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**Official Report  
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(Hansard)**

**Thursday 13 September 2001**

**Journal  
des débats  
(Hansard)**

**Jeudi 13 septembre 2001**

**Standing committee on  
justice and social policy**

**Nutrient Management Act, 2001**

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

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

Chair: Toby Barrett  
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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON  
JUSTICE AND SOCIAL POLICY**

Thursday 13 September 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Jeudi 13 septembre 2001

*The committee met at 0904 in the White Carnation Banquet Hall, Clinton, Ontario.*

NUTRIENT MANAGEMENT ACT, 2001

LOI DE 2001 SUR LA GESTION  
DES ÉLÉMENTS NUTRITIFS

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

**The Chair (Mr Toby Barrett):** Good morning, everyone. Welcome to this regular meeting of the standing committee on justice and social policy for today, Thursday, September 13, in the White Carnation Banquet Hall in Holmesville. We're just west of Clinton.

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

Before we begin, I imagine there's not a person in the room who has not been following the horrific events in the United States over the last few days, and I think it goes without saying that our thoughts and our deepest sympathies are with the victims of what has happened in the United States and their families.

PROTECT

**The Chair:** We have an agenda. As our first order of business we would call forward a delegation from PROTECT. We would ask you to come forward to the witness table and identify yourself for the purpose of the Hansard recording. We have 15 minutes. You may wish to shorten that up to allow a few minutes for members of all three parties to make comments or ask questions.

**Mr Dave Cooper:** Good morning, Mr Chairman and members of the standing committee. My name is Dave Cooper. I'm a resident of Southgate in Grey county, as well as Amberley Beach in Huron county, and a member of PROTECT.

PROTECT is a mixture of farmers, cottagers, business people and residents. They have been active since 1997 in bringing attention to the potential environmental, social and economic risks that the growth of larger intensive livestock operations pose to our community.

In 2000, PROTECT and several other similar organizations formed a coalition called ALERT and aligned themselves with the Sierra Club of Canada. ALERT and the eastern Canada chapter of the Sierra Club of Canada were granted status at the Walkerton inquiry and presented a comprehensive report, A Proposed Framework for Managing the Impact of Agriculture on Groundwater, and I've given a copy of that to the Chairman. PROTECT would strongly urge this standing committee to familiarize itself with the report and apply the learning.

The following are some specific recommendations by PROTECT on the proposed Bill 81 and its implementation:

(1) Environmental risk assessment: the ALERT/Sierra research indicates that the traditional tools used by agriculture, including nutrient management plans, are not designed to, nor do they adequately address, the environmental safety of an operation. A key recommendation is the requirement for a site-specific hydrogeological investigation before permitting the storage and spreading of large amounts of manure. The report also proposes aquifer vulnerability mapping by the province and thorough ongoing monitoring of surface and groundwater resources by operators and local and provincial regulating authorities.

Mr Harold Elston of the Ontario Farm Environmental Coalition and others seem to agree that nutrient management plans focus on the take-up of nutrients, and there is a need for more emphasis on the management of pathogens affecting our water. Perhaps the title of the new act should be expanded to the Nutrient and Associated Pathogens Management Act to reflect the scope of the new framework required.

(2) Municipal authority, and I'm referencing Bill 81, section 60: we support the concept of a strong province-wide set of regulations that provide a common environmental protection framework. However, we feel strongly

that local municipalities must be given the authority to augment the legislation with local bylaws that recognize local needs and/or provide further environmental protection. Any such bylaws must not decrease the environmental protection provided by the province, and municipalities should be responsible for enforcing their additional provisions.

Our brief outlines why we believe the recent Supreme Court decision—Hudson, Quebec—while dealing with the different issue of spraying, provides support to this principle.

#### 0910

The provincial regulations should set the bar high in terms of environmental responsibility. Because water flows from one area to another, there is a need for a common set of rules to provide protection. However, will a one-size-fits-all set of provincial regulations be strong enough or comprehensive enough to meet the diverse needs of different communities? For example, in Huron county, which has a large lakefront community, tourism is a key industry, and an explosion of intensive livestock operations may have different needs than areas that are largely agricultural in nature. In trying to meet diverse needs, the new provincial regulations might become unnecessarily complex. The situation is easily met by supporting the authority of local municipalities to further strengthen the local rules to protect their unique environmental and community needs. Hopefully, the provincial regulations will be strong enough and the need for local bylaw additions will be an exception, but the right to make such bylaws should be retained.

(3) Environmental Protection Act farming exemptions: the possible exemptions of farming operations under the EPA should be scrutinized carefully. We are told the only impact is to eliminate the need for farmers to get a certificate of approval to spread manure on their land. However, most of the incidents are discovered and reported by neighbours and other community members rather than the person responsible for the operation. This indicates a need to strengthen the due diligence and reporting responsibilities by farm operations.

The term “normal farm practices” should be abandoned. Adopt a term such as “environmentally responsible farm practices” that better aligns with the direction of the proposed Bill 81 legislation.

The continued inclusion of large intensive livestock operations as “farms” needs to be examined. These larger operations, which store and spread several hundred thousand gallons of liquid manure each year, don’t require a certificate of approval while other lesser operations do. One example is large septic systems receiving human solid waste equal to about five livestock units. Another is septage spreading, which is dwarfed by the size of agricultural operations and for which treatment is now being recommended under the new legislation.

(4) Enforcement: while Bill 81 allows for enforcement by the MOE or OMAFRA, we believe the MOE should be responsible for enforcement. OMAFRA’s primary mission of supporting and encouraging agricultural

growth could conflict with environmental protection needs. The MOE’s primary mission and skills are environmental protection. The regulations should be drafted with significant MOE input and compliance enforcement should be left solely with the MOE. However, OMAFRA should be required to complement and support the MOE by being held more accountable for environmental protection as part of its mission statement, programs and measured objectives.

(5) Funding, resources and training: unless there is a very large and upfront infusion of funding, resources and training, the new regulations will not have the desired impact. Rather than a gradual ramp-up, there will be a need for a larger amount of resources through the early years to accomplish the change. This is of particular concern given the cumulative effect of recent cutbacks to the MOE and OMAFRA, which will be primarily involved.

Resources will be needed for increased staff to approve and strengthen a massive increase in nutrient management plans, conduct compliance audits and enforcement, measure success and provide capital for facility improvements such as municipal treatment and small farmers’ manure and livestock containment. It would be better to fast-track the change rather than dragging it out for years and risk losing momentum or the political will to continue.

Any new farm-support funding programs related to the implementation of the act should be linked to verifying continued compliance with the new Nutrient Management Act and regulations.

Taxpayer-funded support should be oriented toward smaller farm operations and not larger factory farm operations. These larger operations should have the economies of scale to be able to manage costs of compliance.

(6) Performance measures: success measures should focus on the end result and not just the tools and steps to get there. While both are needed, measuring pollution levels in groundwater, streams and lakes gives a better indication of the end result being achieved than counting how many farmers completed a nutrient management plan. End measures also indicate whether the tools and steps are working or not and where and what type of further corrective action might be required. They also provide a more meaningful method of communicating results to the general public.

(7) Swift resolution—who is accountable: ensure there is a means for swift, fair, effective and efficient resolution. In a recent example in Huron county, after more than two years since the spill incident and considerable cost to the taxpayer, charges brought to court by the MOE have still not been resolved.

Owners should be assigned some overall accountability for environmental infractions even when sub-contractors are involved in a farming operation. Unless some ultimate responsibility for environmental stewardship is centred on the owner, there will be too many opportunities to abdicate or contract away responsibility, point the finger elsewhere or deny rapid resolution.

(8) The transition: how is the transition going to be handled, given that the new legislation will be gradually implemented and replace municipal bylaws? This issue must be clearly sorted out to avoid public confusion, extra work for municipal officials who are already stretched, and ensure continuity of current environmental protection.

(9) Regulation input: it has been indicated that stakeholders should be involved in this process. How will you ensure that community groups such as PROTECT have adequate input in drafting the regulations?

In conclusion, Bill 81 and the discussions arising from the Walkerton hearings reflect the serious deficiency in current legislation, regulations and enforcement in Ontario to provide adequate environmental protection. We encourage the province to rapidly implement a moratorium on the further expansion or construction of liquid manure livestock facilities for several months until the new regulations are in place.

**The Chair:** Thank you, Mr Cooper. Your timing was right on. We do not have time for any questions.

**Mr Steve Peters (Elgin-Middlesex-London):** On a point of order, Mr Chairman: Will we be provided with a copy of what was presented to you, what they used for the Walkerton inquiry?

**Mr Cooper:** You're talking about the Sierra—

**Mr Peters:** A Proposed Framework for Managing the Impact of Agriculture on Groundwater.

**The Chair:** This one here? Is this the Sierra Club document?

**Mr Cooper:** That's the Sierra Club report. I made one copy.

**Mr Peters:** I meant through the Chair, through the committee.

**The Chair:** Yes, this Sierra Club report can be made available. I'll return it to the clerk.

Thank you, Mr Cooper. I would now call forward the next delegation.

**Mr Cooper:** There are no questions?

**The Chair:** You've used up your time, sir.

**Mr Cooper:** I used 12 minutes, sir.

**The Chair:** We have 25 delegations today. We have to keep on time.

#### HURON COUNTY FEDERATION OF AGRICULTURE

**The Chair:** I now call forward the Huron County Federation of Agriculture, our next delegation. Gentlemen, we would ask you to give us your names for the purpose of recording on Hansard. We have 15 minutes.

**Mr Charles Regele:** Good morning, Mr Chair and committee. My name is Charles Regele. I'm the Huron federation of agriculture president. I have with me Evert Ridder to help answer any questions following our presentation. Evert is a member of the Huron County Surface Water Quality Coalition as well as a regional director on our board.

The Huron County Federation of Agriculture, working on behalf of its 2,200 farm family members, appreciates the opportunity to comment on the proposed Nutrient Management Act. We feel it is important for the committee members to realize the scope of the agricultural industry present in Huron county. Huron has the largest annual farm gate sales relative to other counties in Ontario. In fact, the half-billion-dollar sales in farm gate sales rank Huron county seventh in comparison to provinces, placing it behind BC and ahead of the four Maritime provinces. So it is fair to say that when we discuss Huron county, we have to realize that agricultural production is the backbone of our community and our economy. The county federation has been actively involved with municipal councils, county council and commodity organizations to address the issues surrounding nutrient management and associated bylaws. As well, we were the catalyst for the formation of the Huron Farm Environmental Coalition and have active members on the Huron County Surface Water Quality Coalition.

The Huron County Federation of Agriculture supports the establishment of legislation that will regulate the use of nutrients on agricultural lands through the enforcement of nutrient management plans. We fully support the intention of the legislation that there be consistent regulations and standards throughout the province, based on the capability of the land to carry the nutrient load in an environmentally sustainable manner. It is our feeling that ownership of land or business structure of an operation has no bearing on sound scientific nutrient management principles. The patchwork of bylaws that presently exists does nothing to clarify the responsible use of nutrients. The development and enforcement of an individual nutrient management plan will take into consideration the site-specific parameters of utilizing the nutrients produced.

We see the gradual phase-in for compliance according to category of operation as an appropriate method. We have always maintained that all farmers need to be responsible for the nutrient application that they produce or use in their farm operations.

#### 0920

We feel the general legislative blueprint as presented is satisfactory. However, we need to emphasize that the resulting regulations will tell the tale as to how this legislation will affect our individual operations on a daily basis. Having said this, we cannot emphasize enough that it is vital that debate takes place on these regulations/standards and that farmers and their organizations be consulted in their development.

We need to ensure that the categories and their corresponding standards are appropriate for the size of operations. The standards and regulations cannot be such a burden as to eliminate a segment of farms currently operating. For example, if we make standards for storage of nutrients that I cannot meet presently in my dairy operation, and it requires an outlay of cash to comply, I will have a few options to think about. I could spend the money to comply, but may think of expanding my

operation to cover the extra overhead costs; or I could just decide to leave the dairy business, perhaps even sell my farm. Again, this proves the point for full participation by farmers in the development of the regulations. It also brings up the issue of the costs associated with compliance. It is our belief that if complying with a regulation adds to our operating costs and has no benefit to our financial bottom line, then financial assistance should be made available. If the regulations are for the protection of the environment, which is the common good, all of society needs to assist in covering the expenses.

The Huron County Federation of Agriculture certainly has a concern that there is no ministry named as the lead agency for this legislation. We support OMAFRA to be the lead ministry and would like this to be seen within the legislation itself. Handing the responsibility off to another agency, especially one outside of the government, we feel would be a mistake. The cost of compliance and enforcement needs to be borne by the provincial government as the benefit is to all of society. A corresponding increase in OMAFRA's budget to ensure that they have the resources to fulfill these duties needs to be addressed.

Huron county currently has a peer review committee established to investigate concerns regarding nutrient management. We would like to see the legislation provide for this as a requirement and not as an option. We feel such peer groups could easily be used to provide assistance to enforcement of the regulations, as they know what local conditions and management practices are used and are in a good position to develop solutions to ensuring compliance.

Any enforcement of the regulations will require inspections by individuals. It is so important that bio-security protocols be referenced within the legislation and regulations. As farmers, our livelihood is directly related to our ability to produce a safe food product. This ability must be upheld in the context of enforcement and inspection authority which this legislation lays out.

It has been the policy of the Huron County Federation of Agriculture that repeat offenders of current environmental protection legislation be subject to escalating fines. This policy also applies to this legislation. Having said this, we need to ensure that the appropriate processes of appeal contained in the legislation also be upheld. Farmers should not be held liable for any inspection or audit costs to ensure compliance. As we have stated earlier, all of society needs to share in the costs of ensuring compliance.

In closing, the Huron County Federation of Agriculture supports the need for legislation that will support sound agricultural practices and that will provide protection of our environment. With proper regulations, all sectors of society should be able to live and work together. Farmers in Huron county are a vital part of our community. We live and work here, we have a vested interest in protecting the environment for ourselves and future generations.

We thank the members of this committee for the opportunity to participate in the consultation. The legisla-

tion and its resulting regulations need to ensure that the largest industry in Huron county, and the second largest industry in Ontario, remains strong and competitive.

**The Chair:** Thank you, Mr Regele. We have about a minute for each party for any comment or question. We begin with the Liberal Party.

**Mr Peters:** I guess I'll use part of my minute to urge any future delegations to take a short amount of time and allow more questions, because from my perspective and I think a lot of people's, the questions are the best part.

Peer review committees: what is your opinion? Many times peer review committees are made up of producers and politicians. But there's another factor out there and that's the non-farm rural resident. What's your opinion on the makeup of the peer review committees and the importance of having non-farm rural as representatives on those committees?

**Mr Evert Ridder:** I would like to answer the question. Our peer review committee is made up of farmers who work voluntarily. There is no liability coverage for those farmers. They try to help; it's set up on a temporary basis. In our view, this committee should be made up of farmers who know what is going on in agriculture. They quite often can help to resolve problems before they get out of hand. If the farmer comes to another farmers and says, "Can't you do it this way?" it might work a lot better than when a person who is not related to agriculture comes and says, "You've got to do it this way."

**Ms Marilyn Churley (Toronto-Danforth):** Thank you very much for your presentation. Just following up on that, one of my concerns—and we've heard both sides—is around the legislation being able to supersede any municipal bylaw, and you made your position very clear on that. But of course, there are others who feel really strongly that the local municipality should have a say in the development of land in its own jurisdiction. Should the government go ahead and not allow municipal bylaws to have any say in the size of farms or any of the questions before us today? How would you see the non-farm community being involved in some way? Otherwise, you're just going to have a provincial government from on high, which doesn't necessarily understand the community as well as the local municipality and the people who live there. How would you see the involvement of the local municipality and the residents?

**Mr Regele:** When I was over at Kirkton, I understood that there was a section there that did give a little bit of leeway, very little leeway, however. The farmers in our board feel the position of that should be that they have no different legislation compared to their competitive neighbours. That should be across the province. It's very hard to say at this time because what has been passed to us is just a framework, but I do believe there is a section there that would allow for a small part of input into that.

**Mr Bert Johnson (Perth-Middlesex):** You mentioned the costs of conforming to, and that would be manure storage and things like that. Part of that will be the provincial government, I assume, and it gets its money from taxation. I wanted to know how you feel

about taxing those farmers who use dry manure, and have for generations, if it's all right or your feeling on taxing those to pay for the storage and so on of liquid manure.

**Mr Ridder:** I do believe that today's farm economy does not allow for much input that does not add to the bottom line. We are asked to do things that benefit the environment but do not give us any extra income. Those things benefit society as a whole and we feel that society as a whole should be able to fund some of that.

**The Chair:** I wish to thank Mr Ridder and Mr Regele. We appreciate your input.

0930

PERTH COUNTY  
FEDERATION OF AGRICULTURE

**The Chair:** I now wish to call forward our next delegation. Our next group is the Perth County Federation of Agriculture.

**Mr Brent Royce:** I'm Brent Royce. This is Paul Verkley.

The Perth County Federation of Agriculture wishes to thank the justice and social policy standing committee for the opportunity to participate in the consultation process on Bill 81, the proposed Nutrient Management Act.

As I said earlier, my name is Brent Royce. I farm south of Listowel on a turkey cash crop operation. Paul's farm is down the road. He's a retired dairy farmer now. We are both members of the Perth County Federation of Agriculture.

The Perth County Federation of Agriculture, on behalf of its 1,800 members, along with our local commodity groups and municipal leaders, has been discussing the issues around nutrient management for some time now. The discussions generated show the complexity of the nutrient management issue. Our debates have revolved around the land-based science of nutrient management, domestic versus export production, independent versus corporate controlled farming, risk management of small versus large quantities of nutrients, transportation of nutrients, the patchwork of bylaws concerning nutrient management and the effect bylaws have on beginning farmers like me and established farmers.

It is fair to say that the members discussing the issue have very diverse positions on the subject of nutrient management and the collective issues that surround it. One thing that we are very sure of is the need to ensure that whatever legislation and regulations are in place, farmers must be allowed to prosper economically in an environmentally responsible fashion. The economic factor of having agricultural production in Perth county alone accounts for 30% of the workforce and creates sales of goods both off and on the farm of well over \$1 billion annually.

Agriculture is a lot of things in this province. It provides a safe and secure source of a wide variety of food products for consumers, it is how I make a living, it is how I contribute to the economy, it is how I am a part

of the community and how I provide for my wife and my little baby.

We also realize that farming comes with a lot of responsibilities. As farmers we have the responsibility to care for the land and to ensure that the resources we are in charge of are handled in a responsible manner. We have always maintained that farmers do not have the right to pollute, either by the application of manure nutrients or commercial fertilizers. We appreciate the fact that all sources of nutrients including biosolids are included in the legislation. We feel there is a need for this type of legislation that outlines how individuals applying and supplying nutrient sources to farmland in Ontario will manage these resources.

In formulating our response to the legislation, we have some observations and concerns which we would like to bring forward. The Perth federation supports the intent of this legislation that all agricultural operations using nutrients be required to develop and put into practice a nutrient management plan. The categories that have been explained to the public to date suggest four categories of operations. We certainly support province-wide regulations that are appropriate and feasible to the individual categories. It is vital that clear, consistent regulations apply to all farmers equally in the province regardless of their location. The process of developing a nutrient management plan for an individual operation should be based on science and will identify the capability of the individual operation to utilize nutrients in a manner that protects the environment. It must clearly be understood, that a NMP is a living document allowing for flexibility because of the natural variables that agriculture must work with on a day-to-day basis. The legislation needs to reflect this in its regulations.

The legislation does not identify a particular lead ministry and it has been suggested that third party delivery and/or administration is possible. The Perth federation feels strongly that we need a ministry, and its staff, that understands agriculture to deliver the legislation. We feel OMAFRA needs to be the lead ministry on this legislation to maintain control and delivery of it. We need to ensure that the components of the act are delivered across the province with consistency and that OMAFRA funding should be increased in order to provide this. Downloading the delivery of the regulations to a third party means it will more than likely become a cost to the farmer, and since the benefit of compliance will protect the environment, the costs should be shared by all of society.

The development of the specific regulations establishing standards that farmers will have to comply with must be in consultation with the agricultural community. This consultation must be ongoing to allow for the use of new technology, new research and new management practices.

In 1996, Perth was the first county to implement the idea of an agricultural peer review committee. The committee works to respond to concerns from local citizens about particular nutrient management practices. We feel

that the process works well and, therefore, feel the legislation needs to indicate that peer review committees will be established. These committee members would also be beneficial as independent witnesses in those cases where penalties are levied.

Perth County Federation of Agriculture supports the need for agreed-upon regulations to be properly enforced, regulations that are consistently enforced across the province. Inspectors need to have a knowledge of agriculture and what constitutes a normal farm practice. The power of enforcement and inspection holds with it certain responsibilities. Those officials responsible must be aware of the very specific biosecurity protocols that are in place on individual farm operations. Consultation with farm organizations will be required to develop specific regulations to ensure biosecurity protocol compliance.

With regard to establishing nutrient management plan registries, reviewing nutrient management plans and issuing certificates and approvals, the Perth Federation supports OMAFRA having these duties. The performing of these tasks is an integral part of the compliance of the specific regulations that will be set out in the legislation. Compliance of the legislation is a benefit to all of society. Since OMAFRA's budget is supported by all the taxpayers of the province, these duties should lie with them.

It is suggested in the legislation that records and documents be in an electronic form. We don't feel that the required documents need to be in an electronic form. Considering that all farm operations will eventually have to have a nutrient management plan, it must be noted that not all operators are set up for this type of documentation. Written plans and documents need to be acceptable forms of complying with the regulations.

All of society has to play a part in either enhancing our environment or ruining it. We feel that since proper management of nutrients is a benefit to society, then all of society needs to be part of the solution. We would like to impress upon members of the committee that the government of this province needs to make a long-term commitment to funding the delivery of the legislation. Government also needs to provide funding programs to farmers so that they can comply with the regulations. As farmers it is difficult, if not impossible, for us to recoup these added expenses from the marketplace. As we have already stated, for us to comply is a benefit for all.

There is a need for independent government research into the soil/nutrient/chemical relationships and other options for nutrient management. Nutrients are too valuable for producers not to be utilizing them effectively and potentially too dangerous to the environment if not properly utilized.

In summary, the Perth County Federation of Agriculture wishes to thank you for this opportunity. We need to ensure that whatever regulations are in place, they must allow our agricultural sector to prosper and grow economically in an environmentally responsible way, with minimal impacts on the rest of society.

**The Chair:** Thank you for the presentation. That leaves two minutes for each party for questions. We'll begin with the NDP.

**Ms Churley:** Thank you very much for your presentation. There's never enough time to ask real questions, but you said a lot of interesting things.

One of the concerns we hear repeatedly is that farmers are very concerned about the costs involved here. Is one of your biggest fears that you'll have laws passed that will incur costs and some of the smaller farmers might be put out of business?

**Mr Royce:** Yes. It's tough enough to make a go of it now these days and you add another extra overhead cost and where you have pencilled out is not going to work any more.

**Ms Churley:** This may put you on the spot a little bit, but do you think the really big farms should be treated differently from the smaller farms in terms of paying the costs?

**Mr Royce:** No. The bottom line's all the same, so I think they should all be treated equally and they should all have the responsibility.

**Ms Churley:** OK. Thank you.

**The Chair:** I'd like to go to the PCs.

**Mr Johnson:** It's good to see you this morning and thanks for being here.

You had mentioned in your presentation about the lead ministry being OMAFRA, the Minister of Agriculture, Food and Rural Affairs, and I assume that's in relation to whether it should be the Minister of the Environment or the Minister of Agriculture. I would like to know what your feeling would be on making it a third choice, perhaps, the Minister of Natural Resources, only because the conservation authorities come within that ministry and they would then deal on a watershed basis as opposed to the municipal boundaries. I was wondering about any comment you might have on that.

**0940**

**Mr Paul Verkley:** Sure, maybe I'll catch that one. There's been a lot of discussion around that and the appropriateness of which ministry could do the job. Certainly OMAFRA has all the technical expertise and the history with it to throw in. To expect anyone within the Ministry of the Environment or within the Ministry Natural Resources to be as aware of the normal farm practice, and to get them aware of the farm community and how it operates and in turn have the farm community have any confidence in that ministry, would take an awfully long time. We feel that all ministries are well run in the government, and why wouldn't you use the one most familiar with that area of expertise?

**Mr Johnson:** OK, thank you.

**The Chair:** Thank you, Mr Johnson. We'll go to the Liberals.

**Mr Peters:** I'd like to ask Paul a question—not so much Paul wearing his Perth Federation of Agriculture hat but recognizing that you've been involved in this issue for a long time.

One of the things that we've been hearing virtually from day one, and this is stop number 5, has been the need for more research, Research in a lot of different areas, whether it be understanding how an intensive



livestock operation operates, to soils, to groundwaters, to surface waters and recognizing the intensive livestock operations are something that's of a more recent nature. Do you think that we understand the science of an intensive livestock operation or is this something we need to initiate as a government to conduct research to try and answer the questions or make sure that we better understand what an intensive livestock operation is? Do we adequately understand it or should we be doing more to understand it?

**Mr Verkley:** One doesn't know until one does the research to see if there's anything more to be learned by that research. Clearly, I think we've shown in Ontario that farmers are becoming very aware of intensive livestock, how they handle their farms on a larger and larger scale. There's an awful lot of science that goes into that. There's an awful lot of understanding of that farm operator as to what he or she is dealing with.

Technologies change. As an example, we've switched, basically, over the last 30 years, from a solid manure system to a liquid manure system. There's an awful lot of science around that. That knowledge has been accumulated within the farm operators, within the manufacturers of application equipment and stuff. We've come a long way and we're seeing a lot of effort being put into proper application technology surrounding different types of liquid manure or biosolids or anything else. Every one's a little different.

We always like to see more research being done, because a part benefit of research is that you then get a technology transfer when that research is completed. Sometimes research is simply going out and finding out what's working in different areas as opposed to actually inventing new information—transferring information that's out there somewhere that not everybody knows about and moving that across.

I think that historically has always been the role of the provincial government—through OMAFRA—where you had all these field people that we used to call ag reps etc. Their main job was basically to run around the country talking to the farmers who had some of the better answers or leading-edge technology, utilizing those people in the research they were doing on their farm and spreading that through the rest of the farm community. I don't think we can replace that contact with those innovative farmers and stuff by saying we'll go to the University of Guelph and get all our answers there because, by the time you even identify an area of research you want to go into, farmers have probably been farming with that area of concern for the last five years. They are already coming a lot closer to solutions or knowing what won't work and they just send a researcher in and independently try to do research. We need to be careful when we talk about research—what's our end goal here? A lot of times it's the tech transfer that is the most important part of research.

**The Chair:** Thank you, Mr Verkley and Mr Royce. We appreciate the presentation of the Perth County Federation.

## COALITION OF CONCERNED CITIZENS OF HURON-KINLOSS

**The Chair:** I wish to call forward our next delegation. We now wish to hear from the Coalition of Concerned Citizens of Huron-Kinloss. Good morning, sir. We'd ask you to give us your name for the Hansard recording. As an organization, you have 15 minutes.

**Mr John Welwood:** Good morning. Thank you for allowing us to express our concerns. My name is John Welwood. I live here in Kinloss on the shore of Lake Huron. I am not a farmer and I do feel somewhat like Daniel in the den of lions this morning. What I have to say will probably disappoint or upset some farmers. My main concern is about the new industrial farming, the new type of concentrated livestock operations that we're beginning to see appear in Ontario and North America.

I was asked to be the spokesperson for our Lake Huron shoreline community, which is located in the southwest corner of Bruce county. By way of background, our coalition of concerned citizens group was formed earlier this year. Along with the rest of the shoreline community, we live downhill and downstream from the lands that will be part of a large, concentrated hog operation, if it proceeds as currently planned.

Our main concern with this proposal is the potentially devastating impact of this operation on watercourses already loaded with bacteria and the potential for similar impact on Lake Huron itself. The operator plans to spread millions of gallons of untreated liquid manure over an area that has significant drainage that flows into Lake Huron.

The members of our group consist of many of the residents of the shoreline community at the bottom of the slope and along the lake itself, as well as neighbours and others in proximity to the proposed hog operation on top of the slope. We have grown from an original group of about a dozen anxious ratepayers to a very large, amorphous group, not all of whom are known to me personally. We have solicited signatures and support at various meetings convened to deal with the matter and have over 600 signatures expressing support for the group's position on this issue.

We were and are concerned about the close proximity to Lake Huron. As this new type of industrial farming has spread, environmental laws created when small operations were the norm do not seem to address the environmental risks that come with more intensive, concentrated farm operations. We think this will have a significant environmental impact for Lake Huron and serious health and environmental risks for the communities that live along its shore. We would like to see the Ontario government put strict regulations in place that would adequately deal with the problem of poor manure management. It is with this in mind that we have listed some recommendations we would like to see Bill 81 address.

OMAFRA should do more to discourage the use of liquid manure systems, particularly with new concentrated livestock operation applications. Alternative tech-

nologies are available and relatively inexpensive in the context of the costs of these new industrial, concentrated operations, which would assist greatly in reducing environmental impact on the surrounding community. These technologies might add to the cost of construction, but they would have a tremendous positive impact on the potential risk and on the surrounding land uses and occupants.

Environmental assessments: we feel that the new legislation should recognize the need for mandatory, conditional or scoped environmental assessments for any new concentrated livestock operation proposal. Nutrient management planning is an agronomic exercise which focuses on trying to balance the nutrients applied with the needs of the crops being grown. There is no mechanism in the nutrient management process for evaluating the impacts of nutrients or pathogens in the manure on ground or surface water. There is presently no requirement for potential environmental impacts to be assessed or dealt with through the current nutrient management planning process. It's the opinion of the Maitland Valley Conservation Authority, as well as ours, that there is a very real potential for pathogens to get into the water-courses when liquid manure is spread on tile-drained land. We feel it is essential that the potential environmental impacts of large-scale, concentrated livestock operations be evaluated prior to being allowed to proceed. This would go a long way to address the concerns of the surrounding community.

We would like to see the government make sure that any new operator or owner of a large, concentrated livestock operation prepare an environmental risk plan. This could include things such as a mandatory planting of riparian forests, the establishment of a buffer zone along waterways to reduce surface runoff, keeping livestock out of waterways, identifying drainage outlets of intensive livestock operations and monitoring discharge. The township of Huron-Kinloss has included an environmental risk component in their nutrient management plan bylaw, which sets the bar high for environmental protection. An environmental plan should also ensure strict odour control and prohibition of airborne particulate distribution. Again, the province should be actively working to discourage the use of liquid manure systems.

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Sites being considered for any intensive livestock facility should address more than just the MDS requirements, which are aimed primarily at odour. They should address soil conditions and subsurface soil structure, such as bearing capacity, soil permeability and the depth and extent of the aquifers. Minimum distance separation should also include maintaining adequate distances from environmentally sensitive landscapes. Geoff Peach of the Lake Huron Centre for Coastal Conservation recommends that adequate distances between intensive agricultural uses and environmentally sensitive landscape features should be maintained:

"For instance, a minimum distance could be prescribed between the active farm operation and a water-

course, or a recharge area, or other landscape feature.... Great Lake coastal communities"—like ours—"ultimately feel the brunt of rural non-point source pollution since they are the receiving waters of Ontario's watershed systems. With recreation and tourism being the main economic drivers of many of these communities, polluted coastal waters can have a serious impact on business in the region."

We encourage the government to address this concern in this proposed nutrient management legislation.

Intensive livestock facilities should be required to undergo a regular scheduled performance review by a competent and independent review authority. This review authority could be a municipality, the Minister of the Environment and Energy or a local independent inspection agency. Failure to comply with the local criteria should result in a facility being shut down. Independent third party reviews of intensive livestock operations should be mandatory. They should also include a compulsory monitoring component to determine if adherence to the plan is taking place and whether there is nonetheless an adverse impact to surface and ground-water quality, as well as soil quality. At the very least, a nutrient management plan should be required to receive ongoing monitoring so that it can be adjusted to suit the individual operation. Because it's not a precise science, field monitoring and independent verification are essential.

While it is hoped that the new legislation will provide strong, province-wide environmental protection, it is also desirable for the legislation to allow for a degree of municipal flexibility to meet their own unique needs, as long as any municipal initiative doesn't decrease the environmental protection provided by the new provincial legislation.

Enforcement: while the proposed Bill 81 allows for enforcement by the Ministry of the Environment or OMAFRA, we believe that the responsibility for enforcement should be focused on the Ministry of the Environment. OMAFRA's primary mission of supporting and encouraging agricultural growth could conflict with the environmental protection needs. In addition, the Ministry of the Environment's primary mission is environmental protection. For these reasons, we think that the regulations should be drafted with significant Ministry of the Environment input, but the enforcement to ensure compliance should be left solely to the Ministry of the Environment.

Funding, resources and training: it's important for the government to commit funding, training and resources immediately to ensure that the new legislation will have the desired impact. Without increased staff to carry out nutrient management plan compliance, enforcement and success measurement, it's highly unlikely that the new legislation will encourage environmentally responsible farming practices.

In closing, we remind you that our group, although quite amorphous, is comprised of farmers, cottagers and permanent residents who have a very real concern about

our Lake Huron environment. The Walkerton tragedy has made our community more aware of the dangers of liquid manure and its potential to pollute our ground and surface water. It is essential that Bill 81 will restore the confidence of Ontario citizens that our water will not be at risk.

Thank you for allowing us the opportunity to provide input.

**The Chair:** Thank you, Mr Welwood. You've left two minutes for questions from each party. We'll begin with Mr Murdoch of the PCs.

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** You mentioned in here that maybe there should be forests planted and streams fenced and that. Would you feel that maybe the province should pay for that, that everybody should pay for that, or where would you put that cost?

**Mr Welwood:** I feel that Ontario society should be paying for it, everyone, not just the farmer. If that means that our food costs go up, that's fine, but it's the price we have to pay. There's no way that we can ignore the environment.

**Mr Murdoch:** No, I'll agree with you on that. It's just that some costs may put farmers out of business, so you have to figure out who's going to pay for this. You feel then that should maybe come from the province?

**Mr Welwood:** I think from the province and not just from the farmer. I think for the small farmer especially, there should be a special understanding for his situation. Again, my main concern is with the industrial-type operations that we're beginning to see appear.

**Mr Murdoch:** Where we get into problems is that there are a lot of rivers and streams, and if we have to start fencing them all, farmers couldn't afford to do that.

**Mr Welwood:** There should be, hopefully, some subsidy to help the farmer do that, some program.

**The Chair:** We'll go to the Liberals.

**Mr Peters:** John, thanks very much for your presentation. On page 1, you talk about banning liquid manure systems. You further go on to state in your presentation that "alternative technologies are both readily available and relatively inexpensive in context of the costs of the new industrial concentrated operations." I was wondering if you could expand, and not necessarily today, on some of these alternative technologies, or perhaps if you could prepare a package for us that could be made available to us just so that myself and my colleagues understand.

**Mr Welwood:** I would be very glad to do that. I have a couple of samples here today, but I would be glad to prepare a package and send it to you.

One article I have today is an operation that's out in Saskatchewan. They have a 5,000-hog operation. It's a dry compost system of sawdust. It probably requires more man-hours. He has to move this out by a bucket on a daily basis, I think. It's combined with straw. The odour is not a factor, it's eliminated, and he's left with a product where the pathogens are removed and he's able to sell some of this stuff that's left over commercially for

gardens. There aren't any complaints by the surrounding communities.

That is one source. Another is Byron Ballagh of Ballagh Liquid Technologies from Wingham, who has a system. I don't know very much about the actual mechanics of it, but I understand that he can remove the pathogens from the liquid and render the liquid harmless. There are alternatives out there. I just think there has to be an economic incentive for farmers to use it, if they can be convinced in the long term that these technologies are workable and will work—

**Mr Peters:** At a cost.

**Mr Welwood:** —at a cost—and that in the long term, it would be an economic advantage, it would be worth trying out.

**The Chair:** We'll go to the NDP.

**Ms Churley:** Thank you very much for your presentation. One of the areas of controversy—and I asked this question before—is around local control, local say. Of course, regulations have to be developed yet, and I'm sure you will want to be part of that consultation. But that's quite controversial. AMO came before us and suggested that they would like to see some local control. However, it's my understanding that this municipality—and I know they can speak for themselves, but they're not—would rather have the province take it over. I just want to hear your opinion as to how you see this unfolding in terms of local control over what happens on their own land.

**Mr Welwood:** I can certainly understand the municipality's reluctance to want to have to deal with the issue. From their point of view, I can see they would like to just have it sloughed off to another level. My concern, living in the community where we live, is that if we have province-wide regulations, it's perhaps not going to address the unique nature of our shoreline and our community concerns. We would like to see some flexibility in our municipality to deal with our specific case. We feel there's a significant drainage into our area and it may mean that we need more protection from large, intensive livestock operations.

**Ms Churley:** Than some other jurisdiction might, depending on the soil and the headwaters and things like that.

**Mr Welwood:** Yes.

**The Chair:** Thanks, Mr Welwood. We appreciate the Coalition of Concerned Citizens of Huron-Kinloss for coming forward.

**Mr Welwood:** Thank you for allowing me to contribute.

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JIM LUCAS

**The Chair:** I call forward our next delegation, James Lucas. Individuals have a 10-minute presentation. I'll advise the committee that there are just two copies of the presentation. There is no photocopier here. The clerk will

forward copies of the brief to MPPs' offices. We would ask you to identify yourself for Hansard, sir.

**Mr Jim Lucas:** My name is Jim Lucas. I live in North Perth and I'm a dairy farmer. I'm here representing myself. I am going to do a different presentation today. I'm dealing more with the regulations and the building process that goes on within the province and that's what I'll be speaking on.

My first point is, what good is a nutrient management plan on an overbuilt barn? If I intend to build a new dairy barn this year, I'd simply fill out a nutrient management plan and switch from the old bank barn to a new barn, but I'd build an overbuilt barn and start in the fall and do a factor C at one stage so as not to get caught up in regulations. When I get the new barn built, I'll just simply keep the old barn that I've already promised to tear down, and I'll have a nutrient management plan stating that I have 100 animal units, when actually I'll have 300 animal units in this building process. When I get that done, in two years I'll be able to apply to build a second stage and do the same thing again. I'll build another 200-head facility and then turn around and have a nutrient management plan for another 100 head on that 200-head barn. The way I will do that is I'll get cement building blueprints to a building inspector which are phony.

We all know that I'm full of hops in what I've just said, because I'd never be able to get the financing and afford to buy the quota, but in theory I should be able to cover the whole farm with a barn. It's just simply too costly to do that. But in beef and hogs, where there is no quota, it's a different proposition.

For those of you who have this pamphlet, it shows a proposed plan for somebody in North Perth a few years ago, in 1994, and they're proposing to build four 2,000-head barns at a 700-foot setback. This plan was submitted to the principal engineer. On our second page it shows how he should have a separation distance of 1,220 to 1,300 feet under the MDS. This plan was subsequently issued a warning by the principal engineer at the time which states, "to relocate barns to meet separation distances to houses or purchase the houses."

So it posed a bit of a problem. At that time, the principal engineer, on the next page, outlines a plan on how to do a factor C and then the distinction between "new" and "existing." As soon as a barn is built it becomes existing, and by that you just simply—that's the second loophole—declare it "existing" and then you file for a new expansion and you can double up that operation again. The other page, page 5, is simply more of that.

This agricultural operator who filed the initial plan starts thinking about this and he says, "OK, this is fine. I want to build a 2,000-head barn," but he does the paperwork for 1,000 head, and that comes in where the 6,000 head appears on the top of page 6. There are two cycles in a weaner barn per year, giving you six cycles. Every eight weeks a different cycle comes in.

If you turn to the next page, we have a blueprint submitted by this agricultural operator and it says "a

proposed 1,000-head barn," but if we do the math on the square footage on the Canadian building code's plan M3000, we'll soon discover that it's not a 1,000-head facility, it's a 2,000-head facility, and it indicates that it's got a 400-foot setback. If you turn over the next page, page 8, it indicates that a real estate sale on a hog farm near Listowel is \$28.80 a head. That's fine, but if we get the compliance out, which is on the next page, it shows how 1,440 head of weaner pigs are supposed to be contained within that barn.

To me that proposes a bit of a problem under the Canada farm plan which is on the next page, plan M3000. If we look down the third column there, it shows that 2.2 to 3.3 square feet per pig is the required space placement for that kind of a facility. So if we work out the math on the next page, we'll find that the barn sizing on the first situation was 84 by 160, divided by the 2,000 weaner pigs, and you come out with 3.84 square foot per weaner. That's not too far off; it's only slightly overbuilt. If we look at the second situation, situation B, we find that the barn sizing was 54 by 200, divided by 1,440 pigs, and it comes out to 7.5 square feet per pig. That should have made a little bit of a red light go on with our building inspector and our principal engineer.

The next page contains two guideline booklets from our MDS. In column one—

**The Chair:** Excuse me, Mr Lucas, I just want to caution you with respect to some of the documents that have other people's farm addresses and names on them. I will mention that in these hearings an MPP, for example, is protected by parliamentary privilege against lawsuits and things like that. I should caution you that when you are presenting this in public, it's being recorded by Hansard. You are submitting this to the committee.

**Mr Lucas:** I think you'll find that there are no names on any of that stuff.

**The Chair:** I thought I read some names. I just caution you on that.

**Mr Lucas:** They're not supposed to be on there.

**The Chair:** We could check if there was a problem. You may want to remove a page or two from the evidence that you've presented.

**Mr Lucas:** OK, I can do that.

**The Chair:** I just wanted to caution you on that.

**Mr Lucas:** Thank you, sir.

You will find that under the MDS II there is no distinction for what covered storage is, particularly underneath the slats in a barn. This kind of enters into a grey area. If you talk to any of our OMAFRA officials, there is no definition for what that is. So if you see a new barn being built someplace and separation distance for the manure tank generates quite a substantial increase, you'll know that a building inspector is using that loophole. That's the distinction.

On the two loopholes, I can understand why Keith Clark drew them up in the MDS way back in the 1970s, like factor C and the distinction between "new" and "existing," because we had to have some kind of room in the future for expansion. I agree with what Huron county

is trying to do within their official plan, that there should be a three-year wait process before you can just double up your operation, such as I have indicated. There's no distinction, once again, between what a sink full of water is and what a barn storage is or an outside tank.

Earlier this year, I had the privilege of listening to one of our great planning minds in the province and it seemed to me that his opinion was that the Canadian building code was the only thing that we needed to honour, that none of the Planning Acts within municipalities seemed to matter much, only that the rights of the person who is applying for the building permit are honoured. I think the province-wide standards are going to do away with municipalities' rights. It seems to me that's the only protection that we, as private citizens, have, these municipal bylaws. I don't think we need another batch of useless guidelines. Guidelines are great from a provincial standard because there's no interpretation, no regulation and no enforcement. I don't think a one-size-fits-all approach is the way to go here. There are a lot of us that have small family farms and we need some funding to fix up these manure storages. A one-third grant such as the CURB project would be just great and then a tile-drain-style loan for the balance—

**The Chair:** Mr Lucas, I'll have to interrupt you again. I think you're referring to an active case before the courts that would not be within the purview of this committee. If you wish, I can read this cautionary note again. I think this is very important.

**Mr Lucas:** I'm finished.

**The Chair:** Fine. Our time is pretty well up anyway. You can touch base with the clerk as far as the submission that you presented in writing.

**Mr Lucas:** OK.

**The Chair:** Fine, then, Mr Lucas. Thank you very much for that presentation to our committee.

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#### PATRICK LYNCH

**The Chair:** I'd like to call forward our next delegate, Patrick Lynch. Is Mr Lynch here? Good morning, sir. We have 10 minutes for individuals.

**Mr Patrick Lynch:** Thank you very much for this opportunity to speak to this delegation. I'm very impressed with the depth of the questions that are being asked. It shows a great understanding of some of the issues.

I come representing myself. I have worked with the farmers in this area for 29 seasons now in terms of growing crops and working with manure and how it can be utilized, having worked for a number of seasons with the Ontario Ministry of Agriculture, Food and Rural Affairs. I'm also the vice-chair of the certified crop advisers of Ontario. Unfortunately, we do not have a position developed at this time, so I am not representing any of their opinions. All opinions expressed are my own.

I have two issues with the present act as it stands. I have read through it thoroughly and I am very surprised at how well it has addressed many of the concerns. I am impressed with it. There are two concerns I have which are really not inside the act, but we're getting ready for the next round.

The first is with the standards and regulations. I'm very concerned that the standards and regulations be separated into two components, one to do with the engineering aspect and the other to do with the management of the nutrients that are on the land. Currently, they're all thrown in together under one piece of software, as it were, under one set of rules. The engineers are reviewing the standards for the building, the minimum distance, the storage, and are also reviewing the area for crop production. I feel very strongly that the engineers are well versed in the part dealing with structure and storage but not so well versed in the area of agronomics.

As we go down the road, I believe that all farmers will have nutrient management plans. Certainly, the cash croppers do not need an engineer to be looking at how they're applying their nutrients. There are livestock buildings out there now that could be better with the help of engineers.

The second part has to do with the piece of software that is now ruling and dictating all of our current nutrient management plans. It is an outdated piece of software in terms of technology. It's very frustrating to work with. If this piece of software is to be the main part of this legislation, we are in trouble. I have a lot of respect for the engineers who are working with it. I would hope that one of two things happens: within the Ontario government they will find new monies to help the people who are developing this software to make it much more user-friendly; alternatively, I hope that it would be possible that outside companies could develop software that would get to the intent of this bill with a lot less paper. One that comes to mind right now is a nutrient management plan for a farm outside of Clinton. It expanded to about 60 cows, with 300 pages of paper for this type of an expansion.

Those are my two issues. I would gladly entertain any questions if anybody has them.

**The Chair:** Thank you, Mr Lynch. That leaves us two minutes for each party. We now commence again with the Liberal Party.

**Mr Peters:** With the points you raised here, who should be the leader in dealing with these issues? Is this something that should come from the agricultural community or should this be driven by us, the government; specifically, any ministry?

**Mr Lynch:** As far as the standards and regulations, I feel very strongly that the Ontario Ministry of Agriculture, Food and Rural Affairs should take a lead as far as establishing the standards. Again, under the OAS system, the engineers could be looking at the engineering standards, even as they apply to silo gas or manure gas, as we saw with this building collapsing. But in terms of rates of fertilizer, how the nutrients interact in the soils,

that should be under soil scientists. The Ontario Soil Management Research and Services Committee would be the obvious place to put that and say, "OK, Ontario Soil Management Research Services Committee, you come up with the soil and fertilizer standards." So within the Ontario system there is already a place to have two sets of regulations.

**Ms Churley:** Thank you very much for your presentation. As you know, and I think you mentioned in your presentation, regulations are to come—

**Mr Lynch:** That's right.

**Ms Churley:** —and we don't know what those are going to be yet.

**Mr Lynch:** They scare me.

**Ms Churley:** They could be strong; they could be weak. That's going to be an opportunity for people who want to have a say to be consulted. For instance, it's the first I've heard about the particular software program, so I thank you for bringing that forward. You do mention that would be yet another cost. The government members are hearing that this is going to cost money.

**Mr Lynch:** That's true. There are other software programs available, if municipalities or if we had the right to use other software that was more friendly in terms of inputting data and taking it out.

With the standards and regulations, the way the standards are within the present NMAN program, which is the software, there are a lot of glaring discrepancies. There are a lot of areas where the research of the day is not being followed in the execution of it. I would suggest that if those standards and regulations are not adhered to as soon as the first nutrient management plan is passed under Bill 81, we will have both sides lining up and saying, "These are flawed," because the standards as set out are full of flaws. That will set the whole protection of the environment back.

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** Thank you very much for your presentation. A couple of days ago we had a presentation from a turkey farmer and he said, "Education and certification for nutrient application should be required by both large and small operators at the same time." But I think I heard you say that cash croppers do not really need engineers to oversee the application of nutrient management. There seems to be somewhat of a clash here. Can you clarify this for me, please?

**Mr Lynch:** Yes. I would suggest that the overseeing of the nutrients by the cash croppers should be done by agronomists rather than engineers, so that a nutrient management plan that a cash cropper would draw up would be looked at, reviewed, and the standards set by agronomists rather than engineers. My vision is that, yes, everybody will have a nutrient management plan, but the guidelines and the standards for the cash cropper who is just dealing with fertilizers, or certainly the horticultural people—who I am very concerned about, especially as we get into specific quality requirements for these horticultural crops—the standards and the interaction with the soil they're working on must be looked at or those

standards set up by an agronomist/horticulturalist rather than by an engineer.

**The Chair:** On behalf of the committee, I wish to thank you, Mr Lynch, for the input today.

#### BRYAN DURST

**The Chair:** I would like to call forward our next delegation. We have listed Bryan Durst. Good morning, sir. Individuals have 10 minutes.

**Mr Bryan Durst:** Thank you. Good morning, everyone. I'd like to thank you for the opportunity of addressing Bill 81 here today.

My name is Bryan Durst. I am a farmer. My farm is located approximately five kilometres straight north of here. On it, along with my wife, Mary Grace, and my two children, Kendall and Tyler, we produce eggs, beef and crops. I was raised on this same farm that I now own, making me a member of this community for over 42 years now.

The proposed legislation on nutrient management will have a direct impact on not just my family, but on each and every family in the many communities here in Huron county.

This issue has already caused quite a bit of interest and debate among local residents. As you probably know, some townships in Huron county already have passed bylaws related to manure handling and livestock expansion.

This is why I believe, like many others around here, that Bill 81 is a very important initiative. Not just because it will help to protect our environment, but also because it will help to promote harmony among all residents of rural Ontario.

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My wife and I certainly share the ministry's interest to develop consistent and reasonable standards: consistent from the standpoint that all regulations should be applied equally and fairly across the province; and reasonable from the standpoint that the regulations should not place burdens on farmers that may force them to exit the industry. It only makes good sense.

For farming communities like mine, a healthy environment is directly linked to a healthy economy. To farm productively it requires that we preserve natural resources like water and soil. The way we manage these resources today will determine our future.

In the egg industry, we currently have an extensive on-farm food safety program. Our provincial association is currently working on incorporating best-management manure-handling practices into this same framework. I am pleased to hear that this legislation will build upon best-management practices as well. Best-management practices have been developed by farmers, whose livelihood depends upon preserving the environment.

Still, for this legislation to be truly meaningful, all farmers must adhere to the same province-wide management practices. Any regulations to come should be based on the environment, not on what municipality we farm in.

I am sure that when this legislation is enacted, farmers will be facing new investments to meet the new regulations. Most farmers I talk to recognize this and are willing to move forward. But I am here to today to tell you that, as a family farmer, the new investments must be reasonable.

Most egg producers I know are self-sufficient in terms of educational and training programs. Adopting new practices based on this new legislation will be no exception. However, the government still needs to help our family farms in terms of capital investments.

The province already issues tax credits to large 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 this government. I'm not suggesting that a blank cheque needs to be written here. I am suggesting that when this is being considered serious thought go into who benefits from the required changes, and then costs should be shared accordingly. As a farmer, I state to you that I am willing to pay my fair share.

I have heard some individuals suggest that a minimum amount of land may have to be owned by each farmer, based on the number of livestock. This would put a huge burden on small-acreage livestock producers without doing anything to address the environmental issue. The real issue is that manure needs to be properly applied to land that requires it to grow crops. A nutrient management plan addresses this. If a livestock farmer has an approved nutrient management plan that includes spreading manure on neighbouring lands, would this be less environmentally friendly than if he owned the land? I suggest that the answer has to be no. The focus needs to be on applying the nutrients properly and in the right quantities, not on who owns the land.

As with any rules, enforcement becomes an issue. I hope we don't have a power struggle looming, with both the OMAFRA and MOE wanting to enforce the act. I do believe there is a role for both of them to play: OMAFRA should enforce nutrient management and farming practices while MOE would look after pollution spills and infractions. This would utilize the strengths of both ministries and it should save a lot of money that would otherwise have to be spent on training.

I mentioned earlier that I have lived in this community of Colborne township for more than 42 years. Actually my roots go even deeper, as my great-grandfather moved here over 125 years ago. He raised my grandfather here, who in turn raised my father here. I tell you this to illustrate how committed I am to preserving our natural resources. There are many farmers who could tell the same story as that. As farmers we live and we raise our families in the same surroundings that we work in every day.

I make my commitment to you today that I will accept and abide by Bill 81. I ask for your commitment that you will bring Bill 81 to law in a form that has province-wide uniform standards for all, government help for required capital expenditures and a reasonable time to comply.

Thank you very much for giving me my say today. I'm happy to take any questions.

**The Chair:** We have just over a minute for each party. We now begin with the NDP.

**Ms Churley:** Thank you for your presentation. A couple of people mentioned earlier that they participated in the CURB program that the NDP government brought in. Were you involved in that personally?

**Mr Durst:** I was not. I have an interesting story to tell about that.

**Ms Churley:** I don't know if you have time, especially if it's bad.

**Mr Durst:** Very quickly, I applied to that program. I was refused funding and the reason was that my farm did not pose a serious risk to the water quality in the area, which should be good news, but I felt there were things there that were a problem that I've changed since.

**Ms Churley:** I think it was good program. It was a small program. Would you recommend that we bring something like that back?

**Mr Durst:** It would certainly help. We need something along those lines.

**The Chair:** We go to the PCs.

**Mr Ted Arnott (Waterloo-Wellington):** Thank you for your thoughtful presentation. I thought it was excellent, and we really do appreciate the advice and the constructive suggestions you brought forward.

One of the issues you raised was the idea of ownership of land: should the farmer be forced to own all the land that would be used for the application of nutrients? That is one of the crucial issues, I believe. I'm hearing in my riding that some people feel that should be the case; you're suggesting that should not necessarily be the case. Would you agree that there has to be some sort of a long-term contractual arrangement so that farmers have absolute assurance that they're going to have a place to put their nutrients if necessary?

**Mr Durst:** Absolutely, yes. I'm not suggesting that it could be willy-nilly. There have to be those agreements in place if a person does not own the farm.

**Mr Arnott:** Would you support any sort of a land-ownership component requirement or would you feel that—

**Mr Durst:** I would rather look at good science and focus on applying the proper amounts in the proper places.

**Mr Peters:** One area you didn't touch on—and I would just like to get your thoughts on it—is the question of inspectors' rights and biosecurity. What concerns would you have about the rights of an inspector to enter your farm from a biosecurity standpoint?

**Mr Durst:** As a poultry farmer, we locked our barn before we used to lock our house. So it's definitely a concern. However, I also recognize that we have to be open to it. There may be times that personnel have to come on the farm. I believe that will be a right of the new act which I can support, but we need to make sure those inspectors are trained.

**The Chair:** On behalf of the committee, we wish to thank you, Mr Durst, for this input.

#### COUNTY OF HURON

**The Chair:** Our next delegation is Huron county. Could we ask all three of you to give us your names for Hansard and then we can proceed. We have 15 minutes.

**Mr Ben Van Diepenbeek:** Thank you very much for the opportunity to address this committee. I'm Ben Van Diepenbeek, chair of the ag and public works committee at Huron county. With me here today are senior planners Wayne Caldwell and Scott Tousaw.

**Mr Wayne Caldwell:** I'm Wayne Caldwell and I'll be making the majority of the presentation this morning.

Thank you for the opportunity to present this morning. This is a complex issue, as I'm sure you've come to appreciate, with many different yet valid perspectives on it. From the Huron county perspective, there is a clear recognition of the need to find the appropriate balance between appropriate regulation, environmental protection and the realities of agricultural production.

Recognizing our time limitations this morning, we have provided you with a detailed copy of our report. In fact, we have three items: this item, which is the primary report; the green document, which is supportive materials—an extensive study that the county has done on the issue; and you also have a one-page outline, which is what I'll be primarily speaking from, to give you an idea of the notes that we'll be trying to cover.

There are three key areas that I want to address, one of which are some general comments; second, the implications of the legislation on municipalities; and third, what are some of the future directions that we would encourage you to consider.

#### 1030

At the outset, we should say that we've provided significant materials to the government previously, to Dr Galt and Mr Barrett, when consultations were occurring in January and February 2000. There were a number of things we requested at that time: legislation providing clear lines of responsibility; clear enforcement and penalties; that we deal with large operations in a somewhat different manner than small operations; and we suggested that minimum standards would be appropriate. I think it's fair to say that we're pleased to see that those items have generally been addressed in Bill 81.

Of the three items that I'll be referring to, I would like to start with some general comments and, again, the one-page outline I've provided you with begins by identifying those.

I think it's fair to say at the outset that the legislation accomplishes a number of things. First, it provides the framework, in my opinion, for equitable standards across the province. Second, hopefully and probably, I think it should provide an overall benefit to the environment in that we should end up with more rigorous rules. It should also provide benefits, hopefully, to agriculture in terms of

providing more predictable rules. I think that's something both sides of the debate requested.

Next, there is the potential within the framework that is being proposed for a much more restrictive framework than what we currently have, particularly that which municipalities have been allowed to work under, given the Municipal Act and so on. It is also fair to say that there is a basis for continued conflict. We might be looking, as a community, for a resolution to the issue that would solve both sides of the coin and in fact continue to have that debate ongoing. That's probable.

Municipalities: it's probably fair to say that the draft legislation, if implemented, would result in NIMBY issues being less pronounced at the local level and probably more pronounced at the provincial level. I think it's fair to say, as a general overview comment, that so much of what we're looking at will depend upon the content of the eventual regulations themselves.

There are a number of implications that we see existing for municipalities. First of all, we can look at subsection 60(1). I'm sure all of you are familiar with it. That's a key section which essentially says that where a municipal bylaw and a provincial regulation deal with the same issue, the same topic matter, the provincial regulation shall override. It leaves a significant set of questions in terms of what that actually means for municipalities. Our take of it would be that municipalities become much less involved in the issue and the provincial government becomes much more involved.

Second, there are a number of unanswered questions, and I appreciate that it's difficult to provide the answers to those as yet, because of course we're waiting for the regulations at some future point. The content of those regulations will be key. Again, it provides the opportunity, through those regulations, to significantly deal with the issue from an environmental perspective both of being too restrictive or, conversely, not restrictive enough. Again, the challenge is to find that right balance.

We find that the legislation, at least in my opinion, provides relatively clear authority in terms of dealing with the issue, again, much of the responsibility being transferred to the province.

There are significant questions—and you've heard it again this morning—around funding and will there be funding available to facilitate compliance. We can look at it from the perspective that if the regulations themselves threaten agricultural viability, that is of course a concern to the community. It's certainly a concern to local economic development and what that might mean. Again, it raises the need for funding to facilitate compliance, and there's research currently being done that would suggest that the large operations are in a better position to deal with compliance than some of the smaller operations. So it probably needs to be targeted in that regard. Also, there is a key requirement for education and incentive programs, as mentioned.

Next, how does the legislation relate to existing municipal bylaws? We have a situation—if we go back to subsection 60(1), it would imply that municipalities will



be less and less involved, yet we've come to understand that the legislation and the regulations will be phased in over time, probably dealing with large operations initially and smaller operations later. It raises the question as to how that legislation will react to local bylaws in the interim. It's quite conceivable that municipal regulations may be more restrictive or less restrictive than the provincial standards, and, if you end up with different-sized operations getting treated differently in the interim, over that five-year phase-in period, then there's an issue of equity there that would need to be addressed as well.

There is a significant question around how we decide if a regulation supersedes a local bylaw. It's been clearly stated—again, subsection 60(1)—that the provincial standards will override local bylaws. How do we decide when and where there's a conflict there and whether or not the local bylaw should be superseded? That's a very significant question that will require attention.

Also, how will the legislation affect local authority to regulate land use? That's a question which has been brought up in planning circles across the province, I think it's fair to say. There's a key criterion included in the legislation which refers to the establishment of minimum separations to geographic features, but there is no definition that I've seen of what those geographic features are and how they might be determined. So whether there's a local role to be played in determining and identifying those geographic features is a key question which would help to answer and perhaps allay some of the municipal concerns around local authority and local planning.

We note that municipalities are essentially out of enforcement and I think there are some positives around that for creating an equity perspective across the province. But there are a number of questions which we would encourage you to think about. Will there be random audits? For example, section 12 would appear to provide that potential. It's certainly done in other provinces with success. Will municipalities be able to request inspections or participate in tribunal hearings when and if they might occur? A really key question is, will the province allocate sufficient resources—and I'm sure the anticipation is that you will—for implementation and enforcement? It's fair to say that in the county of Huron there has been a great deal of energy and effort put toward this issue and we've come to appreciate how detailed it is and how demanding of resources it is.

We also note that section 55 provides the opportunity for delegation and some significant questions around what the implications of that might be for municipalities. We would encourage you to be thinking about that further.

Next—and, again, this is a positive item—the regulations establish a municipal role in the establishment and operation of local mediation committees. Again, we would anticipate further details related to that in terms of the regulations.

I want to move to the final part of my presentation which refers to future directions. These build on the earlier points we've mentioned. These are items which

we would encourage you to think about in further detail as well.

First, the county, given our interest in the issue, is prepared to offer our assistance. While that only represents the assistance, I suppose, of one county, we have put a lot of time, energy and resources into attempting to deal with this issue over the last eight to 10 years.

Secondly, there is a recognition that there are regional differences, and that's part of the challenge in order to deal with this. Personally, I've dealt with this issue in other parts of the province and certainly dealing with this issue in eastern Ontario is very different from dealing with it in the southwest.

Thirdly, we've mentioned local planning already. I'll simply refer you back to the definition that remains undefined of what geographic features are; how we might define those and what the implications might be.

The need to monitor and evaluate is obviously a key component of the legislation. We would encourage you to be thinking about that down the road once regulations are drafted and put into effect to be sure that we're entitled, that we look at them and that we continue to make sure they're working properly.

I have not spoken nor have I heard others speak a great deal this morning about the whole notion of the nutrient management strategy. We've focused primarily on the livestock component, but the requirement for municipalities to complete nutrient management strategies raises a whole host of unanswered questions as well in terms of how that might be impacted with what I understand to be a proposed five-year implementation time frame.

I've already mentioned the provincial resources and the need for those. Again, just to reiterate, it is important that we have dollars to upgrade facilities, and I've mentioned in particular the small and medium facilities and how they might be treated.

It is worth mentioning that we've just started the healthy futures program in Huron and I think it's safe to say with great success already. That's the beginning, if you like, of a program that will be of assistance.

Finally, just to say that again there are further answers that come from further questions which will only come out of the regulations themselves. So in some ways it's difficult to provide a complete overview, because we continue to await what the specific details might be. That will provide a lot of answers to myself and the people behind me in terms of what the implications of the legislation are.

Finally, thank you. I appreciate that I've gone through it very quickly but I wanted to save a few minutes for discussion.

**The Chair:** We have just under two minutes for each party. I'll begin with the Conservatives.

**Mr Beaubien:** Thank you very much for your presentation this morning. You seem to refer quite a bit to section 60. Are you of the opinion that the provincial legislation should override the municipal legislation?

**Mr Caldwell:** I think, if I might, there are certainly advantages to that in many areas. What we're looking for

is a greater degree of equity and fairness across the province. Having said that, there continue to be local circumstances that we deal with, through official plans, as an example, where there are locally important issues, locally important criteria. I think it's fair to say that there be a local involvement in identifying what those are and helping to set the standards around that.

**1040**

**Mr Peters:** Gentlemen, being in day 5 of seeing various presentations, I want to thank you very much. This is probably one of the most comprehensive presentations we've received. It's obvious that, as a municipality, the county of Huron has been proactive on this issue and I commend you for it.

You raise these unanswered questions. As a former municipal politician, we were on the ground right there to deal with the constituents' issues. One of the things I've found is that you're further away from it now at a provincial level. You raise some good points, and I guess I look at it from the perspective of the politician trying to be able to help his constituents.

One of the things that has jumped out at me through your presentation is that if the municipality is not going to be involved in it and all of a sudden it's going to become a provincial responsibility, I'm governed by the Members' Integrity Act, which says that if something is before a tribunal, it's a quasi-judicial body and to back off. Then the constituent, the person out there, doesn't have anybody to turn to. They can't come to me. I can't do anything for them because it's before a tribunal. You can't do anything for them. That raises an interesting issue because, no matter what level, we're all there to serve people.

I guess those are more comments than questions. I thank you for what you've raised here. You certainly have made me think about where we are going with this. Thank you for all the background information.

**Ms Churley:** I'm going to enjoy reading this tonight. Thank you for the reading material. We're going to Owen Sound later this evening.

In this short time, I just wanted to briefly come back to the issue that was raised by the PCs, and that is that the municipal role in this is going to be controversial. We've all received letters from this area from both sides. We know about the controversies in this particular area. There have been some suggestions from some people who have written that because people are aware that this legislation is coming down, there's a push on, and those who want to start up intensive farms are doing it now before the legislation comes through. That's been a concern expressed to me on a few occasions now. Do you see that happening? Are there more of those coming forward at the present time?

**Mr Scott Tousaw:** I think it's fair to say that there are. It's an ongoing issue in the county.

I wish you well in going through the green background document that we've provided because it is fairly comprehensive and it's fairly long.

I guess what I would like to suggest on that note is to point out that there are probably three key sections that I would encourage you to look at. They are the summary of options, which begins on page 6, where there are over 50 options provided for consideration of nutrient management. This speaks probably more to the regulations you'll be dealing with later than it does to the legislation we're discussing today.

In addition to that, I would encourage you to look at the three maps which begin on page 68. They really highlight the magnitude of the issue and probably the reason that you're getting so many letters and comments of concern from both sides of the issue in Huron county. The growth of the livestock sector in Huron over the past five years has been substantial and we are anticipating it to continue. It speaks to the subsection 60(1) issue. This will provide a context for the need for regulations which address the magnitude of the growth that's occurred in places like Huron county.

**Ms Churley:** Thank you. That's very helpful.

**The Chair:** Thank you, Mr Van Diepenbeek, Mr Caldwell and Mr Tousaw. We appreciate the work of Huron county.

#### COUNCIL OF THE COUNTY OF PERTH

**The Chair:** Our next delegation is the Council of the County of Perth. Good morning, gentlemen. We would ask you to give us your names for the purposes of Hansard. We have 15 minutes.

**Mr Vince Judge:** My name is Vince Judge, warden of Perth county. I want to introduce to you Dave Hanley, who is our county planner. I'd also like to acknowledge that in the audience are five of the 10 members of the county council. In the presentation Dave is going to give to you are the comments and recommendations that our county council has put together and asked him to draft. We felt it was only right that he be the one who would actually present it to you.

I want you to know that county council has, as I said, introduced these thoughts for the presentation today and they have supported them as late as last Thursday; therefore, it may be considered an official document from county council.

Perth county along with Huron county are right in the heart of what we feel is the most important aspect of how nutrient management will be regulated. We are very fine agricultural land, probably the best that you're going to find in Ontario, and so the impact is extremely important as to how it's going to affect us.

I'd like to turn it over now to Mr Hanley to make the presentation.

**Mr Dave Hanley:** Thank you. First of all, the county of Perth wishes to thank this legislative committee for accommodating our request to provide you with a submission here today.

The issue of nutrient management is a significant and important issue in Perth and it's one which Perth county council, the councils of our local municipalities and

many organizations throughout the county have been encouraging the province to move on for some time. Over the last few years, the county of Perth has made several submissions to you. Included as an appendix or as an addendum to the submission you have this morning is the report we had given to Dr Galt and Toby Barrett back in January or February of last year. We appreciate the opportunity to share with you our comments today.

Agriculture has been, is currently and will continue to be an important part of the land use pattern of Perth county as well as the economy of Perth county. By way of background, the county is situated in southwestern Ontario and it is probably one of the few remaining bastions of agricultural land use in the province.

County council has taken a strong position in respect to the protection and preservation of our agricultural land resource base as evidenced by the official plan that the county has. I've included an excerpt from the plan in the submission material for your review.

The importance of agriculture is evidenced by a number of characteristics, and I've identified those on page 2 of the submission. I won't read those for you; you can take a look at those at your leisure. But I would draw your attention to point (e) particularly, that 11,134 jobs in Perth county, which is approximately 29% of the total population, are tied to agriculture; and secondly, that \$1.083 billion of sales occur as a result of agriculture on an annual basis.

Simply put, the county council has provided very clear direction that agricultural land resources are to be protected and preserved for future farming generations in Perth county and therefore it should come as no surprise to you that the county has a stake and an interest in this very significant issue.

As Warden Judge has mentioned, the comments in this report have been endorsed by Perth county council; as well, they have been supported by the councils of the township of Perth East, the town of North Perth and the township of Perth South. I understand that the municipality of West Perth will be making separate comments to you this afternoon.

The comments that we have are intended to hit on the major points, not be all-encompassing, and the comments are as follows:

We continue to support the principle that all farm operations should be subject to nutrient management and have suitable nutrient management plans. While nutrient management plans by themselves are not a total solution to the issue, they are a very important step and a part of that solution.

In 1998 Perth county council and Perth South council moved to establish nutrient management bylaws on their own, regulating certain types of livestock operations in the county. Since that time, we have had a total of 106 nutrient management plans approved in the county. For your interest, there were 22 approved in 1999, 52 approved in 2000 and the balance this year.

Since the adoption of those bylaws—I've mentioned 106 plans—in terms of land area, the amount of land that

is allocated to nutrient application through those plans is 33,500 acres, which represents approximately 6% of the farmland area in Perth county. I mention that because if the province moves toward nutrient management across the board, I think you can see from some of those figures the potential number of plans that we'll be dealing with in the following years.

#### 1050

In the event that nutrient management plans are required for all farm operations, the county supports the idea that the nutrient management plan requirement be phased in over a suitable period of time, starting with larger operations first, followed by smaller operations. Ideally, yes, it would be nice to see it applied such that it was across the board. However, the reality is that there are very limited resources in terms of dealing with an all-at-once approach. While we have kept no specific records in terms of time spent on dealing with our 106 nutrient management plans, suffice it to say that it is a considerable amount of time and it is getting larger or greater as the number of plans increase.

Sections 5 and 6 of the bill provide the Lieutenant Governor in Council with the authority to make regulations with respect to a wide range of matters relating to nutrient management. The matters identified are general in nature and they provide very little in the way of specifics as to what the actual regulations will say. While we appreciate that the purpose of the legislation is to establish a policy basis, that the purpose of regulations is to establish the criteria and standards to implement that policy and that the latter typically follows the former, we do have concerns that regulations under the bill may be rushed through the approval process without sufficient time being taken for consultation.

Given that it is the regulations that will have the most significant effect on farming operations, we firmly believe that sufficient time must be allowed for meaningful consultation from all parties when it comes to the enactment of regulations. From our limited experience with nutrient management issues, matters such as the scope and extent of the plan requirements in relation to scale of operation or, more simply put, a graduated scale for plans, size of livestock or poultry operations—ie animal unit caps—and the ownership of land will be important and significant issues that are deserving of meaningful consultation prior to enactment of regulations. The county would encourage this committee to take a strong stand on the need to provide for sufficient time when we get to the regulations.

From our limited experience with nutrient management plans, it's evident that nutrient management plans can be complicated documents. It's important that the principles and concepts of nutrient management be kept simple in order that they are readily understood and easily implemented. The Bill 81 legislation and regulations that follow should not create a nutrient management process that is so complicated that it's incapable of being followed, nor should it create a situation where farmers are being regulated out of farming.

The move to nutrient management strategies for municipalities and generators of prescribed materials is viewed as a positive step and is supported by the county.

Paragraph 5(2)(r) of Bill 81 makes reference to geophysical studies, but again little detail is provided as to what they are. A number of questions arise. I've identified those in item 7 of the submission.

Clause 5(2)(s)(i) makes specific reference to minimum distance separations. We do request clarification from the province. Specifically, is it the province's intent that the MDS 1995 documents be replaced by the reference to minimum distance separation in Bill 81?

Paragraph 5(2)(z) refers to the establishment and operation of local committees to assist in the nutrient management process. The county, through its establishment of an agricultural review committee several years ago, does have some experience in this area and we encourage and support the province in its intent to establish a legislative base for the operation of such committees.

We note that subsections 8(1) and (2) of the bill refer to a 15-day time period whereby a farmer or somebody who is served with a notice has in which to serve their intent to require a hearing before the tribunal. We do feel that time period is too short, particularly given that the farm community is subject to particularly busy times of the year, such as harvesting time and planting time. We further suggest that you consider increasing that to 30 days.

Based on our reading of section 55 of the bill, it appears that the legislation raises more questions than it does answers in the area of delegation. For example, who will be responsible for doing what under the bill? Who will be responsible for the related costs? Who will be responsible for maintenance and operation of the nutrient management registry? Who will be responsible for the review and approval of plans? Will delegation agreements and the terms thereof be unilaterally imposed by regulation or will there be meaningful discussion and mutual agreement on these matters?

Given that Perth county and Perth South have a number of nutrient management plans in existence today and that we have bylaws in place, we are most interested in knowing what impacts the legislation and the regulations will have on our bylaws and the 106 approved plans. Will Bill 81 and the regulations that follow make all existing nutrient management bylaws redundant? Will the legislation and its regulations permit for the transition of existing nutrient management plans into the new nutrient management system? We have a number of plans that are due for renewal in 2002. Do we proceed with requiring that they be renewed or do we sit back and wait for the legislation and the regulations to follow and then go from there?

In conclusion, we want to assure you that the county continues to support nutrient management initiatives and in particular the province's move to establish legislation concerning nutrient management. Bill 81 is an important first step in addressing the issue and will provide the

much-needed legislative framework for dealing with this issue. While we, like many others throughout the province, have many questions and concerns about the legislation and what will follow, we believe and are hopeful that the questions and concerns we have will be addressed through the current consultation process.

We wish to reiterate our earlier comment on the importance of taking sufficient time for meaningful dialogue, discussion and consultation on regulations that will come forward under the bill and we ask that your committee provide strong direction in that regard.

On behalf of county council I would like to thank you for the opportunity of providing these comments today.

**The Chair:** Thank you. That leaves a brief minute for each party. We now start with the Liberals.

**Mr Peters:** Thanks very much, Mr Chairman. I just want to comment on your consultations. I think what we don't want to see is closed-door, backroom, secret consultations. I think, when the regulations are developed, that we need to make sure all the players are at the table. Certainly from an opposition standpoint we're going to do everything we can to make sure that happens.

Every presentation just shows more and more of the magnitude of this issue. When you talk about 106 plans equalling 33,500 acres being only 6% of the county, it's too bad that you haven't kept records on the amount of staff time involved. I think this is something else that was raised in the news we need to think about. We keep talking about dollars and putting dollars into this, and the dollar sign seems to be on the capital improvements that are going to be on the farm. But we're going to have to ensure that there are substantial dollars put into this just from the compliance end of it, not even the enforcement end. Would it be possible for you to give us some idea, if you wanted 100% compliance in Perth country, (a) how long it would take, and (b) how many staff people would be required? Again, this just keeps opening up more and more things, and if this is going to be provincially driven, then it's going to be incumbent on our colleagues across the way here to be dealing with the agriculture minister, the finance minister and cabinet to see that the resources are put in. If the resources aren't put in, what you've shown us right here, then this whole thing has fallen flat.

**Mr Hanley:** Interesting questions, interesting points. In terms of the time, it tends to be very concentrated at specific times of the year. Obviously, with the renewal of plans, with the renewal of forms, the February-March period tends to be quite concentrated in terms of one staff person dealing with this probably three or four hours a day for two or three weeks.

What we don't have a good handle on are the constant questions, the smaller issues that keep coming up. Whether it's a building official phoning in, whether it's dealing with a landowner over the counter, five minutes, 10 minutes here and there add up, and we don't have a sufficient tracking mechanism for them.

We did have 2,800 farm operations or farms reporting to Stats Canada in 1996. It's fair to say that a lot of those are very small operations. I think it's very important, and

I think the county thinks it's very important, that there be a very simplistic approach to nutrient management in terms of what the requirements are. We have some plans that are in three-inch-thick binders and they tend to be fairly complicated documents. The more complicated they are, the less readily they are followed, the less readily they are understood and the less readily they are monitored and enforced. So I think above all it has to be a very simplistic approach, but one which achieves the desired result.

1100

**The Chair:** I should go on to Ms Churley.

**Ms Churley:** Thank you for your presentation. I was just going to ask if the committee—or at least I, because I'm interested—could be provided with an example of what a typical nutrient management plan looks like. But now that you've said some of them are in three-inch-thick binders, I'm not so sure I want that. But it would be, I think, interesting to me to have a look at some examples of what you're having to deal with and the complexities of them.

You said that you don't see the nutrient management plans by themselves to be a total solution. We've heard from a couple of people—in particular, a lawyer who's been dealing with this issue—that it's not in fact going to deal with the really serious concerns that caused us to move more quickly forward on this at all. She's suggesting that it's complex, but that some form of EA process needs to be put in place, that the nutrient plans by themselves are important, but that is not going to resolve the issues and problems before us.

**Mr Hanley:** I guess where we're coming from is that it's great to have the plan, but if the plan sits on the shelf and collects dust and isn't implemented in the daily practice of that particular farming operation, we're getting no closer to the solution. So simply preparing the plan and having it approved is only a part of the solution. There is that ongoing monitoring and the dedication and the commitment to it from the farm community members. That's more what we were getting at rather than a broader process.

**Ms Churley:** I see. OK. We can follow up later on that.

**The Chair:** I'll go on to Mr Johnson.

**Mr Johnson:** Because I know you, if I can, Dave and Vince, I wanted to ask about page 6, item 9. You're talking about the "local committees to assist in the nutrient management process." I assume that's the peer review committee that you have implemented and are using.

**Mr Hanley:** Yes, it is.

**Mr Johnson:** And in your experience, is that working?

**Mr Hanley:** I think it works well, so far as it goes. When it was originally set up, the committee was comprised strictly of members of various commodity groups who were instrumental in the farming industry. There was no political involvement in the committee; very purposely we tried to avoid that. The one criticism that

some members of the public have over the committee is the fact that it is strictly farm community members. There needs to perhaps be some opening up to other public groups so that it is more of a blended approach.

**Mr Johnson:** OK, thanks. The only other thing was in section 12. You bring up a lot of questions—for instance, do we wait? Do we put things on hold? I assume that this legislation and the regulations will not be retroactive, so I would suggest that you do not put on hold any of your processes right now.

**The Chair:** Thank you, Mr Judge and Mr Hanley. We appreciate the presentation from Perth county.

**Mr Judge:** Thank you very much for giving us the opportunity. It's a very important issue.

**The Chair:** I would like to call forward our next delegation, the Bruce County Dairy Producers. I don't see the Bruce County Dairy Producers and—

**Ms Churley:** Mr Chair, I don't mean to be difficult here, because I know that you're a fair Chair. But I honestly do think—and we have a few minutes—PROTECT started on their presentation a bit late. I timed them as well, and I really do think they got short-changed. If we have a few minutes to actually bring them up and ask a question, it might be useful. I don't know if the committee agrees with me, but we do have a little extra time here.

**Mr Johnson:** I don't see a lot to be accomplished in that.

**Ms Churley:** It's just that they're the only group, as it turned out, that we didn't have an opportunity to question. They really did—I timed them as well—and I think because they came and talked to you, Mr Chair, for a couple of minutes that that would—

**The Chair:** I guess that maybe we should caution groups to make sure they distribute their documents ahead of time and it doesn't cut into time. I throw it out to the committee. We have a 15-minute gap that, by the end of the day, will disappear, I know that.

**Mr Beaubien:** We're starting a precedent. I think it's your ruling. You conduct the meeting as you see fit. We do have 25 or 26 presentations. If you're going to start a precedent, I'm sure that somebody else will ask for the same treatment somewhere else.

**Mr Cooper:** Mr Chairman, if I could just make a comment. I timed myself and I was up for 12 minutes and cut off. It's in fact been one of the shortest presentations here today. You've now extended the latest presentations to 16 minutes and the last one to 19 minutes. So whether I get up and answer questions or not, I simply want to protest, because as I say, you made a ruling and you cut me off. I didn't even get my full 15 minutes.

**Mr Johnson:** Mr Chairman, I move that we give Mr Cooper three more minutes.

**Ms Churley:** Thank you. I second that.

**The Chair:** All in favour of the motion? I would ask the committee to please be cognizant that we do have 25 presenters today. I would regret if someone gets short-changed at the end of the day.

## PROTECT

**The Chair:** So we have three minutes for questions. We begin with the PCs.

**Mr Johnson:** We don't have any questions.

**The Chair:** OK, no questions? The Liberal Party?

**Ms Churley:** While he's preparing—

**The Chair:** I'll go to the NDP.

**Ms Churley:** I did have a question. I don't have your presentation in front of me now, but you made some interesting points. One of the issues we continually hear about—and we know there's a lot of controversy in the area—and I've heard from some of the farm groups, is that in fact there are problems with septic tanks among some of the cottagers. I suppose in some cases it's finger pointing, and we all do that when we're being accused of something on the other side, but I think it is a concern. Obviously it's not as huge a concern as with the big farms, but it's something that I'd like to ask you about. What needs to be done about that?

**Mr Dave Cooper:** Thank you for asking the question. When we did the original version of this proposal, it was too long. We had a section on septic systems, and it wasn't to point fingers. We recognize that septic systems, or septage, is a small portion, is very much smaller than the nutrients coming off of farm operations. Having said that, I am a member of the lakefront and a member of the Ashfield-Colborne Lakefront Association. We have started talking to the county. We feel strongly that there should be some form of legislation or something that promotes the idea within communities of mandatory septic re-inspection programs. There are very few of them in operation. They seem to be somewhat voluntary.

Frankly, the legislation deals with the spreading of septage, which, in the suggestion of treatment, is really focusing on the tip of the iceberg. It's those few owners who decide they've got proper septic systems and they're going to have them pumped out regularly and they're saying, "Now let's treat it." Frankly, the iceberg is all the septic systems that range anywhere from nothing to a steel tank in the ground with holes in it. Frankly, I live along the lakefront and we think it's wrong. We think we should be forced to bring them up to standard. We just left that out of the presentation because there was some debate about whether it was relevant to what the committee was focusing on.

**Ms Churley:** Thank you. I think it's something that we do need to be taking a look at, whether within this legislation or not, as part of the set of problems in this area.

**Mr Cooper:** Yes, I agree.

**The Chair:** We'll go around again to the PCs.

**Mr Beaubien:** In your point number seven, "swift resolution," you mention, "Unless some ultimate responsibility for environmental stewardship is centred on the owner, there will be too many opportunities to abdicate or contract away responsibility" and "point the finger" somewhere else. Now, you've heard the presentation by the Perth county representatives, whereby they have 106

nutrient management plans that take in about 6% of the land mass in Perth county. They talk about the paperwork and the intricacies of managing that. How do you plan on piggybacking this issue on the issue of managing the nutrient plans, if you're going to try to track down, basically, your time ownership with the plan itself—aren't you?

1110

**Mr Cooper:** They may or may not be related. I'll try to answer your question, but maybe not satisfactorily. What bothers me is that you have an owner, and there are a number of people involved in an operation. First of all, to build a barn, there are engineers, contractors, subcontractors, building inspectors—there's a whole host of people involved in putting up a facility. Then once you get to the point of actually spreading the stuff, you then subcontract to spreaders, and there are a lot of other people involved in that. What I've seen in one particular court case is a lot of this goes on, where you can't figure out who's responsible because they're all pointing to one another.

What I'm trying to do is suggest if I own an operation and I subcontract to somebody else, try somehow to attach some responsibility back to me that says I have to take some environmental stewardship of this operation, whether I'm contracting to other people or not. I'm making sure, then, that the person who's doing the spreading is monitoring the field tiles or is making sure they're not coming closer to areas than they should. It's my plan, and I have to have some responsibility for making sure the people that I contract to who are operating that plan take the responsibility properly. Otherwise, I could walk away and say, "I contracted it to him and it's his responsibility, not mine." I think there should be some responsibility attached to ownership. How you do that in law and legislation, I don't know. It's just that I think in principle owners should be held responsible for their operations.

**Mr Peters:** Mr Cooper, thank you very much for your presentation this morning. As an opening comment, in my previous life to provincial politics, I was a municipal politician on the north shore of Lake Erie. Every summer, the beaches were being posted, and fingers instinctively came to the city of St Thomas, with bypasses from our waste water plant. One of the things we did was study our watershed, and we quickly discovered we all had a collective responsibility for what we were doing to the water. It was the city, it was the septic systems, it was agriculture, it was boaters, a whole host of things. It's not proper for us to be pointing the finger. I think we do have to accept that responsibility.

My question to you is regarding the local advisory committees. I see that the advisory committee is going to play a very important role, once this legislation and the regulations are developed, in dealing with local issues. Could you describe to me how you would best see a local advisory committee made up?

**Mr Cooper:** Yes, and in fact I'm on an advisory committee in Southgate. I think the advisory committee

should have a mix of skills and backgrounds in it. I think there absolutely should be farmers in that community who have experience. I think there should be some people who maybe have a higher level of technical knowledge so that when you're reviewing a plan, you can look at it and say, "Here's a technical question." Often you'll find that the other members may not have that. Because this is trying to protect the environment, I think you probably want someone from a local conservation area. I think there should be someone from the general community who simply says, "I'm willing to go through the training, I'm willing to learn, I'm willing to try to understand. I won't always be up to speed with these other people, but I represent the average person in the community who could have concerns with this, because I live in this community, too." So I think it should be a diverse group of people.

**The Chair:** Thank you, Mr Cooper, on behalf of PROTECT.

**Mr Cooper:** Thanks for the additional time.

**The Chair:** I would check again for the Bruce County Dairy Producers.

#### MUNICIPALITY OF KINCARDINE

**The Chair:** Seeing no one present, it's now 11:15 and we're back on time again for the municipality of Kincardine. Thank you, sir. I'd ask you to identify yourself for Hansard. We have 15 minutes.

**Mr Kenneth Craig:** Thank you very much for allowing me this opportunity to speak to the provincial committee regarding nutrient management issues. My name is Kenneth Craig and I am a councillor with the municipality of Kincardine.

The municipality of Kincardine has just recently passed its updated version of the bylaw regulating livestock facilities and manure management. I believe there were copies handed out to you already. Though we believe that our peer review committee, which is a mix-and-match of rural and urban members with and without farming backgrounds, which had the lead role in the development of the regulating bylaw, has done an excellent job in covering a whole myriad of topics and possibilities within it, we'd like to focus our presentation on one issue only and that is the issue of monitoring the operation during the construction or expansion and in its subsequent operation.

Monitoring the success or failure of the new or expanded livestock facility in its efforts to comply with the guidelines laid out in its nutrient management plan obviously is vital. Positive compliance will ensure a defence of the operation in case a complaint is laid. On the other side, monitoring the negative compliance will ensure that remedial actions can be put into action quite quickly. With your permission, we'll just address those areas we have within our bylaw.

Page 6 deals with the site plan. Though it's not an ongoing monitoring process, the site plan and any hydrological studies at the start of the whole process

provide a very excellent baseline for future reference. Without that baseline of any operation, whether you are polluting or not, it is impossible to tell.

Page 7, section 3(3): regular inspections both during and subsequent to construction by local and/or provincial inspectors, if you want to put that name on them, provide everyone with more than just this one snapshot of the what the operation should be. Certainly there are other jurisdictions which make sure that inspections occur every two or three years—a drop-in inspection, "Ready or not, here I come."

Page 10, section 5(4.4): continual monitoring of a nutrient management plan itself or the renewal. Perth county alluded to its number that is coming up for renewal. In our bylaw we recommend every three years another monitoring of the plan or, should there be a change in ownership or a change in management, the plan itself is due for renewal and another monitoring. We have suggested that within the municipality of Kincardine it would be the peer review committee that is responsible for all those plan renewal monitors.

Page 11, section 5 talks about water samples and a continuous, regimented sampling program of owned or adjacent water supplies, not by yourself but by a qualified third party, protects both owner of the operation and neighbouring properties. It's certainly very important to keep up that monitoring process.

Page 11, section 5, and also on page 13, we talk about perimeter tile drains around the new or expanded facilities which have monitoring capabilities to address any seepage, whether into the ground supply or surface water, whatever. If you don't have those opportunities built into the system, then your monitoring capabilities are most inaccurate.

The threat of groundwater contamination by any farm operation, whether large or small, whether it's real or perceived, is an issue that must be addressed. The accountability of that threat needs to be addressed as well. We believe that a system of continuous monitoring by the owner or the municipality, whether that's an upper or lower tier, is essential in providing trends in water quality. It's only following these trends that farm owners can justify their farming operations or be held accountable for their mistakes.

I thank you for the time to present this. Now you're way ahead of schedule.

**The Chair:** Actually, we did begin on schedule with you and we have a little over three minutes for each party.

**1120**

**Mr Peters:** Thank you for your presentation. This legislation is intended to supersede this bylaw.

**Mr Craig:** Yes

**Mr Peters:** How is your council going to react, if, say within this bylaw, you went further than the provincial legislation is going and the regulations that are yet to be developed? What's the reaction going to be around the council table to say, "Look, we tried to be proactive as a municipality and put the best standards in place in this

bylaw, yet our bylaw doesn't necessarily conform with the provincial standards"? How do you react to that or what do you think should be done in a case like that?

**Mr Craig:** The municipality of Kincardine had a two-year moratorium on construction of intensive livestock facilities. The moratorium expired early in September, which is why our bylaw was introduced, and, as I said, it covered as much as we thought it should. Obviously, if the provincial government introduces legislation which does not come up to those standards and it supersedes ours, we can only do the best with what we have. That's what the consultation process is about and, God willing, it'll be good enough to cover the whole province. If not, then we'll talk to you again, no doubt about that.

**Ms Churley:** Were you involved in the earlier consultations that the government had before this committee hearing?

**Mr Craig:** Yes, we had a submission through our peer review committee, I believe.

**Ms Churley:** Just from what you understand of the bill before us—and you know that regulations are coming—what do you recommend to the committee, given that you have your own bylaw? Everything is up in the air. As you know, this bill doesn't have a lot of meat on it and the regulations will. I expect that with different jurisdictions and municipalities, some are going to have their own bylaws, some are stronger and some aren't, depending on the conditions within a jurisdiction which might be different from one in another part of the province. How does one deal with that? How does the province deal with that concept? On one hand you've got perhaps minimum standards legislation, but one size doesn't fit all.

**Mr Craig:** Certainly that's correct. The municipality of Kincardine has given the peer review committee, which is our local body, of course, quite a lot of authority in developing and assessing the nutrient plans that come in. Certainly, one recommendation is that each area, whether it be a county or a local municipality, should have some leeway that our own local boards can apply for permission to insert this into our bylaw to complement the provincial legislation and regulations; one sock does not fit the whole of Ontario. There needs to be some leeway within regions.

**Mr Beaubien:** Thank you very much for your presentation this morning. I asked the following question a couple of days ago in St Thomas to the leader of a county. I asked him how many municipalities in their county had sewage treatment plants and he told me 10. I asked him how many had tertiary treating facilities. He told me none. Does your community have a tertiary treating facility at your sewage treatment plant?

**Mr Craig:** I don't know. You'll have to tell me what that is before I can answer your question.

**Mr Beaubien:** When you treat sewage, you do have a primary and then you have a secondary system and then the tertiary system usually is the one that basically finalizes the treatment of human waste. Some communities will have sand filters and they'll treat their effluent

with ultraviolet to make sure that the effluent that gets out of the system is almost potable water.

My point is if municipalities do not have at least a tertiary system and we expect farmers to have nutrient plants so that we don't pollute the environment. I know in part of my former riding, there's a community with 65,000 to 70,000 people. Until a year ago, 65% of their sewage went untreated into the St Clair River. Yet we don't have a nutrient management plan for some of the municipalities to deal with this issue.

I do have mixed feelings that it's fine. I'm not saying that we have to pollute the environment, but sometimes I think that Ms Churley, as a former Minister of the Environment, would have some concerns about that.

**Mr Murdoch:** She never was the Minister of the Environment.

**Mr Beaubien:** Whatever.

**Mr Murdoch:** Consumer and commercial.

**Mr Beaubien:** Consumer and commercial; sorry about that.

**Mr Craig:** I believe that the municipality does not have tertiary treatment capabilities at the Kincardine plant. However, when our nutrient peer review committee was addressing this most recent bylaw, we tried desperately to make it capable for new and expanding operations to treat their manure before it went on the field. We asked government, we asked private people, we asked MOE, we asked public health, "Give us some standards. When is manure not manure any more? Tell us where it needs to be so the acceptable level of risk for spreading manure starts to fall." We could never find those numbers. Our committee desperately wanted to do that but there are no numbers.

**The Chair:** Thank you, Mr Craig. We appreciate that input on behalf of Kincardine.

**Ms Churley:** Mr Chair: just for the record, I was not the Minister of the Environment. I was the Minister of Consumer and Commercial Relations, but I want the committee to know that as that minister I did bring in the toughest leaking underground storage tank regulations in all of North America to protect our water system. Thank you for that opportunity to allow me to say that.

**Mr Murdoch:** Let's put it in on the record that she wanted to be Minister of the Environment.

**Ms Churley:** And one day will be.

**The Chair:** Our next delegation is the township of Ashfield-Colborne-Wawanosh.

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** Mr Chair, the Bruce County Dairy Producers just walked in the door.

**The Chair:** This is the price they pay.

#### TOWNSHIP OF ASHFIELD-COLBORNE- WAWANOSH

**The Chair:** Gentlemen, we would ask you to please give us your names for the Hansard recording, and then we have 15 minutes for your presentation.



**Mr Doug Fines:** I'm Doug Fines, councillor in Ashfield-Colborne-Wawanosh.

**Mr Ben Van Diepenbeek:** Ben Van Diepenbeek, reeve of Ashfield-Colborne-Wawanosh.

**Mr Grant Anger:** Grant Anger, chief building official for the township.

**Mr Scott Tousaw:** Scott Tousaw, county of Huron planner.

**The Chair:** Please proceed.

**Mr Van Diepenbeek:** Thank you again for the opportunity to address the standing committee on the very important issue of nutrient management. Obviously there's a lot of concern in the province. I think a lot of the concern is because of the intensity of the livestock industry and the way the expansion has been going.

The township of Ashfield-Colborne-Wawanosh, ACW, as I'll refer to it, is a newly amalgamated rural municipality with a permanent population of approximately 5,500 and a seasonal population along Lake Huron in the order of about 2,000. The local economy is based on agriculture, tourism—cottages and campgrounds—and small manufacturing companies. The increasing challenge is finding a balance between the expanding livestock sector and tourism.

The township congratulates the government for taking leadership in addressing nutrient management issues. Many of the areas covered by the bill have been requested for some time, such as clear standards for farm practices, nutrient management for all farms including the use of commercial fertilizers, better policing and enforcement, and legislative authority for more thorough reviews, such as groundwater protection.

ACW and other townships in Huron county have passed interim control bylaws to temporarily stop the construction of large livestock barns to provide time to establish appropriate regulations. ACW's interim control bylaw was upheld by a court but an appeal is outstanding.

### 1130

There are several areas that ACW would like to stress which need special attention given the magnitude of the livestock sector in this township and across Huron county and neighbouring counties. Attached to this submission are some of the findings of our recent interim control study on intensive livestock operations and manure management, and a set of recommended options.

The need for careful regulation is highlighted by the following facts: a new livestock barn came into production every 10 days, on average, in Huron county from 1996 to 2000; new/expanded barns from 1996 to 2000 added housing capacity for 58,000 animal units in Huron county, representing an average increase of about 26% of the total livestock units in the county; 72% of all livestock units added were for hogs and nearly all based on liquid manure systems; new large livestock barns have four to five times the number of animals per barn than the 1996 average; the Maitland River watershed has the highest concentration of manure production in all of Canada—according to Statistics Canada—10 times

higher than the average watershed with livestock in Canada.

Studies have identified nutrients and bacteria in the water of wells, tile drains, watercourses and beaches; potential sources include livestock manure, commercial fertilizer, septic systems and sewage treatment plants. Recent stream testing results are attached, with some alarming numbers. These problems exist even while the current density of livestock across ACW is at about one third livestock unit per improved acre of farmland. Add to this septic system effluent, septage and continued increases in the livestock sector and our local environment is at risk.

ACW intends to support agriculture and tourism while ensuring that environmental degradation does not occur. Our goal is to improve the health of our water, soil and air. In this light, the following suggestions are made for consideration in the act and its regulations:

Specific record-keeping is required, such as timing of manure application, spreading rates, and soil samples.

Vigilant policing is required to respond to complaints and spills in a timely fashion to ensure appropriate clean-up and fines, where warranted.

Funding is needed for farmers to upgrade facilities and to implement comprehensive nutrient management plans. Healthy Futures is an excellent program, but it will only begin to address the need. Fines should be allocated to a special fund available to farmers to make improvements.

Nutrient management plans should be required for new or expanded barns which tip over 100 livestock units. These new operations, even in smaller packages, represent intensive livestock operations.

A phase-in of regulations should occur without delay so that operations of all sizes are subject to the act. A slower phase-in could result in local bylaws remaining in effect for smaller operations, which are tougher than provincial regulations for larger operations, in areas such as land ownership requirements or groundwater studies.

Farming is a land-based activity. Livestock barns should be connected to an adequate land base that is owned and controlled by the producer. A minimum percentage of the required land base should be owned, such as 50%, or that number could be debated. Ownership helps to ensure the integration of manure application and crop rotation during optimal weather conditions.

Liquid manure is costly to transport. Requiring a maximum distance that the land base must be from the barn ensures that all of the land base will receive manure according to nutrient management plans. Too great a distance reduces the likelihood that nutrient management plans will be followed.

Nutrient management plans should require the incorporation of manure whenever crop rotation allows.

Adequate storage capacity provides flexibility to apply manure during the best conditions. Local livestock farmers have no quarrel with building 365-day storage. This should be a requirement.

The spreading rate is perhaps more important than the total volume spread per year. The nutrient management

plan should cap the spreading rate per application at a safe level.

Earthen lagoons for manure storage should be prohibited.

Building standards for barns and manure storages must be stringent, such as leak-proof joints and clay liners as a contingency. ACW's construction standards are attached.

Municipalities will need assistance to develop and implement a nutrient management strategy, especially where the rural municipality does not have a sewage treatment plant for septage.

Another concern I just put in here is, what will be the regulation for winter spreading of liquid manure on frozen ground?

In summary, growth of the livestock sector in this part of Ontario is unprecedented. Adequate regulations are needed to safeguard the environment. Under section 60 of the act, the superseding of a local bylaw by the regulations places the responsibility on the provincial government to establish regulations that meet the needs of specific areas such as ACW. Alternatively, ACW asks for the authority to establish bylaws to address local circumstances.

ACW requests that the legislation and regulations address the issues identified above, as well as take into account the 56 recommended options in the interim control study, the green booklet that the county produced earlier.

Thank you for the opportunity to address the standing committee.

**The Chair:** We appreciate your input. We have two minutes for questions from each party and we now, in rotation, go to the NDP.

**Ms Churley:** Thank you very much for your presentation. You've touched on an issue we're all concerned about and where some of us are on different sides, and that is the municipality being able to have some local control. I know under the right-to-farm act, or whatever it's called, there was an OMB case. A municipality made bylaws, it was challenged and the government took the side that the municipality couldn't do that. At the end of the day the OMB ruled—I don't know if you're familiar with this case—that the municipality could impose its own bylaws.

What I see happening here—and, granted, we don't have the regulations yet—is that the direction seems to be going toward this law superseding any municipal bylaw. Do you foresee, if that happens, that there could be court cases around that, given the kinds of issues and problems you've outlined in your jurisdiction, if you do not have the ability to protect the environment tailored to the particular issues and problems that exist in your area?

**Mr Van Diepenbeek:** I'll try to answer that. I guess what we've seen in our area over the past several years—three or four; in the last couple, anyway—is that we've been in court a couple of times now. We have the property owners, the farmers, doing a nutrient management plan and totally not following it. We have no way

of really enforcing the nutrient management plan. They were in clear violation of it. We've been to court with it and we were successful, but the municipality is still footing the bill for the legal expenses. I guess what the municipality needs is the regulations, for sure, the provincial support.

**1140**

**Mr Fines:** I'll just add that, with respect to the nutrient management plan, people aren't building these big barns in eastern Ontario, so we need a different set of regulations for this region than they're going to need in other parts of the province.

**Ms Churley:** If the bill goes in the direction of superseding municipal bylaws, I think you're suggesting that there needs to be some kind of mechanism so that it isn't a one-size-fits-all. There has to be a different set of rules somehow for different jurisdictions, depending on the local conditions in that area.

**Mr Fines:** There needs to be some kind of regional difference. If we don't have those rules, then we're going to be taking our member of Parliament to the area where the problem is and we're going to be saying, "You're responsible for this," and we're going to make sure that those members of Parliament are the ones who are—

**Mr Peters:** That's the MPPs.

**Mr Fines:** The MPPs are going to be blamed for this problem.

**Mr Arnott:** I see your presentation as being one of the most significant ones we'll be dealing with this morning because of the fact that you've had to deal with this issue for quite some time and you have some expertise to bring forward that we need to hear about. So I want to thank you very much for your presentation.

I want to go on the record again as supporting a provincial funding program to help farmers who need help in terms of upgrading their operations to meet new environmental expectations and standards. You've mentioned that and you talked about healthy futures. I've been very supportive of that program—it's benefited my riding in Waterloo-Wellington—and I've supported the efforts that our local county and regional staff have made.

You've got a good idea, I think, when you suggest that the fines should be allocated to a special fund available to farmers to make improvements. I think that's an excellent idea, but I would submit that the fines may not be enough to support the program. Obviously, the fines would supplement whatever funding the government would set aside. You would agree with that, I assume?

**Mr Van Diepenbeek:** Yes. You mentioned healthy futures. I think it's an excellent program. As I said, it's only going to begin to address the problems. We have had one review of applications. Our total allotment for Huron county was approximately \$2.5 million. I could see that easily going just into the septic systems upgrades. The majority have been septic systems upgrades that we have approved so far. Again, the CURB program was mentioned earlier—something similar to that; there are a lot of farmers who have small farms with cattle, for

instance, beef cows, barnyards that have no concrete or cement floors and walls, and containments of just dry manure. There needs to be money coming forward for some of that.

**Mr Arnott:** Should the available resources that are set aside for that be allocated on an as-needed basis to individual farmers or should it be universal, in your opinion? Should we be targeting the resources to those who need them most or should it be open-ended for everybody?

**Mr Tousaw:** That's probably more of a political question, but from the staff's standpoint, in seeing the applications coming forward for healthy futures, there are a substantial number of areas in need. I think what you have to do is balance the requirements. Because the Nutrient Management Act will mandate certain things, you need to look at a universal program for some of those aspects. For other things that the act won't get into, healthy futures and programs like that are very helpful in providing people with the incentive to do something they wouldn't otherwise do.

**Mr Peters:** Throughout the hearings we've heard lots of discussion about science and research and understanding this and that. This is the first time I've seen, anyway, the results of a stream testing program. I guess I'm looking for some advice from you as to what should be contained in the regulations. To me, this is important. We need to understand the water quality of a stream. Is this something that should be done so that we have a baseline, so that we start somewhere and we can get a snapshot of what's going on in the Maitland valley, what's going on in Kettle Creek, what's going on in Long Point? Is the stream testing program something you would recommend? Is it something that needs to be included as we develop the rules and regulations so we know where we're starting, so we can say, five years down the road, "Gosh, we've seen our counts rise here"? How important a component is this stream testing program?

**Mr Van Diepenbeek:** I think it's a very important part. You have to know where you are before you know where you're going. With the stream testing, I think there should be dollars available for the conservation authorities to initiate them. Also, Huron county has done a well water test and it shows where the wells are at at this point. If we continue to have megafarms being built across this county, the water quality can only get worse unless we can manage the liquid manure in a fashionable manner.

We've discussed nutrient management plans as trying to satisfy a crop with manure. We feel that to try and satisfy a crop such as corn, which needs a lot of nutrients, you've got to put on way too many gallons per acre to satisfy that crop in one or two applications. So we feel, again, that liquid manure should be applied at a reasonable rate. You can debate that rate, I guess, depending on the soil, 3,000 or 4,000 gallons an acre or maybe more—some soils could possibly handle more—but we've got to take into account that a lot of the cash crop ground where

we spread this manure is all under-drained with tile. If we start putting on 10,000 or 15,000 gallons an acres, we're going to have it in our watercourse. There's no way around it.

**The Chair:** Thank you gentlemen. We appreciate your presentation before the standing committee.

#### THEDFORD-GRAND BEND VEGETABLE GROWERS' ASSOCIATION

**The Chair:** According to our agenda, the next group scheduled is the Thedford-Grand Bend Vegetable Growers' Association.

Before we proceed, we are set back 15 minutes now and the Bruce County Dairy Producers are here. We will hear them during the lunch break, so we'll reconvene at a quarter to 1.

We have 15 minutes, gentlemen. Would you identify yourselves and please proceed.

**Mr John Smits:** I'm John Smits from Grand Bend, representing the Thedford-Grand Bend Vegetable Growers. Along with me is John Vanderburgt, a consultant on soils, fertilizers and whatever.

The Thedford-Grand Bend Vegetable Growers' Association welcomes this opportunity to express its views relative to the Nutrient Management Act, 2001. Our association and the growers it represents are producers of onions, potatoes, carrots, celery, beets and cole crops in the marsh south of Grand Bend and surrounding area. The lands used to produce these crops are of variable soils and the organic matters differ greatly in the area of marshlands.

The producers are involved in integrated pest management programs and have also used the services of crop consultants to do soil sampling and to disseminate this information in relation to crops grown. The producers make these decisions on this information, along with research data provided to them.

It has been noted at the muck crops research and services committee that nutrient management be made the number one research priority. The scope to initiate this type of research and fund this program will be beyond our means in the vegetable sector. We are a unique area and the crops we produce are complex. We must be recognized as such and not become a victim of standards developed for others and then dumped upon us.

Our recommendations are:

(1) Any legislation developed should include flexible rules and regulations for continued vegetable production in this unique area, being muck soils.

(2) In developing a nutrient management strategy for muck soil, the burden lays with society, and the cost of the research and development of this strategy should be funded by all levels of government.

(3) Consultations should be ongoing with interested parties, and muck crops should be represented at these meetings via the muck crop research and services committee.

(4) The act should be built on an understanding of all commodities it will influence. It should not become the total burden for producers to maintain competitive production.

(5) The act should ensure that the information collected in a nutrient management plan remains reasonably private, to protect individual farming practices that may give the producer an economic advantage.

(6) The allocation of funds for research and education of resource personnel must be made available now to ensure the success described in this act.

In conclusion, realizing that our recommendations are directed specifically to muck soil, we fully support the position paper and document presented by the Ontario Fruit and Vegetable Growers' Association, our parent association.

Thank you for the consideration given to our association, enabling us to present our concerns to you.

1150

**The Acting Chair (Mr Arnott):** Thank you, gentlemen, for your presentation. We have just under three minutes per caucus. I turn first to the Conservative members.

**Mr Beaubien:** Gentlemen, thank you very much for your presentation this morning. Yesterday we had a presentation, as you mentioned in your paper, by the Ontario Fruit and Vegetable Growers' Association. They seem to be concerned about the biosecurity of farms dealing with fruit and vegetables. Do you share that concern with the parent association?

**Mr John Vanderburgt:** It depends on what you're talking about with biosecurity. We're concerned about people walking onto farms, especially into crop fields, and dealing with diseases and things of that nature, that they might be transmitted from other areas. But we're also concerned with the security of information that may go into producing some of these crops. There are some specialty crops that are grown in the Grand Bend-Thedford marsh area, and other areas also. One, for instance, is pickling onions. There are only a small number of growers that produce those crops. It's a very unique crop and the production practices are very unique in that respect. It would be a grave concern to those producers if they were made public through a nutrient management plan that's made available to everybody who gets hold of one. The competitive advantage they have right now may disappear. So it depends on what security—I think it relates to both.

**Mr Beaubien:** I was basically talking about the physical.

**Mr Vanderburgt:** There is a concern about people moving around in fields. If they're going to start testing soils and you've got somebody coming in and trying to determine whether that individual has been following his nutrient management plan by testing his soil outside of the normal testing parameters, yes, there is a concern.

**Mr Beaubien:** The second question, if I have time, Mr Chair—and I think you raised it—is with regard to the privacy issue; nutrient management plans being filed

and the public having access to them. You seem to have a major concern because of economic disadvantages that may be created if the plan is made public. How would you deal with that?

**Mr Vanderburgt:** How would we deal with—

**Mr Beaubien:** With the nutrient management plan, once it is filed.

**Mr Vanderburgt:** I would like to think that the basic information should be there, just an overview of what the producer is doing, but specific information as to exact cropping practices and nutrient levels that are being applied to the soils to produce these certain crops may be kept more secretive. Certain individuals may have access to them, but not just anybody who walks into the township office and asks for a copy, so that somebody can't come in and say, "How do we produce pickling onions?" or "How do we produce onions like John Smits?" and then they can just take a look at his nutrient management plan and they know exactly what his nutrient practices are—foliar or Drive application, whatever he does.

**The Acting Chair:** I'll now turn in rotation to the opposition parties.

**Mr Peters:** Again, as we've heard countless times, you raise research. Your number one priority is research. From a nutrient standpoint and a vegetable muck grower standpoint, are there nutrients that you wouldn't put on your fields for whatever reason? Is this part of the research where we need to understand pathogens or whatever may be contained in that nutrient, applying that on your field, and what leaches out of that and is then taken into the product? Is that the kind of thing we need to better understand, or do we already understand that? Do we know that if you put sewage sludge in the muck, it's not going to cause any problem?

**Mr Vanderburgt:** No, we don't know that. In fact, there's a real concern with that aspect of it because certain sludge contains heavy metals and some crops are very sensitive to heavy metals. Field crops are not as sensitive. Vegetable crops such as cole crops, red beets or celery are very sensitive to molybdenum, boron and things of that nature. A little bit too much boron and you won't have a crop; a little bit too much molybdenum and you won't have a crop. Cobalt is another heavy metal that's a real concern. So, yes, there's a concern. Those are items we know affect vegetable crops.

What I'm talking about with research is knowing how much nutrient is needed for a vegetable crop. We can't apply standards that might grow a field crop to growing a potato crop, an onion crop or a celery crop. The nutrients required for those crops are considerably different. Those standards have to be established by research, and documented, so that these farmers are not put at a disadvantage when all of a sudden their production is reduced because these standards have not been set but just taken out of a hat. There's some concern that there is no research done on these levels they're talking about. They just figured if they're good enough for corn or soybeans, they're good enough for anybody else, and that's not the case.

**Ms Churley:** Are you concerned that the new bill—and the regulations that will come forward dealing with the large, intensive farms and all different kinds of farms and land uses—will have an impact on your farm and your ability to farm because of the costs associated with it?

**Mr Vanderburgt:** I think the whole nutrient plan legislation is essential for agriculture today, there's no doubt about that, but you've got to realize that the legislation—the rules and regulations that you put in place—has to be a living document and it has to be flexible. There's no black and white in agriculture production. Decisions are made on a daily basis that change depending on what your circumstances are, what commodity prices are and what the weather is doing.

Yes, we're concerned. We're concerned that the legislation is going to brush large agriculture with one brush and it's just going to filter down to the small farmers. It's going to cost large producers a lot of money to maintain this nutrient management strategy and eventually it's going to cost the smaller producers, more than likely, similar kinds of money, and it's going to be reflected in their cost of production, which a lot of producers may not be able to handle.

**Ms Churley:** So it's going to be essential that your organization be involved in the drafting of the regulations.

**Mr Vanderburgt:** It's going to be essential that all commodity groups be involved in the drafting of the legislation and in making the rules and regulations. No commodities can be left out.

**Ms Churley:** I think we're hearing that loud and clear. Thank you.

**The Chair:** I wish to thank the Thedford-Grand Bend Vegetable Growers' Association. We appreciate your input to the standing committee.

The committee will now take a break for three quarters of an hour. We will reconvene at a quarter to 1.

*The committee recessed from 1158 to 1246.*

#### BRUCE COUNTY DAIRY PRODUCERS

**The Chair:** I wish to welcome people back to this afternoon's sitting of the standing committee on justice and social policy for Thursday, September 13, being held in Holmesville, Huron county. Continuing with our agenda, we can now allocate 15 minutes to the Bruce County Dairy Producers

**Mr Jan Prehn:** My name is Jan Prehn. I'm from Bruce county representing the dairy producers. In our county, there are 280 producers currently. I just have a few comments to make. I don't have a big written presentation. The Dairy Farmers of Ontario will make a presentation on the 17th in Kemptville, as you probably know. We as a committee fully support the DFO in every aspect of their presentation, hopefully.

I would personally like to see everyone included in the nutrient management legislation, such as homeowners, for one thing, and the cash crop industry, since the

cropping industry is also applying large amounts of nutrients. The homeowners are not required to have any legislation for the application of commercial fertilizers to their soil. If you talk to the fertilizer industry, the homeowner is a large percentage of their customers. There's a very high potential for over-application because there are no guidelines or rules and regulations.

Also, all livestock operations should be included, large and small, because it's not always the large operators that are the polluters. Many large operations have been forced to become good nutrient managers since the public has been watching them very closely. At the same time, many small producers need to make improvements in their manure-handling facilities, Mennonite and Amish communities. If the committee has ever travelled in the wintertime around the Kitchener-Waterloo area, you'll see that there are many nice streams of runoff potentially going into the waterways, since the farms are perched high on a hill.

So personally, sometimes I'm quite offended, being a large operator myself. I milk 170 dairy cows on 700 acres of land, and I'm always approached as being large and as higher potential. But I watch my butt because I have to, to make sure there's no potential pollution getting into the waterways. We have grown bigger since we used to milk half as many cows about 10 years ago. As we've grown, with every step we've improved our potential runoff sources. Everything has been contained and stored in earth and in a lagoon and spread at appropriate times for less potential of runoff. So I'm quite often offended by people saying large operators are the worst ones, because I see many neighbours where the milk house water is not collected. It goes into drains. I know many properties in our township have no septic system existing. They're hooked up to drains. Those issues are sometimes not addressed, but everyone is pointing fingers at large operations.

One other point that I'd like to make is that it's very important that the small producers especially will have to have funding available for improvements. If you don't provide funding to smaller producers that haven't the capability to produce cash flow to pay for these improvements, they will be forced to quit. And then, what is going to happen is a big operation will have to replace that source of food. That's what's happened over the many years.

#### 1250

In the early 1980s and late 1970s, the farmer was being told, "If you're not getting better, more efficient, more productive, you're out of the marketplace." At that time, the government wasn't standing around saying, "Here, listen, we'd like to have the 100-acre farm maintain a diverse farming operation." So now what has happened is poop has literally hit the fan because now we have megabarns, bigger barns and everybody's saying, "Whoa, now there's all this pollution."

I personally think the pollution has been going on for many years, if not worse before, because I know as a fact we used to spread liquid manure in the wintertime

because our facilities weren't designed to hold it. Now we apply it at proper times.

I live right at a lakefront community and there's a big fuss going on about all this liquid manure. If it's managed properly, it's no different than the guy milking 20 cows around the corner and all his yard runoff is still running into the waterways today. Everybody is pointing at the big farmer. There are many small hog producers who are bigger polluters than one of these bigger megabarns.

Also, as I said, I think society is more responsible for all this happening because of the cheap food policy that's been enacted in North America for many years. I come from Europe where subsidies are being paid for farmers to be stewards of the land, where the small family farm is encouraged to flourish, especially in the mountainous regions.

I think this bill is long overdue and I'm glad something is finally being done. When I left 22 years ago, in Germany there were stricter laws there than we have yet today. It's been long overdue and I'm glad the government is finally doing something to improve it. As I said, funding and enforcement are very important. Thank you.

**The Chair:** Fine, thank you, sir. We can allocate three minutes for questions. We'll begin with the Liberal Party.

**Mr Peters:** Thanks very much for your presentation. It's kind of hard; we're getting this glare from this window behind you.

**Mr Prehn:** I'm not bald, am I?

**Mr Peters:** No, it's not you.

A couple of questions from your perspective in the dairy business, one example being talking about storage and having long-term storage. I know one livestock operator who sells 80% of the manure. It goes to a company which creates a compost and sells it. I'm concerned about what happens if, all of a sudden, he loses his contract to sell that.

The second scenario is, let's say you don't have the land base, but you've contracted land to spread manure on. Suddenly, you get into a squabble with the owner of that land and he says, "I'm revoking that contract." What do we do, or what do you suggest happens? Does that mean that you have to cut back your production of what you're doing? How do we deal with that, where somebody is contracting out, either spreading it or selling it, and that contract is lost?

**Mr Prehn:** You've got to remember that there are many, many farmers. The farming community nowadays is specialized farming, right? You have cash crop farmers who buy their nutrients. Then you also have the livestock operations that are strictly livestock. I know, particularly in our area, I'm surrounded by cash crop farmers. Every time we haul out this stinky, gooey mess, I have lots of people saying, "Hey, I'd like to take some of this for free." I think in all of Ontario you'll never have problems getting rid of the manure.

The farming cycle at one point in time was that the 100-acre farm used to generate its own fertilizer and just

export meat and grains. Now we've gone to an industry where you have grain producers who buy commercial chemical fertilizers, dump them on the ground and then they sell some grain products to the hog producer, who in turn again turns the grain into meat and then sells the meat and has the manure to dispose of.

A lot of these manure problems that are existing, or these so-called megabarns, I don't think are a real issue at all. If the industry would work together, especially in some of these townships where there have been many people who are cash crop-based farmers, they should get together with these livestock producers and say, "Let's make a long-term contract. I won't be polluting the soil with any commercial fertilizers."

Manure is an asset. Many people look at manure as a liability. It's not. For us, it's the great thing. We've cut our commercial fertilizer bills to less than half since we used to have more cropping and less animal production. You're actually making yourself money. It's not a liability for us at all. It's the greatest thing on our farm because it's a natural cycle.

You talk to organic producers; they can tell you more about natural cycles. I'm not an organic producer, but we can all learn from that.

We've got to spread the manure around. Large megabarns aren't a problem if the manure is shared properly. It would do a lot of cash crop farmers' land a lot of good to receive some of this manure. The thinner you spread it on the soil, it doesn't matter if I have 10,000 hogs or 1,000 hogs, once it's spread out evenly over a certain amount of acreage then it's not a pollutant. There's no legislation for enforcement to say you can only spread so much, and nobody enforces it. We have laws now that nobody enforces. The issue of a contract—if you have a contract, sure, it should be binding. If you can tell me of a cash-crop farmer that won't take manure, I'd like to talk to him because I think they're very, very few and far between.

**Ms Churley:** You said you had come from Europe, from Germany. I can't remember—I can't find my notes in front of me—but I understand there are some European countries and some parts of the US—I think North Carolina—that had to put a moratorium on the large intensive farms.

**Mr Prehn:** Right. Holland is one of them.

**Ms Churley:** Holland, that's right. You probably know more about this than I do. I guess my question is, do you see jurisdictions having to put a limit on how many of those big, intensive livestock farms that the land can actually carry?

**Mr Prehn:** North Carolina is the extreme, where you have hundreds of thousands of hogs concentrated. I don't think that's a good idea either, because then the disposal of manure becomes a problem. What has happened in Holland is people would actually have a manure quota and oil tankers would take it back to the deserts of Morocco and stuff like that. East Germany would receive a lot of it. You'd go through Germany and there would be manure trucks hauling Dutch manure into East Germany, and that was a fact.

I think right now the big issue in this whole province is the hog farms, that's my personal feeling. It's not a nutrient issue; I think personally, it's more of a smell issue, really. I'd like to make that point. In Germany where I grew up, over history, in every town the size of Clinton there'd be five or six farms right in town, from hog producers to dairy producers. What has happened over time is when people were exposed to the smell—and it's still being done today—the municipalities would buy them out to get rid of them. "If you don't like the smell you have to buy me out." I think the greatest thing the province could do is buy out all the hog farmers and dairy farmers, if they smell, and we could make it all into one green golf course, right?

**Ms Churley:** No, not golf courses.

**Mr Prehn:** No, no. A green landscape, and we could buy all our food from the United States of America. I think everybody would be happy. There would be no nutrient smell, no stink, no nothing and we'd all have our food. Someday the Americans might turn off the tap and say, "Hey, you Canadians, are you hungry? Come and get it."

All I'm saying is that's the way it's being done in Europe. If they don't like the smell, you're bought out. I live right by the lakeshore community and I've told some lakeshore residents, "Hey, I'd be glad. Give me five million bucks and you can have my farm and put a golf course in there." That's the way it's done in Europe. Go ahead and do it. If you have the money to do it, I'd be more than willing to do it and I can go play golf in Florida, maybe.

**The Chair:** Turning now, we'll rotate to the PCs.

**Mr Johnson:** Yes—and I believe it's Jan?

**Mr Prehn:** Yes.

**Mr Johnson:** Thanks very much for feeling that this is important enough to take your time to come and present to us.

**Mr Prehn:** I appreciate it.

**Mr Johnson:** I did have one question, but it's something we have to decide in coming to decisions on what's in regulations and what isn't. You said that you have an earthen liquid storage now. I guess one of the problems I have with that—I don't think that's inherently bad, but we have had presenters who feel that even the cement ones have to be engineered so there is no possibility of a leak. I guess I'm wondering how do we ensure that there's no leaking from an earthen containment?

1300

**Mr Prehn:** In 1993 we bought our earthen lagoon. At that time in Europe, it was illegal. You have to have liners there right now to build an earthen storage, which I question, too—there's a possibility of fracture when you're stirring up the manure. But in 1993 we were going to build this manure storage so we didn't have to pump in the wintertime any more, and my brother and I looked at each other and said, "Is this OK?" So, we phoned the University of Guelph and we asked, "Is this OK, to dig a whole in the ground and pump manure into it?" They said, "It seals itself when there's manure in it. The only

time it may leak is if it dries out completely. You get cracking and it could leak." We've tested our water regularly on our farm—the well is within 200 metres of the lagoon—and we've never had a positive sample of E coli, our neighbours don't have positive samples of E coli in their wells, so I don't know. If it's leaking, I hope to fix it.

I know one dairy producer who put in a lagoon and he was forced to put clay in there as a liner because the sandy-based soil type was too thin; it would not carry the manure properly. Everything has to be done properly with common sense. That's my opinion.

**The Chair:** I want to thank the Bruce County Dairy Producers for coming before the committee.

**Mr Prehn:** Thanks for the opportunity. Have a good day.

#### HURON COUNTY WHEAT COMMITTEE

**The Chair:** I wish to call forward our next delegation, the Huron County Wheat Committee. Good afternoon, sir. If you wish to have a chair, I'll ask you to give us your name for the Hansard recording. We have 15 minutes.

**Mr Neil Stapelton:** Thank you, Mr Chairman. My name is Neil Stapelton and I'm representing the Huron County Wheat Committee this afternoon. As wheat producers, we are not creators of manure, but many wheat producers are mixed farmers and have manure in their operations as well. Here are my comments.

Farmers are a part of the countryside and are as interested in a healthy and clean environment as the rest of society. At the same time, we recognize the need for gradual growth and expansion and improvements in efficiency to ensure the financial stability of our farms into the future. We agree this must be accomplished without polluting the environment.

In the Nutrient Management Act, 2001, Part II, standards and regulations are discussed but nothing concrete is set out. The Huron county wheat producers request input at the stage where the actual standards are determined. In the media, we read many emotional statements concerning nutrient management. We'd hope that standards should be developed based on science-based and field-tested solutions.

The Huron county wheat producers request research funds be directed toward better solutions with respect to matching applied nutrients with the nutrient requirements of growing crops and other related problems.

The Huron county wheat producers were happy that standards and enforcement are to be applied uniformly across Ontario. In the explanatory notes to the Nutrient Management Act, 2001, it states that local committees can be formed to assist in matters specified by the regulations, such as the mediation of disputes. We support this approach and feel it would be effective in solving problems before they become more serious.

Penalties are necessary to enforce the standards. We would recommend a window of time after passage of the

act to allow for the education of farmers to the requirements of the act. Recognition should also be made for events out of a farmer's control, such as a huge rainfall event.

The capital cost of changes that may have to be made to farm operations to comply with the regulations are a concern to farmers. These costs cannot be passed on to the marketplace by farmers. We note that Quebec and some neighbouring American states provide financial assistance for improvements to their operations which benefit the environment. We request that provision be made for financial assistance for Ontario farmers for similar improvements to their operations. Huron county wheat producers are opposed to fees being charged to farmers to meet the requirements of this legislation. A clean environment benefits the whole society and inspection fees should be borne by all.

Thank you very much for giving me this opportunity to present our comments to the committee.

**The Chair:** That gives us four or five minutes. My math—I'm not used to having all this extra time. We'll begin with Ms Churley.

**Ms Churley:** Actually, I don't think I have any questions. I appreciate your comments. You've hit the themes that many other farmers have hit, particularly around funding and the need to make sure that if you have to comply with these rules, you need the funding to make sure it happens.

**Mr Stapelton:** Yes, my comments were prepared in consultation with the soybean producers in the county and the corn producers in the county.

**Ms Churley:** Thank you, I appreciate it.

**The Chair:** Questions on the PC side?

**Mr Beaubien:** Thank you for your presentation. When we're talking about funding, what form of funding do you think the farm community is expecting? Is it in the form of tax credits, grants, loans? Could you be specific, or have you got any ideas as to what you're looking for?

**Mr Stapelton:** Some of this manure injection equipment etc is quite expensive. I would say a tax, like rapid depreciation of our grant, would be appropriate for those sorts of larger investments.

**Mr Beaubien:** OK, thank you.

**The Chair:** In rotation we'll go to Mr Peters.

**Mr Peters:** You raised the issue from your perspective, from the wheat producers' perspective, of the need for a science-based look and a field-study look at nutrients. As it stands right now, if the dairy farmer who just made a presentation were to come to you and say, "I'd like to contract with you to spread my manure on your land," right now, without having that comfort level of the science-based field-tested research being done, are you going to say, "Sure, I'll enter into a five-year contract with you"? Or do you feel that you're not comfortable enough because these field studies haven't been done?

I'd like to expand on it, because it's really been a common theme that has come through, this need to

understand what we're applying to the soil. From your level as a wheat producer, if he comes to you, what are you going to do?

**Mr Stapelton:** You've asked a number of questions there. One, yes, I would be very happy to get his manure. In fact, on my own operation, I have had livestock for a number of years, and we're thinking of discontinuing the livestock this year. On this, then, I'd be very happy to get liquid manure. When I mention science-based solutions, I feel that already exists. I don't feel we need a lot of additional science on this, but if we apply the manure according to a nutrient management plan, like not over-applying the nutrients breaker and taking soil tests to make sure you don't get too many highs and excesses, that's enough science to satisfy me.

So yes, I'd be glad to accept his manure. I think the science is already there. When I made that comment, I was thinking of a few things I read in the media. For example, north of here, a municipality was thinking of bringing in nutrient management bylaws, and one of the suggestions made in the paper was no liquid manure. I thought to myself, "That's an outlandish statement. Someone is making it up without doing much research or thinking or study." I felt that was emotion-based rather than good practical science.

**The Chair:** Thank you, Mr Stapelton. I appreciate the input from the Huron County Wheat Committee.

**Mr Stapelton:** Thank you very much.

#### HURON COUNTY SOYBEANS

**The Chair:** Going down the agenda, Huron County Soybeans. They were here earlier.

**Hon Mrs Johns:** Yes, they're here.

**The Chair:** Oh, I didn't see you there. We have 15 minutes, sir. We'll ask you to give us your name for the Hansard recording.

**Mr Bob Hallam:** I'm Bob Hallam. I thank you, Mr Chairman, for this opportunity to make this presentation. We in soybeans support this, but we have concerns about the lack of details at this present time. We still look forward to working with you to come up with the final policy.

Soybeans has put a presentation in to you, so I'll avoid putting more paper to you. Some of the concerns are, if we are certified, let us make it part of our spray course to cut out the duplication and extra time.

OMAFRA has a great deal to do with this. They have the requirements for crops grown on certain levels of nutrients. They should clarify this. There's a lot of research done by the soybean people, and it should be done. Our nutrient management has to be kept simple and practical. Our land's like a bank account: we put in and we take out. We realize the level. So the research in OMAFRA has that responsibility. It does record electronic format. This is not acceptable. We have no problems of keeping it on file for inspection. Even under the landfill and the municipalities, there are certain things kept sacred and confidential.



1310

The Lieutenant Governor can give an order in council. I still hope that they will consult the farm groups and have it scientifically based, not on political problems.

I would have problems if you charged the farmer for the inspection. We are innocent until proven guilty, and it is the responsibility of society, even as a police officer comes questioning you. It would not be acceptable to charge us for that.

I have page 24. It is pretty vague—"injury or damage ... to ... property or ... plant ... life." That is left up to a lot of interpretation, and the list from 1 to 7 is very vague. You would have to have more specification in your legislation and laws before we would know where we stood on that.

I have problems with banning the septic tanks on farm-lands. We use it quite diligently. I don't do it personally. But the big problem I think the government is having is the timing that is put on. I told the minister at one time you can't go by the calendar; you have to go by ground conditions, and OMAFRA is going with the calendar. You see ruts put in the field when they're applying that and that is not proper. The ground conditions must be proper. I have no problem with MOE doing the testing, but OMAFRA should put the guidelines in when it's being applied, with the proper timing.

Funding for research and enforcement is very important. We expect the same treatment as the urbans. If you're going to support the urbans in their septic tanks, we deserve the same.

I have problems with the bypasses and high water levels; it is not acceptable. We are taking the blame. Even in nutrients from the landfill, government has to take a bigger responsibility in recycling. That is not a criticism of this government; in past government it's the same. Our landfills are being filled up with material and it's our agricultural land that you're using. Building materials and household waste could be composted. We are not doing a very good job.

I have problems, and I guess maybe the farm community has not done a good job when you hear of untreated liquid manure being applied to land. Nature treats the manure. I've heard problems that one size doesn't fit all. Your nutrient management has to have the flexibility to cover this.

I've heard a lot of statistics. I don't have much faith in the statistics of animal units. They don't give you animal units that are taken out.

Earth manure: I sat on the municipal council at one time. OMAFRA had certain standards, and they have to meet, certain standards. You're allowing earth lagoons for municipalities. If that's acceptable, it should be acceptable for agriculture under certain standards. I believe that if we work together, the urban and rural, instead of pointing fingers, agriculture can be a big help in cleaning up the environment, because we can handle the waste. Instead of dumping it in our streams, we can use it for irrigation, whatever. There is a problem out there and we're all guilty.

I'm ready for questions, Mr Chair.

**The Chair:** We have just under three minutes for questions, and we begin with the NDP.

**Ms Churley:** Thank you very much. I certainly agree, and I think we all do, with your comment that we're not doing a very good job handling our solid waste. We do put all kinds of things in the landfill that shouldn't be going in there, and that's another thing we're trying to grapple with.

There are all kinds of new technologies out there; anaerobic digesters, for instance. I don't know if you've heard of that, but ways to take the wet waste and turn it into compost. I believe that's what you're talking about, that the agricultural community can and should be involved in all of these things, but there's no mechanism for you to be able to do that.

**Mr Hallam:** I'm also talking about building materials of asphalt shingles, Styrofoam. That can be all recycled. Don't they have the responsibility of putting it in? The municipalities are placed with the responsibility after it's placed there—tires. We ran into that for years, but my concern is don't overreact and don't overregulate, because governments in the past have overregulated—and the tires are a good example—and it caused pollution for a long time in doing it. I would recommend to you not to overreact on this but work with us. We can do a lot more working together, and you have the support of the farm community. I'm not just making that statement on behalf of the soybean growers, because I know we have the support of a lot of the groups.

**Ms Churley:** Hopefully when the government gets to the regulation stage and consultations that's what will happen; everybody will be able to work together and come to a solution that everybody can live with.

**Mr Beaubien:** Thank you very much for your very impressive presentation. I agree with you that when we're talking about solid waste we're not doing a very good job. I don't want to point fingers at anybody, but I know in my riding we have probably 100 garbage trucks a day that go down Highway 402. We export it out, yet we're still stuck on the blue box. Don't get me wrong. I think the blue box is a good starting point, but we can't seem to get out of that bloody box any more and look at the new technologies that are available to deal with the waste stream in a much more cost-effective and efficient manner. But that's another subject.

I want to go back to one of the issues that you talked about with regard to certification and education. I don't know whether you mentioned the education process, but you certainly mentioned the certification when it deals with the waste stream itself or dealing with the spreading of manure. How do you think it should be handled? Should people be licensed to deal with this issue? How do you feel as an organization?

**Mr Hallam:** I guess going back to the spray, I'll go back quite a while. I opposed it at the start because I felt we'd have to redo it and redo it. I was assured we would only have to do it once, but I'm on my fourth term pretty soon on it. I think it has helped in the spray industry. I've

been told they're not finding chemicals in the water now as they were before. It has made people more knowledgeable. Unfortunately it has taken some people out of spraying their own, too, so it's a pretty tough balance. But I think if you keep it practical, people could do it, and do it with your spray course. We've got a lot of time, but don't tie us up with a lot of red tape, because this bill is for the environment, not for consultants, lawyers or engineers. It's for the environment. We have to have a little bit of that.

1320

But farmers have done a good job overall. What you hear about is the odd bad apple, and we have that in any industry. But keep it simple. I think maybe something like a spray course would be sufficient to educate people.

**The Chair:** There's time for another question.

**Mr Beaubien:** Have I got time?

**The Chair:** For a quick one, yes.

**Mr Beaubien:** A quick one. When we talk about Bill 81, the provincial legislation, do you think there should be ways and means for the municipal legislation to override the provincial legislation at times?

**Mr Hallam:** My concern about enforcement is that the MOE says they can direct an order. I have no problem with them directing an order to stop, but two heads are better than one. It's the farmer's business. The farmer should have input in how the problem is solved, along with whom he wants to hire, before the other order is issued for the correction. I have seen some very bad orders that were not very practical. We've got to keep it cost-efficient to the farmer as a consideration. So consider OMAFRA and the farmer in the solution before that second order goes. I sit on a peer group and we have solved a lot of problems. I prefer to do it without confrontation and by working with them. MOE can sit in on this problem, but OMAFRA should be a big part of it because they have the background.

**Mr Peters:** Thanks, Bob, for your presentation and for a number of good points. I think a good one to reiterate is the point you made about how you can't go by the calendar, that you've got to look at the conditions that exist in different parts of the province, because it's different here from what it's going to be in the sand of south Malahide township in my riding of Elgin county to getting up into the Barrie area. I think you raise a very good point there.

The question I have of you—and this is more of you as a farmer—and I'm going to scope this around the spreading of municipal sludge. There are companies out there that have contracts with municipalities and are going out and trying to find contracts to spread municipal sludge. Do you think that as a farmer yourself you would fully understand what you're about to put on your field? Where are you going as a farmer? If you're going to give it some thought and think, "Well, jeez, here's an opportunity to add some nutrients. This company that's coming at me has got a wonderful brochure which says all these wonderful things about it and it's got all these endorsements on the back from OMAFRA and MOE and the

Ministry of Health and everything." Where are you going to turn, as a farmer, to find out, "Should I do this or should I not do this?"

**Mr Hallam:** I would check the analysis of it and have some agronomist check it out to make sure. I hope the MOE is approving these analyses. I hope to see the stamp of the MOE on that. If the nutrients are there—yes, there's some heavy, but with my soil test and what I need from my protector crops, I would have no problem once I've done it. You're right; they'll have roses growing on the brochures, but we've been around and farmers understand a lot of the thought on nutrients. We have consultants with our suppliers and they're in the business of selling fertilizer, so it kind of cramps theirs, too. On the other hand, I have trouble with too many long-term contracts.

You have to be careful with regulations on contracts. I have done that personally with a hog farmer, but it was just word of mouth. If you get too tied up with contracts, you're going to lose a lot of land base for these nutrients. I rent land. If I lose it, I've got to get some more. That's the responsibility of the landowner and that's the responsibility of the operator, to have those nutrients. If he loses part of his nutrient plan, there's the other part.

You've got to keep it simple and not tie us up with lawyers and stuff. I wouldn't tie my land up, personally, on a long-term base unless there's an out, because there are positives and negatives on the manure. You've got compaction, you've got weed seeds. I paid for potash and phosphorus value on it. OMAFRA has the guidelines on the nutrients that are in that manure. Yes, it will vary a little bit.

There was a presentation here today. You can't track it very far, but there is a lot of new legislation and research coming out. If you over-regulate, you're going to cramp that research. That's my fear to you.

**The Chair:** On behalf of the committee, we want to thank you, Mr Hallam, for speaking on behalf of Huron County Soybeans.

**Mr Hallam:** I appreciate this opportunity and look forward to working with the groups at a later time.

#### HURON COUNTY CORN PRODUCERS ASSOCIATION

**The Chair:** The next group to come forward is the Huron County Corn Producers Association. Good afternoon, sir. You have 15 minutes. If you wish to give us your name for Hansard.

**Mr Evert Ridder:** My name is Evert Ridder. I am chairman of the Huron County Corn Producers. The Huron County Corn Producers thank you for the opportunity to comment on the Nutrient Management Act, 2001.

Huron county supports responsible nutrient management planning and believes that there should be clear and consistent standards throughout Ontario. We are pleased to see that the draft legislation adopts many of the

recommendations proposed by the farm groups in earlier stakeholder consultations.

While this draft legislation outlines the framework of how nutrient management legislation will work, no details of regulations are established as yet. We strongly recommend continued consultation with the farm community so that effective and practical nutrient management practice guidelines can be developed that will keep Ontario agriculture competitive with surrounding jurisdictions.

Huron county supports the emphasis on science-based nutrient management practices. However, there are still gaps in technical knowledge that need more research. We recommend that OMAFRA and MOE direct additional funding and resources toward research to fill these gaps. We do not believe that manufacturers of fertilizer should be funding this research.

Huron County Corn Producers does not want to see a complicated record-keeping system which adds to our costs of production that the marketplace will not repay because of our open-border competition.

Financial assistance should be provided for farmers to help offset the increased costs involved in meeting enhanced regulatory requirements. Surrounding jurisdictions such as Quebec, New York and Pennsylvania provide financial assistance to farmers for improvements to their operations which benefit the environment. Quebec provides funding of approximately 70% of the cost of improvements to manure storage and handling. Ontario has no assistance in this area. Protection of Ontario's environment and a safe water supply benefits all Ontario residents and the costs should be shared by all as well, rather than be borne by Ontario farmers alone.

Farmers should not be required to pay inspection fees to meet agricultural standards imposed by the province. A healthy environment is for the benefit of the public good and measures taken to improve that environment should be paid for by all of society. Unlike other industries, farmers are unable to pass on their costs through the marketplace.

**1330**

We again thank you for the opportunity to address this committee and we'd like to stress again and again the importance of further consultation in establishing the regulations, so that the farm community is not regulated out of business.

**The Acting Chair (Mr Doug Arnott):** Thanks for your presentation, Mr Ridder. There's time for questions from committee members. I'd look first to the government side.

**Mr Johnson:** Mr Ridder, thanks very much for being here. You were helping out this morning too, I think, but it's good to see you taking your time to contribute to our recognition of the thing.

You made two points: one was that farmers can't pass along their increase in costs or inputs or whatever, because they can't pass that along to the marketplace. Why?

**Mr Ridder:** Part of the problem is that farmers are price takers. Our input costs are forced upon us, we cannot do much about that. You might do a little bit, but not a whole lot. The marketplace is regulated by the Chicago Board of Trade quite often, and that is beyond our control. We have to take what the market offers. For instance, if you want to sell your corn for \$150 a tonne and the marketplace can supply it for \$120, nobody's going to buy our corn.

**Mr Johnson:** OK. It wasn't only for my own benefit that I asked you that, because we all have different backgrounds. I think that's all I wanted.

**Mr Peters:** Mr Ridder, thank you very much for your presentation. A couple of questions I'd like to ask you: looking at your Huron County Corn Producers Association, what would the percentage be that are strictly corn producers and what percentage would have a mixed operation?

**Mr Ridder:** I do believe that the majority have a mixed operation. There are some that are strictly cash crop, but there are also quite a few that have part livestock, and the livestock part is again value added to the corn producers.

**Mr Peters:** From your perspective in dealing with nutrients and applying nutrients to a field, how do you feel about it?

**Mr Ridder:** If you look at the overall nutrients that are applied in Huron county, if it comes to manure, then we are well below the average that is recommended by OMAFRA.

**Mr Peters:** So you're saying you could be applying more nutrients?

**Mr Ridder:** In the county, we could be applying a lot more nutrients if it's managed right. If the cash croppers and the livestock operators work together and regulate the application over the whole workable area, then there's room for expansion in the livestock industry.

**Ms Churley:** Do you believe that the provincial legislation should override any municipal bylaws?

**Mr Ridder:** What we currently have in Huron county is that some municipalities adopt bylaws on petitions from people based on emotions, not on scientific grounds. Then you get that one municipality that wants a nutrient management plan at 100 livestock units, the next 150, one wants 100% land ownership, the other 50% and the other 25%. There's too much variance, and across the municipality lines there is competition.

**Ms Churley:** How do you see the role of communities, then, in having a say? I understand and have heard a lot about all the issues on both sides, but on the other hand—and I admit, I don't live here, I'm just going by the letters I've received and the phone calls I get on both sides—there are some legitimate issues as well around closed beaches, in some cases some bad apples, the too many large intensive ewe farms, and that sort of thing, which may be different from another jurisdiction in Ontario that doesn't have the same soil, the same tourist areas, all of that. How, then, would you recommend to us that we would deal with that issue so that the community

and the local council would be able to have some say in the land use?

**Mr Ridder:** In one way I look at it this way: if land is zoned agricultural, then agriculture should be able to operate there. We are faced with issues where people who live in cottages here for a couple of months a year seem to be able to dictate what we can do to make a living. That's what I have a problem with. The farm community is getting less and less voice, yet they own a large percentage of the land.

**Ms Churley:** So you don't think they should have a say at all, then, in that?

**Mr Ridder:** I don't say they shouldn't have a say, but the urban community should not restrict the farming operations at a cost to their operation.

**Ms Churley:** Unless there are some environmental or other legitimate reasons why.

**Mr Ridder:** If there's a legitimate environmental reason and a cost a farmer cannot recover, then society as a whole should help finance that.

**Ms Churley:** OK. Thank you.

**The Acting Chair:** Thank you very much, Mr Ridder, for your presentation. We appreciate your input.

#### MUNICIPALITY OF WEST PERTH

**The Acting Chair:** I'd like to call forward next the Municipality of West Perth, Mayor John Van Bakel. Welcome to the standing committee on justice and social policy.

**Mr John Van Bakel:** Thank you, Mr Chairman. Welcome to the presentation from West Perth. I congratulate the government for going this far on bringing the nutrient management legislation to the forefront.

My name is John Van Bakel and, together with my wife, I have raised our family and continue to operate a beef and cash crop farm in West Perth. Our deputy mayor, Barb McLean, is with me today. They reside on a dairy farm in West Perth. Together, Barb and I are members of county council, and as such we're part of the nutrient management legislation that we have in Perth county. We adhere to it in West Perth. We also sat on the county council that endorsed the presentation that was made by Perth county this morning.

I've been on municipal council for 16 years and presently hold the position of Mayor of West Perth. I am here today to make this short presentation both as a farmer and on behalf of the municipality, and thank you for the opportunity to do so.

We, again, congratulate the provincial government on bringing forth the long-awaited nutrient management guidelines. We speak for a municipality that is predominantly agricultural, with many livestock operations that use modern technology and modern environmentally sound farming methods. West Perth also operates a modern sewage facility in the ward of Mitchell.

We realize that there are many facets under consideration during these consultations. However, we will emphasize what we consider to be the most important piece in

this whole issue of environmental impact as it relates to agriculture: the ability to address land ownership and site limitations.

We are an amalgamated municipality of three former townships and one former town. One of the items on our agenda after amalgamation was to consolidate our zoning bylaws, resulting in the passing of bylaw 100-1998. This bylaw included section 6.6, which dealt proactively with the issue of expanding livestock operations and their relation to our infrastructure and environment. Our bylaw requires 30% land ownership and sets a limit of 600 animal units on a particular site.

#### 1340

In recent years, the livestock industry has seen an influx of farmers with vast financial resources establishing operations in our municipality, sometimes eliminating some or all existing buildings on the site in order to build all-new facilities. This point is relevant when discussing whether MDS, under a nutrient management plan, can address all concerns. In isolated cases, if MDS becomes an impediment by itself, if resources allow, the operator will simply buy and remove the restrictions, thus removing one more family farm from our municipal infrastructure. I would add that at the present time there are few, if any, livestock operations in West Perth over 600 animal units.

Our bylaw was appealed to the OMB, it was heard by the OMB in about five days of sessions last spring and approved by the OMB. The OMB decision was subsequently appealed to a lower Divisional Court by a livestock operator and this appeal is still outstanding. We have included a copy of the OMB decision, and I would just refer to page 16 of the OMB decision and the bottom paragraph, which captures our feeling. This is the board's wording:

"It is clear to the board, the large factory farms concerning the municipality and other witnesses present from further afield, are a new phenomenon on the agricultural landscape and they bring new problems and risks that citizens are now turning to municipal councils and the provincial government for guidance. The municipality needs and in the board's opinion, now has the planning tools available to regulate these large-scale operations."

Allowing site expansion beyond a reasonable level presents unacceptable pollution potential possibilities in our municipality. Pollution possibilities exist at the present smaller sites. However, these dangers will be increased in direct proportion to the increase in site size.

The number of livestock units on a particular site should be balanced in a reasonable way to the manure disposal requirements of the livestock on that site without unreasonable exposure to road travel and its inherent dangers.

To visualize the extreme of two or three large operators in each rural ward controlling all the livestock production by operating one very large livestock operation site is not acceptable. Such operations exist in less populated areas of North America—the western prov-

inces and some US states—and even those sites, although many miles removed from any conflicting uses, are raising concerns in their respective areas. These massive operations are not compatible with either our environment or our ratepayers.

On the issue of land ownership, we believe that a portion of the land required for manure disposal should be owned and thereby under the full control of the livestock owner. A regulation requiring a percentage of land ownership can be enforced through the building permit application process. We have some serious misgivings about the enforcement aspect of availability of unowned land.

The former Minister of Agriculture, Ernie Hardeman, when discussing our bylaw with me, stated his concern that some municipalities might use this ability to limit animal units per site too restrictively. In response to this concern we would accept and encourage government consultation and direction on parameters. We feel very strongly that site limitations should be part of any rural infrastructure. For many reasons, as the OMB agrees, it simply doesn't make sense to allow unlimited expansion on any one particular site.

Without some regulation addressing this aspect of nutrient production, rural municipalities will face an ever-increasing number of delegations opposing large livestock barns, because rural people as well as urban people are losing faith in the willingness and/or ability of government, whether municipal or provincial, to deal with the rapidly increasing size of livestock barns.

We believe that the forthcoming nutrient management plan legislation could deal with site limitations and land ownership in a number of ways, and we would support any option that deals with the issue in a balanced approach.

The legislation could simply remain silent on the issue, thereby considering this issue as separate from nutrient management and allowing it to be dealt with under other legislation. Our legislation was considered under the Planning Act.

Enabling legislation to allow local municipalities to address local concerns is by far the most desired venue because of (1) the ability to address local conditions and (2) the ability to enforce the guidelines through the building permit process. Enabling legislation at the county or regional level would also be appropriate and could be enforced through the local building permit process. The ability to address local concerns would be somewhat diminished because of varying conditions.

Watershed-wide legislation to limit livestock concentration on a watershed basis has appeal, especially on the water quality issues. However, it would be very difficult to say to one farmer, "You can have livestock," or "You can't." Site limitations on a watershed basis could be effective. However, we have some concerns that local issues such as road construction and quality of life would be compromised.

Province-wide legislation to limit animal units per site could be included in the new nutrient management plan

legislation. However, we feel local conditions vary significantly within the province and therefore one set of guidelines would be ineffective at best.

There have been many suggestions that issues relating to land ownership requirements can be addressed through MDS regulations. However, MDS rules, as we know them, apply to buildings, not manure disposal.

We agree that manure systems should have a relationship to land ownership. Liquid manure systems require different management than dry systems. Liquid manure systems definitely should have a certain land ownership requirement unless a specific manure disposal licence—for example, composting or extrusion—be in place. Dry manure systems could have different requirements.

Some other comments on this nutrient management legislation: Many of the proposed regulations on municipal biosolids are already practised, and we agree with an updated nutrient management plan for biosolids as it would promote public knowledge and support. We also would suggest an outright ban on the spreading of biosolids during winter months.

If the spreading of raw sewage will be prohibited within a certain time frame—and we have no objection to this—then the ability of all sewage treatment plants to accept raw sewage would be a step in the right direction. Sewage treatment plants have no basic responsibility to provide this service as, they were designed and constructed to service only urban serviced areas. Therefore, a provincial construction funding program to adapt these facilities would be appropriate.

Nutrient management plan approval criteria should be more open and defined so that the public knows what the basis of a nutrient management plan contains. For example, as a general rule of thumb, for every animal unit a nutrient management plan requires one available acre. Yet we have heard of nutrient management plans approved by OMAFRA at half these requirements simply because the farmer said he couldn't find more land. This does not lead to public confidence in the approval process.

Peer review committees are a good idea—we have one in Perth county and we're very familiar with it—as long as the process is followed as set out. We have some concern that one or two members become the committee. Leave the appointment of members to these committees at the county or regional level. Provincial appointees are usually out of touch and politically motivated.

As farmers and local councillors, we are eager to work with the provincial government to keep our rural landscape and water clean and safe. We will work toward guidelines that allow us as farmers to operate efficiently and in tune with the environment and we don't believe that these regulations need to be financially significant.

In conclusion, local municipalities are facing new provincial water regulations, whether a system has six users or 6,000, that have an astronomical price tag attached, all in the name of protecting the environment and water quality.

We believe that a balance between necessity and overkill by putting the same regulations in place across the province has been compromised. We hope the same mistake can be avoided in the design of the nutrient management plan legislation and therefore respectfully make a strong request that any guidelines regarding land ownership and site limitations be vested with the local municipality.

1350

I thank you for your time and attention and wish you good luck in your deliberations.

**The Acting Chair:** Thank you very much. I'll allow one quick question from each caucus. Turning to the official opposition, Mr Peters.

**Mr Peters:** An interesting point right off the bat is that your bylaw requires 30% land ownership. I just did a quick skim of Kincardine and there's 25% land ownership. It's going to be interesting what we do down the road. If 30% is the standard, then are we going to go retroactive and say to the people in Kincardine, "You've got to get to 30%"? It would be interesting to review some other bylaws.

If land ownership is required for farmers—and in your case 30% land ownership sets the limits—what would you do with the municipality? A number of municipalities operate a waste water treatment plant. Say it comes time to clean the plant out and you want to spread the biosolids, are you saying the municipality has to own 30% of the land? Do you follow me? If a municipality is going to spread its sludge someplace, do the same rules apply to the municipality that they have to own 30% of the land they're going to spread? It's maybe a bit hypothetical, but it's very real, if you were to interpret your own bylaw and apply it to yourself, Your Worship.

**Mr Van Bakel:** Right. On the first point of land ownership, our council has no problem with province-wide guidelines on land ownership, because it's irrelevant of topography or whatever conditions you might apply. If there's 30% or 50% or whatever, I think that can be province-wide or area-wide.

On the issue of the biosolids, biosolids are under a very strict guideline by MOE now. The land has to be tested. They have some very strict guidelines and very few people are aware that there are a good number of guidelines they must follow. We don't disagree with that at all, but farmers have to be signed up. It has to be on file with MOE and all that sort of stuff. I think those guidelines are in place, which I would never suggest that we apply to farmers or farm manure, because it's impractical. But the guidelines need to be there for MOE and our sewage treatment plants. I agree with them and I think they should be more open so that people know there are guidelines in place and know what they are.

**Ms Churley:** I'll try to be quick. I have a lot of questions from your presentation. I think the one I'll stick to, though, is who should be in charge here? That's come up a lot and there are disagreements on it. In my view, from what we've heard, most of the farm community, but not all, really want to make sure that it's handled by the

province. You and some others have made the case that municipalities should have some say in what happens in their land base and usage. Would you support some way of minimum standards in this bill put forward by the province so that nobody could go below these minimum standards but that municipalities have the opportunity, working with the community, to improve on those minimum standards?

**Mr Van Bakel:** I think that's a fairly good position that we would support. We don't believe we should be involved in a lot of the guideline discussions. I think the local municipality would like to have control over certain site limitations, because we feel that whether that is part of legislation now, it will be part of legislation 10 years from now, but 10 years from now might be a little late to address it. We like to think we're proactive in this, rather than reactive.

**The Acting Chair:** To the government side, are there any questions?

**Mr Johnson:** John, I'm glad you're here. You're kind of a lone beacon out there.

**Mr Van Bakel:** Well, I'm a lesser light.

**Mr Johnson:** Yes, I know, and I'm glad to see that—

**Mr Van Bakel:** They're shining.

**Mr Johnson:** I refer to the site limitation and what might be called caps and things like that. I didn't want you to think that just because it may be lonely position, you should ever reconsider. Sometimes we need that to guide us. So I'd like to compliment you on that.

At the bottom of page 2, you were saying that the spreading of human waste—septage, if we can use that—on land is going to be prohibited under the act. In the context of pathogens and those things that may pass through the body, whether it be a cattle beast, a hog or a person, in connection with that, what is the difference between spreading raw septage on the land and raw liquid manure?

**Mr Van Bakel:** For one thing—and I'm not a scientist or an expert—I believe there are pathogens in liquid human waste that are inherently more dangerous to the human population than animal waste. I'm not an expert in that but I'll take that as stated by other agencies or whatever. So if that were to be removed from putting on the land, and thereby the ability to actually go directly into the streams, we don't have any objection. In fact, we're already considering modifications to our sewage treatment plant that would be able to handle this on a cost-recovery basis.

**The Acting Chair:** Thank you again for your presentation. We appreciate your advice.

#### MUNICIPALITY OF NORTH MIDDLESEX

**The Acting Chair:** I'd like to call forward now the municipality of North Middlesex. Good afternoon and welcome to the standing committee on justice and social policy. Could you please identify yourselves for the purposes of our Hansard record.

**Mr Chuck Hall:** I'm Chuck Hall. I'm the mayor of North Middlesex. I appreciate the opportunity to speak here today. I'm here with our municipal planner, Barbara Rosser. Basically, we'd like to put across the concerns that North Middlesex has in the Nutrient Management Act.

Our first concern is—and I'll just start here—we note that the draft legislation does not provide for a role for local municipalities in the approval of individual nutrient management plans. Given that the legislation does not provide for nutrient management strategies, as defined within part I thereof, by local municipalities and others, it would seem logical to also provide for municipal consultation prior to nutrient management or non-municipal nutrient management strategy approvals, where an approved municipal nutrient management system exists.

Therefore, we request for consideration a consultative role for local municipalities and, where a municipal nutrient management system has been approved, a requirement for compliance therewith in the approval of the nutrient management plans.

Secondly, we recognize that certain sections of the draft legislation are broadly worded so as to have application to the non-farm use of nutrients. However, we think that in light of specific references to farm operators, farmers and agricultural operations, a similar reference should be made to the inclusion of non-farm operators, non-farmers and non-agricultural operations. We suggest that this approach could be used at a minimum within subsections 5(1)(a), (b) and (c), and 5(2)(a), (b) and (c) of the proposed act.

Thirdly, in particular we are of the view that the implementing regulations for this act should also specifically apply to non-farmers and non-agricultural operations where qualifications, education, training and certification are concerned. This would relate to sections 5(2)(b) and (c). This is because we believe that non-farm and particularly residential applications of nutrients can be inappropriately heavy and can occur with little knowledge of appropriate procedure.

Concern number 4: it is the view of this highly agricultural municipality, which North Middlesex is, that matters relating to septic disposal are appropriately the responsibility of the Ministry of the Environment. However, it will be essential that the provincial ministry responsible for this legislation has some knowledge of the agricultural industry, given the primary focus upon agricultural operations. Therefore, we submit that the Ministry of Agriculture, Food and Rural Affairs is the most appropriate provincial ministry to administer this legislation. Failing that, our view is that a formal consultative role in the approval of nutrient management plans and nutrient management systems should be incorporated for OMAFRA as a component of this legislation.

Concern number 5: as a rural municipality, North Middlesex is charged with the responsibility for maintenance of many unpaved roads which require periodic dust control measures. Due to environmental concerns,

many materials can no longer be used for this purpose. It is our opinion that either the definition of "nutrient" utilized in the act or the implementing regulations should specify that local municipalities are exempt from this legislation in the application of material for this purpose so long as the material is approved by the Ministry of the Environment under its mandate.

**1400**

(6) We wish to request participation by rural municipalities in the development of the implementing regulations for this legislation.

Those are our concerns from North Middlesex.

**The Acting Chair:** Thank you very much for your presentation. We have some time for questions from committee members. I would turn first to the New Democrats.

**Ms Churley:** Thank you very much for your presentation. In point 2, you mention, "in light of specific reference to 'farm' operators, 'farmers' and 'agricultural' operations that similar reference should be made to the inclusion of 'non-farm' operators, 'non-farmers'" etc. Could you expand on that? I assume you're meaning, for instance, golf courses and other land uses that use applications, pesticides or whatever. Is that what you're talking about here?

**Ms Barbara Rosser:** That would be correct. We think the references that we've cited could be made less agriculturally specific and rather have application to all uses or all practices that relate to nutrient management.

**Ms Churley:** What is your opinion on who should be in charge of the legislation? Should it be the province, as has been put forward by the legislation to date and by many particularly in the farm community? Although some municipalities are very clear that they want to have some control of their own land use.

**Ms Rosser:** I believe the view of North Middlesex is that this matter would be appropriately dealt with by the province in order to achieve consistency among the municipalities and among the different parts of the province.

**Ms Churley:** One of my concerns—and others have mentioned it—is that one size doesn't fit all, that you have different types of soil and different land uses in different areas and that trying to apply the law equally will cause problems in some areas. I take it you don't think so in your jurisdiction.

**Ms Rosser:** It would be my suggestion that, first of all, in finalizing the legislation and developing the regulations, nutrient management plans should be appropriate for the area that they're dealing with, such as local soil conditions, local drainage patterns and the like.

**Ms Churley:** So there would be flexibility within the—

**Ms Rosser:** Absolutely there should be flexibility to meet local conditions.

**Mr Beaubien:** Thank you very much for your presentation this afternoon. In point 3 of your presentation you seem to support qualifications, education, training

and certification of people applying the effluent on the land, am I correct?

**Ms Rosser:** That's correct.

**Mr Beaubien:** I think a lot of people are probably of the same opinion. However, a couple of days ago we had a presentation made by the Middlesex Federation of Agriculture, I think it was in St Thomas. Under clauses 5(2)(b) and (c) the legislation—and I'm quoting from the text as presented by the Middlesex Federation of Agriculture—"requires farmers and those operating equipment to meet qualifications and pass prescribed examinations. Our response: this is overkill. This act will require more farm work in a busy spring period and it should be sufficient that the farm manager be licensed." Any comment, because you are from Middlesex?

**Ms Rosser:** If I could answer that question, on the council for North Middlesex there is representation from the farm community. I believe there are three councillors who are full-time farmers. The input we received from them was that where the application of nutrients to land is concerned, they all have to be qualified in order to do that. They feel it is quite appropriate for anyone applying nutrients to be similarly qualified and that it would not be sufficient for only the farm manager to have that qualification or certification. So the input we received was not that that would be onerous.

**Mr Beaubien:** But as a municipality, you have a fair amount of farmland. Let's say the legislation were to allow this, does that create some municipal concern that the farm manager would be the only person who would be licensed and anybody else under their jurisdiction would be able to do the spraying and the application?

**Ms Rosser:** Yes, absolutely, it would create some concern. The view of council was that all persons who are doing the application should be qualified to do the application. Similarly, their view was that that should extend to non-farmers as well, that other persons who do application of nutrients should be qualified. So the answer to your question would be yes, that would be a concern.

**Mr Peters:** I just wondered if you could clarify. I think I know what you're getting to in number 5. I'm assuming you're talking calcium, road salt in the winter, things like that.

**Mr Hall:** Yes.

**Mr Peters:** We know we're just dealing with the framework of the legislation here. We know the devil is in the details of the regulations. We've consistently heard input from day one, as you have pointed out here, on the development of those regulations. Could you express to the committee how you would see municipal input into the development of regulations? Is it like we're doing right now, where you would want the government to come up with a draft, a framework, and we circulate it and travel around in a travelling road show to get input like this? How do you envision municipal input in the development of those regulations?

**Ms Rosser:** If I may, I think it would be appropriate for there to be a drafting of the regulations and

circulation, as you describe. When it came to the actual logistics of input, it would probably be helpful if it took place in more of a working committee format, where it would be more a matter of going through each of the regulations and determining what made sense or what didn't make sense. I think in that respect it would probably be more appropriate to have a working committee type of format, a little bit smaller group perhaps. But I think it's important that municipalities do have some input and that it be done in a meaningful way.

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

1410

#### CHRISTIAN FARMERS ASSOCIATION OF HURON

**The Acting Chair:** Next I would like to call forward the Christian Farmers Association of Huron, if they're present. Welcome to the standing committee on justice and social policy dealing with Bill 81.

**Mr Gary Haak:** My name is Gary Haak. I'm the president of the Christian Farmers Association of Huron.

I'd like to note that these concerns that I'm making right now are in addition to the concerns to be brought forward later on by the CFFO.

Support in principle: the Christian Farmers Association of Huron would like to thank the government for this initiative to "set out a comprehensive and integrated approach to all land-applied materials containing nutrients to ensure 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 a quote I took from the newspaper made by Agriculture Minister Coburn. However, there are a number of concerns that we wish to address concerning this proposed legislation.

(a) We have concerns that the legislation will be applied in a graduated manner using livestock units as the scale for determining the timing of compliance and the level of compliance required by farmers. We, as the Christian farmers of Huron, strongly agree with the need for a graduated approach since smaller farms will have a harder time recovering some of the costs incurred by the pending legislation. However, we prefer an integrated system of graduation based on risk. Risk of pollution will vary between farms with similar total livestock units specifically because of differing types of livestock and whether it is dry or liquid manure. It is our understanding that the livestock unit system was developed based on the weight of the animal—or livestock densities—in question with no regard to the pollution risk posed by the manure produced by that animal.

(b) Another concern is that this act will govern the disposal, storage and transportation of dead animals. Will this replace the Ontario Dead Animal Disposal Act?

Under the Ontario Dead Animal Disposal Act, producers are liable for a fine of not more than \$2,000. However, under the proposed legislation, producers are



liable for a fine of not more than \$5,000 for each day or part of a day for which the offence occurs or continues for a first conviction, and \$10,000 for each day or part of a day for which the offence occurs or continues under subsequent convictions.

It is our position that if dead stock disposal is to be included in this act, penalties should be administered differently than for nutrient management violations and that the whole issue of dead stock disposal needs to be looked at again.

Currently, renderers will not pick up carcasses from sheep, goats, deer or elk, or carcasses from pigs, cattle and dairy that have drug residues. Therefore, most live-stock producers are disposing some, if not all, of their own animal mortalities. Under the ODADA, it is illegal to compost carcasses in manure piles, yet that is primarily what is happening in some circumstances. Therefore, even under current legislation, most Ontario producers are at the moment liable for fines. Some small abattoirs will no longer slaughter sheep, goats, deer or elk because renderers will not pick up material contaminated with offal from these species.

(c) Inspection without warrant: It is our position that the only time that a “provincial officer may, without warrant or court order, enter and inspect land or premises of an agricultural operation regulated under this act”—and that is a quote from that act—is when there is a risk of damages occurring beyond the premises or property of the agricultural operation in question. In all other circumstances a court order or warrant should be required.

The reason for our stand on this is to protect agricultural operators from abuse by overzealous provincial officers. Court orders may be obtained within a matter of hours and if a provincial officer repeatedly asks for court orders without getting convictions, the judge will keep him accountable. As a rule, most farmers are very cooperative anyway and if a provincial officer asks to be able to inspect an operation, they will willingly oblige.

(d) In regards to implementation of this act, it is our understanding that large agricultural operations will be asked to comply first, and then medium and then small, and finally municipalities. We encourage the government to require compliance more in line with the risk involved, ie, most municipalities produce more effluent than small or medium-sized operations and therefore pose more of a risk to the environment and the population in general. Our concern is that once the government is finished with enforcement of all the classes of agricultural operations, there will be little political will left to deal with municipal waste disposal problems.

As the Christian Farmers Association of Huron, we recognize that the Ontario government has a huge task in hand as they ensure that land-applied nutrients are managed in a way that results in environmental protection and public confidence in future agricultural and rural development. We commend the government on this initiative. It is our hope that the Ontario government will set forth legislation that is practical in nature and that will not hinder the growth of Ontario’s diverse agricultural industry. Thank you.

**The Acting Chair:** Thank you, Mr Haak. We have some time for questions from members of the committee. I would look first to the government members.

**Mr Murdoch:** A couple of things that you didn’t mention here: I just wonder what you think about enforcement. Would you rather see OMAFRA enforcing these regulations or the Ministry of the Environment?

**Mr Haak:** That’s an issue that has come up for discussion on a number of occasions. I think most farmers and most farm organizations agree that OMAFRA is a lot more farmer-friendly, at least in the past, with the records.

**Mr Murdoch:** A lot of different organizations have expressed one or the other, so I just wondered, when you didn’t mention that, if you had an opinion on it.

**Mr Haak:** They talk in the act about peer review groups and we definitely would like OMAFRA to be involved in that.

**Mr Murdoch:** The other question that’s come up quite frequently is should a farmer have to own all the land that they’re going to spread their nutrient on or would you allow to rent properties? Some suggest that maybe the farmer has to own all the land for a nutrient plan to be put on it; other people suggest that he could rent some, and there’s been 25% or 30% ownership. That’s been thrown around, but I just wondered if you had a view on that.

**Mr Haak:** I know that I can count on my hand quickly the number of operators that just have poultry, for instance, and no land, but they have agreements. Even within our group there’s really no consensus on that. I don’t know if you’re going to get any. I think, generally, as long as there are long-term agreements that the nutrients are disposed of in a wise manner, we can forgo some of the land ownership restrictions.

**Mr Peters:** Thanks very much for your presentation today, Gary. There’s been a lot to learn and a lot to understand with this whole process, and “science” and “research” are words that come up over and over again. I’m trying to understand your concern (a) and the last part of it, “with no regard to the pollution risk posed by the manure produced by that animal.” I guess what I’m curious about, are you trying to say here that there’s good manure and bad manure? I’m not trying to be smart; I’m trying to be serious. If that’s how I’m interpreting this, good manure, bad manure, is there a science that you base this concern on?

**Mr Haak:** I point out two different things. There’s the difference in livestock. I know the sheep producers’ manure is not nearly as volatile as pork or chicken or even beef and dairy, and a lot of that has to do with the way the livestock are fed. I know the sheep tend to be mostly forage-based, hay, in their diet. If you compare that, for instance, to a dairy herd, they tend to feed them a lot of grain and so the concentration of nutrients in the manure will vary between livestock species. I think that everybody in the agricultural industry will agree that liquid manure versus solid manure—in solid manure a lot of the nutrients are tied up just because of the carbon

base, whereas the liquid manure is spread on the land and it has to find the carbon to tie it up for the organic matter. Does that answer your question?

1420

**Mr Peters:** I guess we need to understand the differences between the animals.

**Mr Haak:** I agree.

**Ms Churley:** Are your members mostly small family farms or is it mixed?

**Mr Haak:** No, it's mixed. We have some larger producers.

**Ms Churley:** So you have some of the large producers as well.

I wanted to ask you a little bit more about the Ontario Disposal of Dead Animals Act. I think that's the first time, in my knowledge—I haven't been at all the meetings—that this has been raised. What you say here causes me some concern, and I'm not quite sure that what you're recommending we do at this point. You're suggesting that there's a problem that exists right now. What are you suggesting should be done about that?

**Mr Haak:** What we're saying is that there is a problem with dead livestock disposal, and I think it was fairly clear in what I put down. I know there are sheep and lamb producers—and it's not necessarily just the smaller ones. When you're in the middle of lambing in the middle of winter and it's minus 25 degrees, it's storming outside and you've got these dead lambs, you're not going to go dig a hole in the ground to get rid of them. Quite often, if you can find your compost heap underneath all the snow—it's a problem—what will happen is the carcasses of the dead lambs will just end up in the manure pile.

I guess what I'm saying is that the Nutrient Management Act, as proposed, with potential fines set out—they're two different issues. I would like the government to handle the dead animal issue, but take a good, hard look at it to make sure they aren't throwing cannonballs at something.

**Ms Churley:** I understand. Thank you.

**The Acting Chair:** Thank you again, Mr Haak, for your presentation and for your advice. We appreciate it.

#### MAITLAND VALLEY CONSERVATION AUTHORITY

**The Acting Chair:** I would next like to call forward the Maitland Valley Conservation Authority. Good afternoon. Welcome to the standing committee on justice and social policy. Could you please identify yourselves for the purposes of our Hansard record?

**Ms Alison Lobb:** My name is Alison Lobb. I'm chair of the Maitland Valley Conservation Authority.

**Mr Phil Beard:** My name is Phil Beard and I'm the general manager with the Maitland Valley Conservation Authority.

**The Acting Chair:** Welcome.

**Ms Lobb:** My name is Alison Lobb, chair of the Maitland Valley Conservation Authority. One of our key

objectives is to work with landowners, community groups and municipalities to protect and restore clean water and healthy rivers throughout the Maitland and Nine Mile watersheds. We are here today to talk about our experiences with nutrient management and how Bill 81 can help us achieve our objectives of clean water and healthy rivers.

Bill 81 addresses one component of protecting surface and groundwater resources from agricultural impacts: nutrients. Agriculture also contributes other contaminants to water such as sediment, pesticides and pathogens. The Maitland Valley Conservation Authority would strongly recommend that the provincial government develop a water policy framework in order to address the protection and restoration of water resources throughout the province. The Nutrient Management Act is one tool in a provincial water policy framework. In the absence of this framework, our focus is to identify ways in which the act and subsequent regulations should be developed in order to protect water resources from agricultural impacts.

Over the past few years, there is no single issue that has been more controversial or hotly debated by the public, farmers and municipal councils in the Maitland watershed than nutrient management and intensive livestock operations. According to a recent report completed by Huron county, a new intensive livestock operation or expansion of 100 animal units or more is constructed at an average of every 10 days. Over 350 livestock operations have been constructed over the past five years in Huron county.

The public is asking what impact will these operations have on our groundwater and rivers? The standard answer is that if best management practices are followed, there should not be any detrimental impacts. Unfortunately, this response is not good enough to satisfy the concerns of the public, especially considering some of the events that have happened in our watershed related to intensive livestock facilities. We've already had a new livestock barn and storage facility develop cracks, which resulted in manure leaking into a municipal drain. Another incident involved the spreading of liquid manure in late fall, flowing onto an adjacent property and resulting in the contamination of a neighbour's well. Thirdly, a manure storage tank was being built in a swamp that drains into the Maitland River.

These are not the types of events that give the public any confidence that intensive livestock operations are good for the environment. People are beginning to realize that nutrient management plans can be purely an agonomic exercise. It is important that a water quality protection component be built into Bill 81.

The Maitland Valley Conservation Authority has been monitoring water quality in co-operation with the Ministry of the Environment for over 30 years. This year we've had one water sample that meets the recreational swimming guidelines for E coli. E coli counts rise dramatically when we sample the river after a rain. We've analyzed summer precipitation patterns over the past 10 years. Most of our summer rainfall is coming in the form of

thunderstorms. These precipitation events tend to be of short duration but high in intensity. This trend is expected to continue. These types of rainfall events tend to create a lot of surface runoff and result in a lot of soil, nutrients and pathogens being washed into our rivers and streams. Climate change will increase the potential for soil erosion and pollution to be washed into rivers and streams. There is a renewed need to focus on soil and water conservation in order to preserve our topsoil and protect our water quality.

We would recommend the following be incorporated into Bill 81 in order to protect water quality and encourage more conservation practices on the land:

(1) Applicants should be required to prepare a water quality protection plan for their operation. These plans would have a two-step process, much like environmental farm plans, except these plans would be public and would be required to be implemented. The first phase in the development of the plan would focus on identifying the potential risks of contamination to both surface and groundwater. The second phase would identify how these risks are going to be managed. The plan would outline the conservation methods that would have to be put in place to protect both surface and groundwater from being contaminated. The plan would have to be approved by the Ministry of the Environment. The water quality protection plan would need to be developed in concert with a nutrient management plan to ensure the two plans are compatible. Two municipalities in our watershed have already incorporated this requirement into their nutrient management bylaw. We have assisted them by developing generic terms of reference for preparing a water quality protection plan. A copy of the generic terms of reference is attached to this report.

(2) The density of livestock and the size and physical characteristics of the land base upon which the operation is situated must be incorporated into the definition of "intensive livestock." The use of the number of animal units alone is inadequate to describe an intensive livestock operation.

(3) On-site reviews of the nutrient management plan's implementation should be scheduled every two or three years. Soil testing should be a mandatory requirement on all livestock farms on an annual basis, and field sampling parameters should be established. Nutrient management plans are a good start as a responsible agronomic exercise, however, this is not a precise science as yet. Therefore, there is a need for field monitoring and adjustment to be done on a regular basis.

(4) The design standards for liquid manure storage facilities and barns should be upgraded to ensure that they are designed to prevent cracking and leaking.

(5) A county-wide or province-wide registry of lands under agreement to accept manure should be developed and made public.

(6) In the future, as technology develops, consideration should be given to requiring that all biological materials spread on the land, not just septage and biosolids, be treated to kill pathogens through aerobic or anaerobic decomposition processes. There has been a lot

of research on composting and the use of anaerobic digesters in other countries. The greatest potential for environmental impact appears to be from the use of untreated liquid manure.

(7) Third party review of nutrient management plans is essential. Staff from both the Ministry of Agriculture, Food and Rural Affairs and the Ministry of the Environment should review these plans, as well as the water quality protection plan, to ensure both agronomic and water quality criteria are met.

(8) All livestock operations and applicators of liquid manure should be licensed and a demerit point system instituted for environmental offences.

In closing, I would like to urge the committee to include representation from conservation authorities on any subcommittees that are established to develop the regulations that will be developed as part of the Nutrient Management Act. It is imperative that regulations are developed that will protect water quality throughout the province.

As well, care must be given to ensure the cost of implementing these regulations is shared fairly by all parties involved. For example, the implementation of regulations for treating all septage would require major upgrading to many municipal sewage treatment plants, capital outlays beyond the financial capability of most small rural municipalities. The province has both a duty and an obligation to protect and restore water resources throughout the province, and should be prepared to support these efforts with adequate funding for both agriculturalists and municipalities.

1430

**The Chair:** Thank you very much for that presentation. Each party would have a little over two minutes each. We can begin with the PCs.

**Mr Murdoch:** I'm just wondering, you said here all the upgrades that would take place. Who would pay for all the agriculture upgrades?

**Ms Lobb:** That's why I say there has to be care given, that it's shared.

**Mr Murdoch:** Yes, OK. So you do agree with that. Because I noticed "all livestock operations"—so you mean small beef operations as well as the liquid? It does say "all livestock operations and applicators of liquid manure should be licensed", so I'm assuming you're including everybody in that?

**Ms Lobb:** I would have thought it would apply more to intensive livestock facilities.

**Mr Murdoch:** I noticed it didn't say that here, and we talked about it around the table. There are some people who are in intensive livestock who think maybe it's not fair that they're the only ones who are pointed out. There's a variation. And the act does phase everything in, but I'm just wondering.

**Ms Lobb:** But we also made a comment about the definition of intensive livestock, that it shouldn't just be based on numbers.

**Mr Murdoch:** No, I understand that, too, but there are a lot of small operations out there, cattle operations, that just have dry manure.

**Ms Lobb:** Yes, and I would agree with that.

**The Chair:** We'll go to the Liberals.

**Mr Peters:** I have couple of questions, and I'll ask them both. On point number 3 you say, "soil testing should be a mandatory requirement on all livestock farms on an annual basis." My question on that would be what about a cash crop farm that is accepting nutrients from a livestock operation? Was it your intent that—

**Ms Lobb:** I would think that should be included as well.

**Mr Peters:** OK. On point number 8, when you talked about a demerit point system being instituted for environmental offences, if you were to pursue the demerit point system for environmental offences and you had a repeat offender, and it got to the point where he didn't have any points left, what are you saying, that the livestock operation, if that's what it is, be shut down?

**Ms Lobb:** I guess the example I would have had in my mind would be of someone who is a custom liquid manure operator, and if he had a certain number of demerit points, he would not have his licence any more.

**Mr Peters:** OK. So it's not the farmer.

**Ms Lobb:** That wouldn't have been my interpretation. Hopefully, there's going to be a lot of thought going into these regulations, and many of these things will have to be addressed. That's one of the reasons we're saying we hope there's a broad representation on whatever group puts the regulations together.

**Mr Peters:** I wholeheartedly agree.

**Ms Churley:** Thank you very much. You've mentioned in your presentation that this Nutrient Management Act goes so far, but only so far in terms of dealing with the problem, but it doesn't address, for instance, the pathogens and other problems. The government has recently announced, and I believe the way it works is, they're giving money to municipalities. They're starting a groundwater study. The other thing that's happening is that the Walkerton inquiry commissioner will be reporting in the near future—he said by the end of December—and then the government will have a chance to review his recommendations. We expect there are going to be a lot of recommendations in this area and around the protection of our water.

I'm just wondering, on one hand, there's an urgency to get on with this, but on the other hand, these other two things are happening which I believe would ultimately have an impact on this legislation and the regulations. So what do you think we should do? Should we wait until these recommendations come forward or move forward? Because once you've passed an act in the Legislature, it's really hard to get it opened up again, believe me.

**Ms Lobb:** I wish I knew the answer to that. I guess what concerns me is if I see many municipalities saying, "Well, we won't do anything now. We'll wait, because this is going to come down," and barns are getting built, some of them in the wrong place.

**Ms Churley:** So on balance, then, because I think I tend to agree that we need to maybe see this in phase 1

and then, working with the farm community after these recommendations come forward, move on to phase 2.

**Mr Beard:** We're getting a lot of public reaction, saying, "When are some rules going to be coming into place?" Municipalities are being faced with applications every day. So I think there is some urgency to get on with getting something in place.

**The Chair:** I want to thank you, Ms Lobb and Mr Beard, for Maitland Valley's presentation.

#### CHICKEN PRODUCERS OF HURON COUNTY

**The Chair:** Our next delegation to come forward is the Chicken Producers of Huron County. Good afternoon, sir. We have 15 minutes, and we'll get your name for Hansard.

**Mr Alex Westerhout:** Good afternoon, Mr Chairman and members of the committee. Welcome to Huron county. My name is Alex Westerhout. I'm a local chicken farmer who was born and raised in Clinton. I graduated from the University of Guelph in 1979 with a bachelor of science degree in agriculture, majoring in animal science with an agribusiness minor. Since graduating in 1979, I took a small hiatus and explored a bit of the world and backpacked through Europe for four months, but since then I've been farming full-time, producing broiler chickens and cash crops. This year I also entered the hog business. For the past 11 years I've served as a district community representative with the Chicken Farmers of Ontario, or CFO. I'm also the chairman of the CFO's district 2, which happens to be Huron county. I have also been involved with the Huron Farm Environmental Coalition.

I would like to point out that Huron county is a significant chicken-producing county. The number of chicken farms in this area continues to grow as people increase their investment in the future of Ontario agriculture. There are approximately 150 family chicken farms in Huron county, and I emphasize the word "family." Collectively we produce almost 40 million kilograms of chicken meat annually.

I realize that on September 5 in Toronto, John Maaskant, who happens to be a fellow Huron county chicken farmer and CFO director, made the official Chicken Farmers of Ontario presentation to the committee. Therefore I will not waste the committee's time by giving the same presentation. However, since you have made the effort to visit Clinton and hear what I have to say, I would like to take this opportunity to reinforce some of the key points that Mr Maaskant made on September 5 on behalf of the CFO with regard to this legislation.

First, it is important to maintain government consultation with farmers and farm organizations. This has been the case in the past, largely through the Ontario Farm Environmental Coalition, and clearly, as we can see today, consultation is continuing and I applaud you for that. This is something that is essential, especially as

government develops the regulations that will determine the effectiveness and fairness of the nutrient management legislation.

Second, consistency: once passed and implemented, the legislation must be consistent. It must supersede any municipal bylaws. The government of Ontario must ensure, for example, that the Ontario Planning Act does not give municipalities an opportunity to circumvent the provincial legislation. The objective of this legislation is to protect the environment and to prevent water quality problems in the future. The rules and regulations in Huron county should not be any stronger or any weaker than ones in other counties. They must be consistent, and that is why they must come from Queen's Park and not individual municipalities.

**1440**

I'm part of a new municipality that is an amalgamation of two townships and one town. Within this municipality I own two farms across the road from each other. They have different bylaws and rules. This legislation can be the opportunity to protect us from this kind of variability and all the associated headaches that go with this, of course.

Just to highlight this, I had a phone call this afternoon as I was walking out the door to come to this meeting. According to a neighbour, our municipality has passed a new bylaw for building permits. This bylaw requires a nutrient management plan, at a cost of approximately \$1,500, and a further review by some other party at a fixed cost of \$800. He was quite irate about the cost, and we had a little talk about this, but I didn't really have time to get into it with him. But it does raise some points with regard to this legislation. How much is this legislation going to cost the agricultural industry? Who is going to pay for it? How are these costs going to affect our ability to compete within Canada and around the world? I guess the bottom line is, are all these costs required?

Third, inspection and monitoring: I recognize that for the legislation to work, inspectors may need to visit farms. This, however, poses a potentially serious biosecurity risk. I cannot emphasize enough how this concerns us, and myself personally. Personally, I do not allow anyone on or near my chicken barns unless absolutely necessary. If someone does have to enter, I try to ensure their cleanliness and I'm nervous for the next few weeks thereafter. As we've seen in Europe with the foot and mouth, there's lots of potential there for catastrophe.

I believe that any inspector who sets foot on my farm must adhere to a strict biosecurity protocol. The Canadian chicken industry as a whole is moving forward quickly with its own on-farm food safety assurance program. We need to know that a biosecurity protocol developed by the government will maintain the credibility of the chicken quality assurance program, which has now officially been recognized by the Canadian Food Inspection Agency. Furthermore, we need assurance from government that the people who will be inspecting

and monitoring know what they are doing and have been properly trained. We don't want someone who knows nothing about farming coming on and telling us how to run our farms. I believe OMAFRA is the obvious choice to be doing any inspections or audits.

Lastly, I believe that the use of livestock units to measure farm size or intensity is not appropriate, because these units are arbitrary in nature in the sense that there is no scientific basis for deciding how many chickens make up one unit. That is why we would like to see the government approve the use of AMNUs, or animal manure nutrient units. These units are based on the nutrient content of manure. That is the kind of science that should be used to determine how many chickens are in a unit. However, no matter what system is used, it is important to understand that getting this number right is essential. Not only does this number need to be right, it needs to be easily adjusted.

Thirty years ago, an average feed conversion was 2.5 to one. That means it took two and a half pounds of feed to produce one pound of live chicken. It is now 1.8 to one and going lower, and it's going to continue to improve. As well, what goes in and what comes out has lost the potential to change in the near future. I should have told you as I went along that with this decrease in feed conversion we are also producing a lot less manure. So when you look back at some of these bylaws that were made years ago with the livestock unit, so many chickens per livestock unit, that number is way out of date. We need to really work on this and get the right number for this.

In conclusion, I would like to thank the committee for this opportunity to speak today. But before closing, I would just like to offer a few more comments.

I personally believe that family farms are already doing a responsible job. I live with my wife and two sons on our farm, as most farmers do. Where this manure is produced and where it is applied is where we live. Our water comes from wells on our property. We hike, hunt and fish on our farms. I personally have completed an environmental farm plan. I have a pesticide licence. I hire professional agronomy services to soil sample and make nutrient and pesticide application recommendations. No one has more interest in their surrounding environment than I and farmers in general.

I would also like to make a comment on manure. It is not a waste product. It is a valuable resource. When I first started farming I was on a small acreage. I used to sell the manure. There are plenty of cash-croppers in Huron county and in Ontario, and I believe that most of them could use some manure on their land, if not all. I am regularly approached by several neighbours wanting my poultry manure. It is a valuable resource. I also personally believe that there is no need for any acreage requirement as far as acres per number of animals, AMNUs, livestock units, whatever number is used. The important thing is that the manure is handled responsibly.

Finally, I realize that agriculture has a role to play in protecting our environment. We want to be as responsible

as other sectors in our society, if not more so. I believe this legislation can go a long way toward ensuring that we continue doing a good and responsible job in protecting our environment. For those few who aren't doing a responsible job, this legislation will force them to change their ways.

Thank you very much. I'll try to answer any questions you may have.

**The Chair:** Thank you. We have about a minute and a half for each party for questions.

**Mr Peters:** You kind of touched on this a bit during your presentation, but I was wondering if you maybe could elaborate a little bit on this. I understand that there are some chicken producers who are concerned about the way that the animal units were developed and the fact that they were developed during the deliberations for minimum distance separation, thus being based really on an owner and not necessarily from a nutrient standpoint. I was wondering if you could expand on that a little bit. As I say, I think you did touch a bit on it. Do you share these concerns as well, as to how those animal units were developed?

**Mr Westerhout:** Certainly I do. I guess the bottom line is chickens' feed conversions are changing so rapidly and there's so much potential out there for the feed inputs, enzymes, to change what's going to come out at the other end and what the nutrients are going to be. So just to say we're going to have so many chickens, what size of chicken are we talking? Are we talking a one-kilo chicken, a five-kilo chicken? Most of them are in between, but how many chickens equates to one animal unit? We really need to get down to how much manure, how many nutrients are coming out of that building on a yearly basis and how are we going to handle it? Certainly chicken manure is probably—I might get shot by somebody here, but all manure is not the same. Chicken manure is primarily very dry.

**Mr Peters:** There's good manure and bad manure.

**Mr Westerhout:** Let's just say that the broiler industry has dry manure, and as far as minimum distance separations, there's a lot less odour; as far as applying it, there's a lot less chance for it to run off after application because it's dry to begin with; different ways of storing it. It's completely different. So that's why, as a group, we certainly want to be involved in any kind of regulations. I know this committee has probably no direct input into the regulations that are coming, but hopefully you have some kind of moral persuasion there. I realize this is to do with the legislation, not the regulations that are coming later.

**Ms Churley:** Thank you for your presentation. You've said that you've also recently gone into the beef industry.

**Mr Westerhout:** No, the hog industry.

**Ms Churley:** We're hearing sort of both sides of the story of what's been going on here in this area. In fact, we just heard from the conservation authority that there have been problems, leakages and what not. There are some people suggesting that until we get a new act in place and our act together that there should be a

moratorium on—you're probably the wrong person to ask this, but I'd like your view.

**Mr Westerhout:** I think you probably know my answer before you ask it.

**Ms Churley:** I probably do. You would say no. But on the other hand, given that there are problems and we can't bury our heads in the sand and say there are a few bad apples and just try to deal with it after the fact, what should we be doing? What do we do to prevent it from happening? What will you do?

**Mr Westerhout:** The only way I know how to respond to that is, we will never be able to live in a totally risk-free society. If these buildings are being constructed to code, I'm assuming that the code is valid, that the code is right, the building code. So the question is, if we have a problem, where is the problem? Was the building inspector not doing his job? Was the code wrong? Was the contractor in the wrong? I'm assuming that the codes are strong enough. We're building our buildings for snow loads for snow that we've never seen. There's supposed to be some extra protection built into all these codes, so I'm assuming they're good, and I'm assuming that these few problems that we're having—show me an industry that doesn't have a problem. Show me an industry that doesn't have the odd leak, the odd whatever. We don't shut down the whole industry unless it's something that's extremely toxic and dangerous.

1450

**Mr Beaubien:** Thank you very much for your presentation. I must admit it was quite interesting and quite reasonable and enlightening. I hope that Ms Churley now realizes where the chicken comes from.

**Ms Churley:** What is it with you?

**Mr Beaubien:** The one thing that I find somewhat confusing, after spending four or five days on this committee, is that you appear to have the municipal sector wanting to override the provincial legislation and then you've got the agricultural sector basically stating that the provincial legislation should override any other legislation whether municipal or whatever. Even among the agricultural community there doesn't seem to be one voice. Some people say, "Yes, we should be licensed," and some others, "Maybe not," and some of them are looking at animal units per acre and others are not. Do you have any comments? As a member of a committee, it becomes very difficult and confusing sometimes to hear some of the presentations. Your presentation is very valid, I think very reasonable, very workable. Have you got any comments? You're a farmer.

**Mr Westerhout:** First of all, I'm a farmer. So I'm the salt of the earth, and you have to believe everything I tell you.

**Mr Beaubien:** I'm gullible.

**Mr Westerhout:** Realistically, you're part of a committee, and I dare say that the eight of you do not agree on any issue. Is that a fair assumption?

**Mr Beaubien:** Yes, probably.

**Mr Westerhout:** So the only thing I can say is that we're a very diverse industry. It's amazing the diversity

of agriculture in Ontario, and we're not talking one or two different businesses. Even within the hog business, there are basically three or four different types of hog farms. You're never going to get a unified voice. I'm here representing my own personal opinion as a chicken farmer. I don't envy your job in trying to sort this all out.

We have amalgamated our municipalities, and it's going to be interesting to see how it all works out, but now we're in maybe a somewhat uneasy relationship. We are now sharing a municipality with a town, my own personal one. It used to be our municipality was strictly rural with several small villages. Now we have the town in it; we have councillors from the town. So we have people who basically have no understanding of agriculture who are on our council, and they're making the rules, and they're subject to political pressure, just as you all are. But sometimes they make judgments based on politics and really not on good science or real, good reason. I guess that's all I have to say about that.

**The Chair:** Thank you, Mr Westerhout, for that presentation.

#### LES FALCONER

**The Chair:** From our agenda, our next delegation, I'd ask Les Falconer. Good afternoon, sir.

**Mr Les Falconer:** Good afternoon.

**The Chair:** As an individual, you have 10 minutes.

**Mr Falconer:** Thank you, Mr Chairman. I would like to thank this committee, as an individual, for this opportunity to speak on nutrient management at the consultation meeting in Clinton on September 13. I thank you for the opportunity because this is to discuss the effects on my livelihood and that of tens of thousands of other Ontario farm families.

My name is Les Falconer. I'm the fifth generation in Huron county since 1834. I farm, together with my family, my wife and four kids, on the east side of Clinton. I have a small purebred cow/calf operation with a few cash crops. Also, I've included sheep in that, since it was brought up earlier today. I'm also an active member of the Huron County Beef Producers. Huron county is one of the largest cattle-producing counties, with 1,500 producers. I didn't want to affect Bruce up there, and Grey.

Like other farmers, I take the issue of environmental protection seriously and support the mandate of this new legislation. Farmers must do everything they can to protect the environment in and around their own farms. I believe just as strongly, though, that everyone, including my urban neighbours in Clinton, must work to enhance the environment.

On my farm I completed an environmental farm plan several years ago, a voluntary process that has now been completed by more than 18,000 farmers. Since then, I've made a number of improvements to my own farm. I've gone to a no-tillage system in my fields, I put a roof on my pit silo and eavestroughs on farm buildings to direct

runoff and I store manure under cover. I think that was included in the CURB program at that time.

While I support the concept of having mandatory nutrient management plans for all nutrient managers, not just those in agriculture, I worry that if regulations become too strict, small farmers like me will be forced out of the sector, paving the way for more and more large-scale farms and businesses or companies.

Implementation of the new regulations and required nutrient management plans must be phased in with the determining factor being total nutrient production and use. A timeline of about five years would be appropriate to give small producers like myself time to make the necessary changes to comply.

It's also important to use many other factors than just livestock units to determine a way of categorizing farms. Types of livestock, manure and soil—manure being good or bad—are all equally important. In Huron county, farmers must take extra caution with their sandy soil, given our proximity to Lake Huron, since we are so close.

I also don't feel it's necessary that nutrient management plans be required to be in electronic form. While a growing number of Ontario farmers have computers and know how to use them, this is an expense not necessary. A written plan should suffice. Nutrient management plans also contain private information and should remain confidential.

I feel very strongly that a compensation package must accompany the new regulations. Financial incentives are essential to ensure that the small farmers are able to make the necessary upgrades and thus be allowed to continue farming. Costs associated with third party reviews, audits or other studies should also not be downloaded to the producers. Primary funding for the successful environmental farm plan program would be a good delivery vehicle for funding related to new regulations for agriculture operations.

There need to be several regulations from which existing operations are exempted. An obvious example would be the siting requirements of farm buildings near rivers and streams. Generations ago, barns were built close to water to provide fresh water for livestock. It would be outrageous to require these buildings to be moved or replaced.

It is my understanding that the new standards will overrule bylaws of similar focus that have been imposed by several municipalities across the province, including one near here. Farmers are looking for clear regulations to eliminate municipal bylaws that set arbitrary caps or restrictions on livestock numbers at a given site.

I do not think the Ministry of the Environment should be involved in enforcing this act. Enforcement should be the responsibility of OMAFRA, an agency whose staff knows and understands the ins and outs of agriculture.

I would like to just finalize this by saying thank you for the opportunity. I also would hope that my family can farm for generations in a small way in Huron county and not be overdumped with regulations.

**The Chair:** Thank you, sir. That leaves about two minutes for each party. I'll start with Mr Murdoch.

**Mr Murdoch:** Thank you for your presentation, I appreciate that. One thing you didn't mention: I've noticed most people today anyway feel that rented land should be included in any nutrient plan, that you should be allowed to put your nutrient on rented land. Would you agree with that?

**Mr Falconer:** Yes, I think you've got to work together. I know operations of other cash-croppers in my area, since I am in a cash crop area—south of Clinton is kind of cash crop and north of Clinton you could probably say is more livestock, but there are people working together.

As far as a long-term contract, I don't think that is possible. Less than five years is probably adequate. If you get into longer you get into details. We're dealing with people who own land and are retired farmers. I myself am a young farmer. How young am I? There are not too many people coming up underneath me. You go to these farm meetings, it's pretty far between. It's those senior members or senior farmers who own the land and other farmers have to use their land for the use of manure.

**Mr Murdoch:** There's one other thing I'd like to reinforce. I know that you said OMAFRA should be enforcing these rules. I agree with you and I appreciate your bringing that up. Most people here do agree, but there are some who think the Ministry of the Environment should be doing it. I just appreciate your comments.

**The Chair:** Mr Peters?

**Mr Peters:** Thank you, Les, for your presentation. It's important that we hear from the individual farmer and how it affects their personal livelihood. I think you've demonstrated to us here today that you've tried to be proactive and do the right thing from an environmental standpoint.

With this legislation, and I don't know how much opportunity you've had to review it, but if you've had an opportunity to review it, have you looked at how it may change the way you do business on your farm right now, and what it's going to cost you?

For example, from a storage standpoint, if you've got to have 365-day storage, or beyond that, or if you've been no-tilling and there are going to be changes to the effect that, "No, you're going to have to have this stuff. You're not just going to lay it on top of the ground; you're going to put it into the ground." That's affecting the way you've been dealing with your farm.

**1500**

Have you thought it through at all, with what you know right now, what it could cost you and how it is potentially going to change the way that you are doing business?

**Mr Falconer:** I guess to answer your question, like I said, I went into a no-till croppage, which is a lot of hay. There's a lot of liquid manure you cannot put on hay because it would burn the crop. So we're talking dry manure on hay, and we've been doing it for 150 years

and it has not affected our crops. So on that term, there's no change and there shouldn't be any change with dry manure. If you're getting into injecting liquid manure, I don't think that's going to work in a hay crop. You're going to wreck the ground.

In my situation, no, it is not going to change. But as far as upgrading, I have manure storage now for dry, which was provided with a grant through the CURB program, and that was adequate enough at that time. I forget what the percentage of payment was on that CURB program. Some programs like that need to exist for us small farmers—for all our farmers and not just the small.

**Ms Churley:** I'm one of those who believe that there is a role for the MOE in this. I thought I'd put that on the record because—

**Mr Murdoch:** I wasn't counting you, Marilyn.

**Ms Churley:** I think there is, though, and I think that has to be worked out. When it comes to environmental protection, I understand what you're saying around OMAFRA understanding agriculture and farmers and what you're up against and all the technicalities. But on the other hand, there are other issues that I firmly believe in, and I think that's something we're going to have to work out.

I wanted to ask you about the costs, to follow up on Mr Peters's question. It's not clear yet, because we don't have the regulations and we don't know what's going to be in them, but I imagine that part of what's going on now, particularly on smaller farms, is this is coming down. As I mentioned earlier, we're going to have the Walkerton inquiry recommendations, which are clearly going to have something to say about this, and then there's the groundwater study being done. So I assume that it's a very difficult time for farmers given all these pressures coming at you.

I'm just wondering what it is you need to hear from us to reassure you that that's been taken into account. We've heard time and time again that, particularly small farmers—how should I say that? You're not small. The farmers of the smaller farms are really worried about being put out of business. Is that one of your bigger concerns in all of this?

**Mr Falconer:** Probably not for me being put out of business, but I think we all like our generations to keep carrying on and for our children to carry on with the farm operation. I may not be able to be put out of business, but as I see the next generation coming on, they'd have to get bigger to be able to carry on. They wouldn't be able to carry on as a small operation, because of the bylaws and the restrictions. So that's my view on that, for the next generation to comply.

Am I a big operation? How do you classify small? My father had 100 acres and I have 300 acres, so that's three times. Does that mean my son has to have 900 acres? That's what I'm getting at. To survive in this world or this economy, is 900 acres going to be big enough to own to comply in 20 years? That's my question.

**Ms Churley:** Some say that the intensive livestock operations that are popping up all over the place are



putting pressure on the smaller farmers, that it's getting harder and harder to compete. Would you say that's true?

**Mr Falconer:** It's not harder to compete with Canadians, but it's harder to compete with foreign investments coming over, so I would say yes. It's keeping the price of land up.

**The Chair:** I wish to thank you, Mr Falconer. We appreciate your input to the committee.

Before I call the next delegation, I will mention the Perth County Agricultural Appeal Review Committee was unable to come today. They're going to catch up with these hearings in Owen Sound tomorrow.

#### CHRISTIAN FARMERS FEDERATION OF ONTARIO

**The Chair:** The next delegation to come forward now is the Christian Farmers Federation of Ontario. Good afternoon.

**Ms Jenny Denhartog:** Good afternoon.

**The Chair:** We've got 15 minutes. I'll ask you to put your names on the record first, please.

**Ms Denhartog:** Contrary to what it says on your schedule, I'm not Bob Bedggood. My name is Jenny Denhartog. I don't even look like Bob Bedggood really.

**Mr Elbert van Donkersgoed:** I'm Elbert van Donkersgoed. Jenny is one of our vice-presidents and I'm on staff.

**Ms Denhartog:** It's my pleasure today to present to you the Christian Farmers Federation of Ontario's comments regarding the Nutrient Management Act, 2001.

I'll just start by saying that the Christian Farmers Federation of Ontario strongly supports the principle of creating legislation that will enable the setting of standards for agricultural operations where the primary purpose of these standards will be pollution prevention and environmental risk management.

The CFFO strongly supports the use of nutrient management plans as the primary tool for on-farm pollution prevention and environmental risk management.

However, we caution our legislators that the businesses of farming will continue to change the creation around us. Agriculture's challenge is to find ways to tread lightly in creation while building productive farm enterprises.

Having said that, we feel that the approach taken in this act is inappropriate. The Christian Farmers Federation is unconvinced that this act takes the best approach available for the development of pollution prevention initiatives for materials containing nutrients. Nutrient management planning will be centralized, limited by a one-size-fits-all approach. Ontario is too diverse for a one-size-fits-all approach. Farms, watercourses, aquifers, soil types, soil depths, drainage systems, environmentally sensitive areas, climate, the growing season all vary wondrously. Where is the common sense in one rule for all?

Our membership prefers an approach that builds on Ontario's diversity, including the following six components:

(1) Provincial guidelines that establish maximums and minimums for various pollution prevention standards.

(2) Enabling powers for municipalities to adopt nutrient management bylaws and turn these standards into locally relevant benchmarks. Municipalities should be required to consult on their customization of provincial standards and demonstrate that there are local needs that make the modification important.

(3) Training and financial support for municipalities to build capacity to deliver and enforce nutrient management planning.

(4) Provincial third party review by OMAFRA of all nutrient management plans for agricultural operations with more than 50 livestock units.

(5) No fees or other cost recovery initiatives. Farmers will be paying enough to make or have others make nutrient management plans and update them.

(6) All farmers participate in nutrient management planning at a level appropriate to their size over a period of years.

The following are some comments on specific clauses in the act:

A phrase needs to be added to the definition of "agricultural operation" in section 1: "the marketing by a farmer of the products produced primarily from the farmer's agricultural operation." Marketing is an integral part of a farm business. Agricultural operations for the purposes of this act should be required to have a farm business registration number.

Part II of the act is a very long list of regulatory powers. Down the road, these can't help but result in a stack of regulations that apply to farmers. We request that a clause be added to Part II detailing the process for the approval of any regulations under the act. One of the requirements should be that any proposal for a regulation must include an economic impact statement of the proposed regulation.

#### 1510

Clause 5(2)(h) contemplates classes of agricultural operations. The CFFO supports the creation of classes of agricultural operations, and all classes need an appropriate level of participation in nutrient management planning. The CFFO supports the creation of three classes of livestock operations based on the number of livestock units and their density on a site: the first one being less than 50 livestock units; the second one between 50 and 400 livestock units or more than one and a half livestock units per acre; and the third one being greater than 400 livestock units on one site.

Subsection 12(1) will allow inspectors to enter and inspect farm buildings and farmland without a warrant or court order. This creates a major concern for biosecurity on our farms. Biosecurity is essential on all our farms and especially for those who need to maintain quality assurance programs in order to maintain access to markets. The act needs a clause that will require the

creation of a regulation instructing inspectors on how to maintain farm biosecurity.

Section 55 contemplates the delegation to individuals, partnerships or corporations the powers and duties relating to a registry, the review of nutrient management plans and the issuing of certificates, licences and approvals. The CFFO does not support delegation. All of these responsibilities are appropriate responsibilities for the Ontario Ministry of Agriculture, Food and Rural Affairs. No other agency will be able to deliver on these responsibilities with greater credibility.

Clause 57(1)(a) contemplates the setting of fees. The CFFO does not support cost recovery for any of the activities required by this act. This act provides a much-needed public service and benefits the public in general and therefore should be paid for by tax dollars. Farmers will carry a significant cost for the on-farm nutrient management plans that they have to prepare or employ professionals to prepare for them. Any hints in the act that suggest our government could download these costs on farmers should be removed.

There are some additional comments and concerns about the act, which can be found in the document that has been attached for those members of the committee.

In closing, the CFFO urges a common sense approach to pollution prevention. For more than three years, the farm community has supported a formal approach to pollution prevention in agriculture. An act that enshrines on-farm nutrient management plans as the primary tool is half of what we need. The other half is the financial resources that will enable farmers and municipalities to make the changes in practices for which the marketplace for farm products will never pay.

The government has an important role in helping farmers be good stewards. Setting standards is half of it. Supporting financially the management changes that are needed in the face of market signals to the contrary is the other. This act cannot be well implemented without the second half of our government's responsibility being announced. How the economics of pollution prevention will be accommodated needs to be clear before you give a Nutrient Management Act third reading.

We thank you for the opportunity we have here to provide you with our input.

**The Chair:** Thank you. We've got about two minutes for each party. We'll begin with the Liberals.

**Mr Peters:** Jenny, Elbert, we appreciate your presentation. I'm not sure how to approach this, so I'm just going to come right out and say it. Mr Arnott and myself have a few unique things to our ridings. One of them is a Mennonite and an Amish community. You may not be able to answer this for me and it just hit me. If you can't answer it, maybe you can steer me where to go. We can deal with legislation and regulations, but at times, in dealing with different communities, there are cultural differences, the way that we do things on a day-to-day basis, the way we deal with things with our land. If it's not a fair question to ask of you, please just tell me and steer me where to go. As we consider this legislation, are

there cultural and possibly religious issues that we need to consider in developing legislation and regulations? If I'm off base, just tell me.

**Mr van Donkersgoed:** Steve, you've picked on a good example of why in our conversations we have ended up on the side of saying municipalities have to have a big role in the future of how pollution prevention happens on our farms, because some of these circumstances in the countryside are local, cultural circumstances. They may have faith and religious overtones. You've identified a community that has some of that. The region of Waterloo and the county of Wellington have some real experience in how to deal with how those folks live on the land. When you think, for example, of the Old Order Amish and their churches and the fact that they still have outhouses, Waterloo region has found a way to accommodate outhouses in its context of having permits for septic systems.

The notion that we're going to do that on a provincial scale, I don't know what kind of a bureaucracy you're going to build provincially to do that. Some of the customization of this initiative of pollution prevention has to happen at the local level. That's what drives us in our conversations as much as we end up saying—and this is a loud voice in our organization; municipalities don't have enough resources to really do this well—we've got to put the municipalities in a significant role in this initiative or it will not be done well across the province.

**Ms Churley:** I will submit that the present government doesn't have enough resources to put into it either. That is a reality and a fact. No matter who ends up doing this, the whole funding issue is an important one, because there aren't enough resources now to cover both ministries, as you know. So it's an important point that funding is going to be needed and it's going to be something we're going to have to grapple with, where that funding is going to come from. Is it going to be adequate enough? Otherwise, it'll be just paper; it won't be enforced.

**Mr van Donkersgoed:** Can I just react to that?

**Ms Churley:** Sure.

**Mr van Donkersgoed:** There's not much point in doing this bill if we don't do the funding.

**Ms Churley:** Absolutely.

**Mr van Donkersgoed:** Because you'll be asking the farm community to ride a unicycle. There'll be a few farmers who can ride unicycles, but most of us prefer bicycles.

**Ms Churley:** Absolutely. So that's something that I'm sure for us as a committee, and then as we carry it through the Legislature, is going to be an issue. But I don't think anybody has disagreed on that one. There are disagreements on some of the other issues, but not that one.

I wanted to ask you about the local control. Sure, there are cultural and smaller farms and all of that, but it's a big controversy. I think that out of all of the presenters I've heard to date, there are disagreements in various areas, but there's a stark and very clear division on that

one that concerns me and worries me. The other is whether it should be OMAFRA and the Ministry of the Environment. Those are two that we're going to have to sort out.

I think that some people are concerned about it, because they say that sometimes the fact that it's local now, that there are people who live in cottages or whatever who don't understand how a farm is run and are therefore interfering and making their council pass by-laws that are unfair to farmers. That is what I'm hearing is the big concern around that. Otherwise, I don't think it would be a problem. How do you deal with that, if that's a legitimate concern? I'm not saying it is or isn't, but that's what we're hearing.

**Mr van Donkersgoed:** Some voices are making too much of this initiative. This is about pollution prevention. This is about creating a formal commitment to pollution prevention on our farms. It is not about catching polluters. The Ministry of the Environment should stay in full charge of catching polluters and they should have more resources and do a better job of that. But this is about pollution prevention. Underlying it is mostly education. It belongs in the hands of OMAFRA. There's no point in getting the pollution catchers involved in building a really strong pollution prevention initiative.

**Ms Denhartog:** If I could just add, from the previous presentations, from what I hear, it's even those who feel that we should have a blanket provincial standard. All of those still agree that Ontario has an incredibly diverse agricultural sector. I don't know if we quite appreciate the level of diversity that we have in this province and the way that we can respond to that.

**Ms Churley:** It's just that there are those who feel that the municipality should not have any say or any power whatsoever.

1520

**Mr Arnott:** I want to thank you very much for your presentation; we appreciate your advice. It's good to see you. Looking at your recommendations, in recommendation number 1, you said, "Provincial guidelines that establish maximums and minimums for various pollution prevention standards." I'm wondering about the word "minimums." Why would we have minimum pollution standards? No, maximum, I guess. You'd want to have obviously a maximum that you can't exceed, but why would you want a minimum?

**Ms Denhartog:** The minimum would be there just for pollution prevention purposes. Obviously, there is a minimum standard that we would want every farm in Ontario to comply with. The maximum would be in place to make sure that municipalities would not be in a position to drive farming out of their municipality. There should be a range available for them that could make the regulations relevant to that particular municipality while not going below a certain standard or above a certain standard.

**Mr Arnott:** OK. I want to follow up on Ms Churley's question about the role of the Ministry of the Environment. Are you saying you would prefer that the

Ministry of the Environment have absolutely nothing to do with the enforcement of nutrient management issues, absolutely nothing to do with it, no role whatsoever?

**Mr van Donkersgoed:** There's always a place for advice and input, but in our view this is pollution prevention on our farms; this is OMAFRA.

**The Chair:** I want to thank you, Ms Denhartog and Mr van Donkersgoed, for your presentation on behalf of Christian Farmers.

#### HURON DAIRY PRODUCER COMMITTEE

**The Chair:** As our next delegation, I would ask the Huron county dairy producers to come forward. Good afternoon. We have 15 minutes, and we'll get your name for the Hansard recording.

**Ms Janet Boot:** I'm Janet Boot. I'm chairman of the Huron county dairy producers committee.

My presentation has eight points. Basically, we've had some discussion on the local level, the county level, with our milk producers on this. Most of the direction has also come from our board level, which has been keeping us informed in the conversations and the input that they've had. So I'd like to read the eight points to you if possible.

(1) Dairy Farmers of Ontario has been actively involved with other Ontario farm groups in discussions about the need to have provincial standards for nutrient management, and thus we in Huron and the Dairy Farmers of Ontario are supportive of Bill 81 in principle.

(2) OMAFRA should handle the extension and audit functions associated with the act, while recognizing that enforcement will be handled by MOE if pollution occurs.

(3) The Nutrient Management Act must take precedence over all municipal bylaws and acts so that there is consistency across the province.

(4) Biosecurity protocols need to be respected by all personnel working under the act.

(5) County environmental response teams should be created to handle initial complaints. Further enforcement or follow-up may need to be done if necessary by OMAFRA and/or MOE.

(6) The detailed nutrient management plans for individual farms should not be public documents, as they may contain sensitive and protected information.

(7) Adequate funding of public dollars must be made available so that Ontario agriculture can remain competitive with producers in other provinces and countries.

(8) Given that the commodity groups have been very involved in the development of nutrient management plans and the discussions leading up to the introduction of the legislation, we also feel strongly that we should continue to be consulted in the creation of the regulations that will be established under the act.

Those are our eight points.

**The Chair:** Thank you, Ms Boot. That would allow us three minutes for questions from each party, and I'll start with Ms Churley.

**Ms Churley:** Thank you. I wanted to follow up on point 2, the issue around who should handle the enforce-

ment and the audit functions and all of that. Your recommendation is that the MOE just be pulled in once pollution occurs but not in the actual prevention. How would you see it working? Obviously there would have to be new people hired to enforce the act and to do the inspections and whatever. Would you see a special unit set up with special training?

**Ms Boot:** I would think that if you are going to bring in a bill such as this, unless you have the money to enforce it and to set up for inspections and the rest, I don't know why we're even discussing this now.

**Ms Churley:** So you would see that there would have to be a special unit set up to deal with this to make it workable?

**Ms Boot:** I would think so, with the education process and everything else.

**Ms Churley:** That's critical, in fact, to make it work.

There are some who say that OMAFRA—I don't know if they've used such terminology as a "conflict of interest" in some of the presentations, but in one way it would be a problem because they're too close to the farm community; it's their job to help the community expand and grow, like, for instance, if you look at the liquor board or casinos, where you have a division which enforces the law and which runs the operation. I'm just wondering if you have any concerns about that at all, whereas if you bring in the Ministry of the Environment, their role is to not only clean up after a spill but to prevent pollution.

**Ms Boot:** You're going to compare agriculture to a casino?

**Ms Churley:** Absolutely not. No, of course not. The example I was giving, just to clarify here—the reason why I mentioned it is that OMAFRA works very closely with the farm community. I am repeating to you what others have said to us. There is a concern that there may be a conflict of interest, and I'm simply asking you if you think there might be some possibility of that.

**Ms Boot:** From individual farmers on a local level, I don't see much involvement with OMAFRA on a day-to-day basis in agriculture today. We don't have our people out in the field that we used to. If you were making this comment to me eight years ago, I would say, "Well, yes." But today, if I just look at myself as an example of a small operation down the county road, then I would say OMAFRA does not have much involvement with me any more. So to say that there would be a conflict because OMAFRA is so closely knit together up and down the county roads, that does not exist today like it did 10 years ago.

**Ms Churley:** Just to finish off, to be clear, the reason I raise it is because we're picking out the points of controversy and disagreement here. Over the days of hearings there are certain themes that come up repeatedly, and that's one of them. Therefore, people need to be aware that that's one of the ones we're going to have to grapple with.

**Ms Boot:** I would say the OMAFRA of yesterday is much different from the OMAFRA of today, and that's

where I would still think the specialty of education and training is still in OMAFRA in order to perform this role that we're asking of them today. Their role of being in touch with the day-to-day farmer on the farm isn't what it used to be, and I can see now where there would be a place for OMAFRA to pick up that kind of role.

**Ms Churley:** OK. Thank you.

**Ms Boot:** You're welcome.

**Mr Johnson:** I had a couple of questions. One was on your number 4: "Biosecurity protocols need to be respected by all personnel working under the act." I assume from that that you mean the enforcement people that might come on to your property.

**Ms Boot:** Yes.

1530

**Mr Johnson:** I want to get into a little bit about the biosecurity, if we could call it that, of two different things that you have. If you're in the dairy business, then one is milk. The biosecurity of the milk is important to those people who are going to buy that product and drink it. The other one is the by-product of the animal that produces it, the manure, and the biosecurity of that. Can you comment on those other two biosecurity concerns that society might have?

**Ms Boot:** Number 4, biosecurity, I would imagine would be for the personnel coming on to my property, that they respect my own biosecurity plan that I have on my farm. That's basically for the safety of my income and the safety of my animals. We have just gone through a heightened alert on foot and mouth, so with that type of biosecurity no one enters my farm.

**Mr Johnson:** OK. I'm just going to correct one thing: I always thought it was hoof and mouth.

**Ms Boot:** Or hoof and mouth, yes—foot in mouth, whatever.

**Mr Johnson:** And I was reading something else. Since 1952—

**Mr Peters:** Foot in mouth is what politicians do to themselves.

**Mr Johnson:** I want to tell you that as a member of this committee I have concern about those other two areas of biosecurity, and there may even be another one, and that is the fellow who drives the spray machine that puts pesticides or whatever on the land and the biosecurity, whatever, of where they go and what happens to them.

**Ms Boot:** Yes.

**Mr Johnson:** OK? The other one was dead stock disposal. As I recall, I always thought that this was recycling, and we didn't use a blue box. But there is a problem with a backup now of that, because they don't want to do their pickup and so on. Can I have your concerns as a dairy farmer on that?

**Ms Boot:** On dead stock removal?

**Mr Johnson:** On dead stock removal. What should happen to dead stock?

**Ms Boot:** Well, it's a bit of a problem, ain't it? I just had one over the weekend, and I was darn glad that the truck came and picked it up.

**Mr Johnson:** You were able to get a—

**Ms Boot:** Yes. I was able to get someone to pick it up. Now, in some areas and in the future—we used to get a few bucks for it. I don't think I'll be seeing a cheque in the mail this time.

**Mr Johnson:** But it's still at a state where they picked it up without charging you to be able to do it, then?

**Ms Boot:** I haven't received a bill yet.

**Mr Johnson:** What were your options had they not?

**Ms Boot:** Had they not, I really don't know.

**Mr Johnson:** But most likely hiring a backhoe or bulldozer and burying it on your own?

**Ms Boot:** Disposing of it, yes. We'd probably have to bury it, which isn't great, because from that you get the whole skunk problem; you get all kinds of pest problems from that kind of thing. We just have a small dairy farm; it only happens on an odd, odd occasion. But you know, the larger the operation, the more chances and risk you have with those kinds of things and the bigger the problem of disposing of these kinds of things.

**Mr Johnson:** OK. Those are my questions. Thanks.

**Mr Peters:** Thank you, Janet, for your presentation.

First question: point number 5, county environmental response teams. What are your thoughts on non-farm rural residents making up part of that committee?

**Ms Boot:** Any committee should be well-rounded. I wouldn't say they should be the majority on that kind of committee. I think the person, if there was someone on that, would have to be well aware of what today's agriculture is. I would really be disappointed if it was just someone who spent six months out along the lake in their cottage, that they would be on that committee. If it was someone who was from the rural community, who was actively involved in the community, knew a bit of what was happening in agriculture today and the pressures on agriculture today, I can't see why a representative could not be on there. But I would say the majority of it should be farm representatives. It would be ourselves more or less going out and checking out these situations first.

**Mr Peters:** In your own review of this proposed legislation and what may or may not be in it, from what you know of it right now and looking at your own farm, in order for you to comply—we don't have those regulations. It's a bit hypothetical, but for your own farm, are you going to have to do a lot of work? Is it going to be costly for you to meet the new proposed standards?

**Ms Boot:** We run a small Jersey farm, 30 milking cows. We have 100 acres. Land-base-wise, we're fine. I'm quite happy with my old bank barn, renovated. I do have a manure pit in the back; it's three walls. That would definitely have to be upgraded. When we first bought this farm eight years ago now, we investigated a runoff tank behind there, and they were quoting \$30,000 for it. I'll tell you, on 30 cows, the cows and the quota would be gone before I would invest that kind of money on my own, because there's no return to that dollar. In fact, in my own situation we went out looking for another farm. We have a daughter who is staying home and we're looking at maybe expansion. So we went out browsing

with a real estate agent this spring. I've seen some of the places that are up for sale now. We've seen some that didn't even have a cement pad underneath their chute. I am sure there are a lot of smaller dairy farms out there that would probably close down rather than trying to meet these regulations. That would really change the face of Huron county.

Eight years ago, when I became a member of the Huron County Milk Producers, I became secretary-treasurer. For my first annual meeting I handed out 368 letters to milk producers and cream producers in this county. As of July 31/August 1, we had on record 263, and at Monday night's meeting, on one particular milk route, there were three producers who quit; the milk truck driver was going to lose three on his route. There are eight of us on the committee, and two other people know of two others who were selling out. So we are dropping them fast, and I think with this kind of regulation, without any financial support to help us come up to some kind of a code, Huron county's dairy industry will definitely change.

**The Chair:** We appreciate that presentation on behalf of the Huron county dairy producers. Thank you very much.

We have a gentleman who is not registered but does wish to speak for five minutes. I would ask the committee if we could entertain that.

**Interjection:** Sure.

FRANK TABONE

**The Chair:** Could we ask Mr Tabone to come forward for five minutes? Thank you, sir. You have five minutes.

**Mr Frank Tabone:** My name is Frank Tabone. I farm in Ted Arnott's backyard almost, east of Arthur, third line. We met before; we spoke. I don't know if you remember me.

But anyway, the problem is that I'd like to see some clarification on this biosolids. Everybody talks about biosolids, how great it is and blah, blah, blah. But the stuff's coming from Toronto, OK? That is a different issue. We're not doing anything about it—not me, but the province is not doing very much about it. They gave this company, Terratec and Azurix, a lot of power, too much power. They came just like the darned Nazis in there or, to put it more bluntly, the Ministry of the Environment is nothing but a Mafia-owned enterprise. That's how I feel and that's how a lot of people feel about it in your area, Mr Arnott.

1540

If nothing's going to be done about that, there's going to be some people who are going to be dying and people are going to be killed. Honestly, what I'm saying is there are a lot of people down there in that area who are quietly boiling about this stuff. This company—Mark Janiec, his company—came over my line. They're going to spread that stuff. He's already been mapping my field without me giving him any permission to come in my field. If I

wasn't there, within a few days he would have come in and covered that field with sludge, and that I do not want. There are a lot of people down there in the Arthur area who are against it. That is one problem.

There's another problem. We're talking about all these rules and regulations and also capping our wells, a diversion, a lot of diversion about capping wells. Those wells have been there for hundreds of years sometimes. Capping the wells and putting the sludge down there is not going to help. You're only going to cover it up, but eventually that stuff is going to leach into the side of it somehow. So that's not solving, it's adding. Get to the root of the problem is my suggestion, to make sure this stuff is really what they say is. As a matter of fact, that company there, Terratec, is going to court for changing some of the stuff they were supposedly putting in there. Somebody caught it by a copy, a photocopy, and it just came to the original notice that went in there. If nothing is done, people are going to be taking the law into their hands. Look what happened a couple of days ago. My God, terrible things happened. You all know about it. I spoke to the councillor there, Gil Reid; you know him. You ask him there. As a matter of fact, we were over in your cousin Gary Hawkins's office. We are good friends. We talked about these people, and somebody's going to

do something about killing somebody, they are so mad about this darn company. Obviously it's been done through a number of years. Certain people are very ignorant about whatever their cause was. Four planes hijacked in the States and they killed thousands of people. In a small, small way, it could very well happen. They will target these people and they will target the environment. I would never, ever do that myself—I would rather die than kill somebody—but it's going to be done unless you do something about it, sir.

**The Chair:** Thank you for your presentation. We have wrapped up our time.

**Mr Tabone:** Also, there's another little thing.

**The Chair:** We've pretty well run out of time, sir. Perhaps as MPPs we could deal with you separate from these hearings.

**Mr Tabone:** I spoke to Mr Peters and I'll get back to Ted.

**The Chair:** Thank you, Mr Tabone.

For the purposes of the committee, the bus is leaving immediately. We reconvene tomorrow morning at 9 am in Owen Sound. We are meeting at the Exodus Hall, 250 14th Street. The hearings for today are adjourned.

*The committee adjourned at 1546.*

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Mr Steve Peters (Elgin-Middlesex-London L)

### **Also taking part / Autres participants et participantes**

Mrs Helen Johns (Huron-Bruce PC)

### **Clerk / Greffier**

Mr Tom Prins

### **Staff / Personnel**

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Research and Information Services

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