue before, and I'm wondering if you have any feelings why MOE is so entrenched in this particular position. I think in terms of pesticide containers, when the law said you must bury them, yet at that time they were encouraging the recycling of them. It's kind of a similar thing here, I think, with leaves. I have a little difficulty believing

there's toxic materials in leaves—why they couldn't be moved as a carbon source, as you say.

**Mr Smith:** One of the difficulties we've come upon is that the police side of the environment ministry are saying, "We don't make the rules; we just enforce them. Go and see policy." Then we see policy people, and they say, "We looked at issues a number of years ago and we're five years away from another review, so come and see us after the review is done." We don't believe there's time to wait five years for another review to see whether leaves can be taken from the list of wastes. It's only practical to allow them to bring them to the farm. Something simple should be able to be done without chaos in the system. I think some of their concerns were, do we have possession of them from the time they leave the curb until they get to the farm, and so on? But the issue is the same wherever they go.

What we had in the one case was that the municipality supplied the paper bags to a local village, they put their leaves in them, brought them to the farm on certain Saturdays, and it worked very well. But when they wanted to do this where they were doing their own collection, they were afraid of the ministry rules and weren't allowed and ended up going to a landfill, which is really a shame. We believe there's a real need to bring the community back together and have the agricultural industry and the urban side work together, and this was an excellent way of doing it. Those people who came to the farm were very amazed that how things really are on the farm are not how they had perceived them. They brought rubber boots in their cars, and so on, and of course you don't need them at all. So it's a learning process. We need resolve quickly before you have these police going out and saying, "We can't do anything about it. That's the rules we have," and preventing new technologies from moving forward.

**The Chair:** Comments or questions?

**Mr Peters:** I commend you for what you're doing, Tom. My community of St Thomas in 1994 entered into a city-wide composting program where everything goes to a centralized composting facility, leaves included. I'll tell you, at this time of year right now it's really handy. We've been able to divert almost 50% from a landfill site as a result of that.

In-vessel composting: we had a presentation earlier today about concern over biosolids and septage and spreading it on fields, and the question was asked, "What do you do with it?" That is the big question. Does your process have the ability—could you handle biosolids from a waste water treatment plant, perhaps mixed in with leaves and other materials, so that in the end you've got a clean product coming out? Is this a possibility to deal with some of these issues that we don't know how to deal with right now?

**Mr Smith:** Right. We would like to take kitchen waste, in which there are a lot of carbons, paper products and so on, blend that with the sewage sludge, whether it be dewatered or liquid, and compost those together. The end product you have would perhaps have a different use

than what we're generating as an on-farm compost but certainly would be much safer. You reduce dramatically the volume you have to deal with, and transportation costs alone would be an incredible opportunity to save dollars. I would like to see that everyone is comfortable with how that end product is used and that the research is done. Currently it's being spread on farm fields and supposedly that's fine. If that's reality, that's great. I would still like to see research that we are using it where it best should be used. But yet it is definitely an answer to the issues.

**Ms Churley:** Thank you for your presentation. I agree with you that it's a crime, almost, to have leaves going into landfill in this day and age, given the problems we've got in siting landfills.

Mr Galt and I are sitting on another committee, almost as we speak, the alternative fuels or energy committee, and we had over the course of a week fascinating, incredible new technologies and some not so new that for some time have been used successfully in Europe and the US. Of course, we're far behind in many of those. It's very clear to me that we have problems in our system. We've heard, for instance, that the approval process for siting windmills is much more stringent than some of the more polluting but better-known forms of producing energy. On the other hand, we heard from a couple who sounded like they had the perfect system without any pollutants whatsoever and felt they should get fast approval. But if you look into it after, there's a little piece they didn't tell us about—I'm not going to name names—that actually would, in my view, need to have a full environmental assessment and a really good look at it. What I'm trying to say here is that there is always a balance there so that we don't proceed and put things that could be polluting into the atmosphere.

Having said all that, I agree with you about the need to find ways to get this new green technology on board. I wanted to ask you if this process you just described is being used in any other jurisdictions.

**Mr Smith:** Yes. Our first unit is in at Ridgetown College. We've done a lot of the research at the college, using various carbons and learning about what losses we don't have or the savings we can have in nutrients, as well as the impact on metals and that kind of thing. We've tested quite a number of systems there and are very comfortable with the end result. We have two in operation at this time and, we believe, ready to expand it much more widely. But one of the issues is the cost of carbons that you blend with the manures, and having a zero cost for carbon is very important. We purchase the compost back from those who don't have a very large land base or who maybe have nutrient levels that are too high on their farm. We will market that to golf courses or other farms that don't have access to organics at this point. So we are looking after the back end as well. The issue of having a high-quality carbon at low cost is important to show the cost-effectiveness of the system.

The municipalities we've spoken to are very excited about the potential, but getting around these regs—we

went to the Red Tape Commission to look for solutions, and some of the ones I mentioned today were suggestions they made to us. But when we tried to get that through the process we got stalled out once more. I guess what we're saying is, please help us to allow for these kinds of things in the future or you're going to be having a situation that the only technologies you can use are the old ones that are already a problem.

**Ms Churley:** Point taken. Thank you.

**The Chair:** Thank you, Mr Smith. We appreciate that explanation to the committee. Seeing no further business—Ms Churley?

**Ms Churley:** Could I just ask a question? Was there a paper document of the minister's comments this morning?

**The Chair:** A copy of his speech?

**Ms Churley:** His speech this morning.

**The Chair:** We could ask that it be made available. Are other members interested?

**Ms Churley:** I would appreciate that, because my notes aren't adequate and there will be somebody subbing for me at various points along the way in this committee over the next few weeks.

The other question I had to ask, because I don't have the minister's statement in front of me, is if you, Mr Chair, have any idea if there are any timelines on this legislation and the process for consultation around the regs. If not, could we ask the minister for that information for the benefit of the committee?

**The Chair:** I would do that through the clerk, probably. I think that direction would be more apparent once the House reconvenes.

**Ms Churley:** I was just wondering. Perhaps at this point there isn't any, but if that's the answer, I would like to know that because people are asking me who are interested in the process here.

The second thing I would like to have on the record is that it's becoming increasingly clear, as we heard from people today, that there are two other processes going on. The government recently announced that there's finally going to be a groundwater study done in this province, which I believe would have a direct impact on this legislation and the regulations. The other thing, of course, is that the Walkerton inquiry commission will be making recommendations over the course of the year which indeed will have a profound effect, I would say—should, at least—on this legislation. Again, that's why I asked about time frames, because I believe that those two should and probably will—and I'd be disappointed if they didn't—have an impact on the legislation and regulations for this bill before us today.

If there's a question in that, it would be if the minister will be taking those two issues into account as he thinks about the time frame for carrying this legislation through and writing the regulations.

**The Chair:** I think we can do that through this committee.

Any further comments? Seeing none, I would now adjourn the committee.

*The committee adjourned at 1523.*

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