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**Official Report
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(Hansard)**

Monday 17 September 2001

**Journal
des débats
(Hansard)**

Lundi 17 septembre 2001

**Standing committee on
justice and social policy**

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

Nutrient Management Act, 2001

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

Chair: Toby Barrett
Clerk: Tom Prins

Président : Toby Barrett
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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY**

Monday 17 September 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Lundi 17 septembre 2001

The committee met at 1000 in Purvis Hall, Kemptville.

NUTRIENT MANAGEMENT ACT, 2001

LOI DE 2001 SUR LA GESTION
DES ÉLÉMENTS NUTRITIFS

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

The Chair (Mr Toby Barrett): Good morning, everyone. I wish to welcome you to these hearings of the standing committee on justice and social policy for Monday, September 17. We're very pleased to be here at Kemptville College. I think it's quite fitting to have hearings on nutrient management in an agricultural college in the town of Kemptville.

As many know, we are conducting hearings on Bill 81, An Act to provide standards with respect to the management of materials containing nutrients used on lands, to provide for the making of regulations with respect to farm animals and lands to which nutrients are applied, and to make related amendments to other Acts. This committee has been travelling the province, travelling rural Ontario and small-town Ontario. This may well be the first visit of the Ontario Legislature to Kemptville; I'll leave that up to the historians.

As our committee has travelled Ontario, wherever we went—as Chair, I feel I speak on behalf of the NDP, the Liberal Party and the Conservative Party—we have seen communities overwhelmed with the horrific images in the United States. Through this committee, we extend our sympathies to our friends in the United States. This committee on Friday was holding hearings in Owen Sound and conducted a formal period of silence to commemorate what has happened down there.

ISO FARM AND ASSOCIATES

The Chair: We have agendas available. Our first order of business is a delegation. I wish to call forward to our witness table ISO farm and associates. Do we have representatives here? Good morning, gentlemen. Have a seat. We have microphones available. For organizations, we have 15 minutes. The members of the committee do wish to make comments or ask questions. We encourage people, if they can, to wrap up before that time to incorporate questions or comments within the 15 minutes.

For the purposes of our Hansard recording, we'd ask you to give us your names first, and then proceed.

Mr Derrick Moodie: My name is Derrick Moodie. I'm a farmer in Carleton county, as well as doing some independent consulting work within the agricultural field relating to identity preservation and agricultural biotechnology.

Mr Mark Junkin: My name is Mark Junkin. I'm an agricultural consultant with the firm ISO farm Inc. We're a firm with the initiative to reduce the cost for farmers to implement ISO 14000 in agricultural operations.

Mr Moodie: First of all, I'd like to thank you, Mr Chairman, for allowing us this opportunity to present to you today. What we'd like to do in our brief presentation is give you a bit of background information on ISO, and ISO 14001 in particular, and how it might impact agriculture within the province. In order to do that, we're going to give you a brief background on the ISO and the ISO 14001, and then we're going to run through some of the impacts that this will have directly on agriculture.

I guess now I'll turn it back over to Mark Junkin.

Mr Junkin: ISO started after the Second World War. It started as an engineering society concerned with the standardization of measurement across the world. It has evolved such that its initiative now is focused on the development of standards across the world, standard expectations. I'm certain all the members here are familiar with ISO 9000, which is a standard with service and manufacturing industries across Canada: say what you do; do what you say. It's standardized expectations of products and services.

ISO 14001 is an initiative created in 1996. Canada was a leader in the development of this program. Basically, it's environmental quality assurance. So it's a program

where an operation would state its impact on the environment, specify which are the specific impacts that have the most significant impact on the environment, and develop a program of how to mitigate that over a period of time. It involves a third-party auditor to ensure that the program is being implemented as planned and involves a process of continuing improvement.

ISO 14000 was looked at in 1998 by the Ontario Federation of Agriculture, the University of Guelph's farming systems group, as well as the Ontario Ministry of Agriculture, Food and Rural Affairs, as being a program that could be a possibility for Ontario agriculture. After doing a case study, it was determined that it was cost-prohibitive to implement in Ontario. Out of the five farms that started this program, only one farm completed it, and that was in Simcoe, the Norfolk tender fruit packing plant. I have read these reports and looked into this program, and as I stated previously, I have the vision that this is a cost-effective program if a suitable environmental database is created that would reduce the amount of time that farmers would need to search for information. Derrick?

Mr Moodie: To briefly outline some of the impacts that ISO 14001 could have on agriculture in Ontario, there are a few key benefits that would be achieved, not only by producers but by rural residents, as well as rural agribusinesses that are dispersing nutrient or biosolids on to agricultural lands.

One of the primary benefits is a reduction in liability. Through being notified of the most significant possible environmental hazards on any of these agricultural practices, it enables a farmer to prioritize the projects that he needs to look after to minimize his environmental impact. Also, through showing due diligence and showing that due process has been taken with regard to environmental impact, it enables that farmer to reduce his liability if an incident were ever to occur.

For the progressive agricultural producers adapting ISO 14000, it would not only reduce liability, but it would also give a more proactive image in the rural community, improving the perception of the environmental practices of that operation.

Another key area of benefit is marketing. Through product differentiation, extra margins can be gained, and extra premiums for providing a premium product that has been produced in an environmentally sound and sustainable manner.

In March of this year, the federal agricultural minister, Lyle Vanclief, recognized that ISO 14000 is recognized by buyers and consumers who are looking for assurances that goods and services have been produced in an environmentally sustainable manner. I think that goes to support the fact that consumers are aware of what ISO 14000 is, and those who aren't now are increasingly becoming so.

Another key benefit is the value-added programs that could be achieved through this, not only through increased efficiencies by appropriate resource allocation that would come from increased knowledge of the

environmental impact; there are also potential opportunities coming down the pipe through areas such as carbon exchange credits or carbon sequestration. In a program where carbon sequestration would be used, where farms could be used as carbon sinks, their environmental impact will be required, and it would be a smaller step to gaining ISO 14000 after obtaining the information that would be required for carbon sequestration.

Finally, ISOfarm's vision for the Nutrient Management Act: ISOfarm, myself included, doesn't really see ISO 14001 as being something that's required by every producer. It's something that we see as being a potential for proactive producers who are looking at taking a lead or filling niche markets or are large enough to make this make sense to mitigate their environmental liabilities.

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Ideally, this bill will not only create minimum standards, but will help the industry to evolve and implement an environmental management system for continual improvement. Having legislation that is adaptable will eliminate the need to continually introduce new legislation to ensure a healthy rural environment. ISO 14000 is something that supports that. It's something that promotes continual improvement on farms without requiring continual legislation changes to make the regulations more and more strict.

At this time, Bill 81 does not express any reference to ISO 14001. We'd like to encourage the governing bodies to reconsider this position. Due to the global recognition of ISO's high standards, we suggest that it be given equivalent standing to any provincial programs that are developed.

ISO 14000 certification allows a producer to show that he has taken due diligence within the highest class of environmental stewardship. We think that with any nutrient management programs the government is developing, if ISO was considered equivalent it would provide an extra value to some producers.

I'm going to turn it over to Mark Junkin to briefly highlight some of the appendices that are attached to the back.

Mr Junkin: The letter Lyle Vanclief wrote in support of our organization is the last page of this handout. You might want to read that later on.

In the appendix I've basically just pulled out a few sections of ISO 14001's documents. Specifically, in the development of environmental policy, the policy has to be appropriate to the nature of the operation. It includes a commitment to continual improvement and to comply with environmental legislation; provides a framework for setting and reviewing environmental objectives and targets; is documented and implemented and communicated to all employees; and is available to the public.

I'm going to read the whole section on environmental aspects:

Section 4.3.1: the organization shall establish and maintain a procedure to identify the environmental aspects of its activities that it can control and over which it can be expected to have an influence. The organization can then determine those aspects of its operations that have or can have significant impacts on the environment. The organization shall ensure that the aspects related to these significant impacts are considered in setting environmental objectives.

Section 4.3.2: the organization shall establish and maintain a procedure to identify and access legal and other requirements to which the organization subscribes.

Section 4.4.2, training awareness and competence: I'll take two seconds out of that. It shall be required that all personnel whose work may create a significant impact on the environment must have received the appropriate training. Personnel performing the tasks that could cause significant environmental impacts shall be competent based on appropriate education, training and/or experience.

Section 4.5, checking and collective action, ISO 14001: the organization shall establish and maintain documented procedures to monitor and measure, on a regular basis, the key characteristics of operations and activities that can have significant impacts on the environment.

The management review: the organization's top management shall, at intervals that it determines, review the environmental management system to ensure continual suitability, adequacy and effectiveness.

Mr Moodie: In closing, I guess all we really have to say is that we feel that ISO 14000 fills in some of the shortcomings of the environmental farm plan. The environmental farm plan has been very successful to date in raising awareness of environmental concerns on farms, but it doesn't have the follow-through of continual improvement that ISO 14000 has.

Looking through some of the documentation that has been provided by OMAFRA and the Ontario Legislature, basically all of your goals that have been outlined seem to be pointing toward ISO 14000.

I guess we'll wrap it up.

The Chair: Thank you for that presentation. We've pretty well used up the time unless any member wants to make a quick comment. Yes, Mr Peters, the Liberal Party.

Mr Peters: We're in day seven of our stops. What we've heard constantly is that the potential exists for some major capital improvements, so we're talking dollars for farms. Right now you've just talked about a \$70,000 cost in 1998, so it's like we're going to see capital upgrades and then the costs for this program. You've said that you've reworked some things. What would the costs possibly be down to now to undertake this program?

Mr Junkin: The goal with my firm is to reduce the cost down to \$2,000 per farm over a five-year period for this environmental management system to be in place. I think that when we're talking about capital expenditures

we have to have a management system in place so that the measures taken on a farm are used strategically.

The Chair: We should move on. Mr Junkin, Mr Moodie, we wish to thank you for coming before the committee.

SOUTH NATION CONSERVATION

The Chair: For our next order of business, I would ask South Nation Conservation to come forward, please. Do we have a representative here? Yes. Have a chair. We have 15 minutes. If you could give us your name for the Hansard recording.

Ms Mary-Ann Wilson: Thank you. I'm Mary-Ann Wilson. I'm with South Nation Conservation. I'm representing our organization and we've consulted with our board of directors and our clean water committee on the submission that I'm bringing forth today. Thank you. I've passed out some of my speaking notes, and I will follow along with those for you today.

First of all, I'd like to take a little bit of time to give you a bit of background about agriculture and our watershed; about our organization, the conservation authority; and about our clean water committee.

Agriculture is essential to the economy of eastern Ontario. A recent study of agriculture in the five counties of Stormont, Dundas, Glengarry, Prescott and Russell shows that there was \$1.12 billion in agricultural sales in this area. This is greater than New Brunswick and Prince Edward Island combined. We know that over 60% of the land area in our watershed is under agricultural production. Trends in agriculture are to consolidate and expand. However, the rate of intensive agricultural operations being established, as experienced in Huron county and parts of southwestern Ontario, has been significantly less in eastern Ontario to date.

Overall, we recognize that the province requires a proactive approach to ensure that new or expanding agricultural operations protect surface water and groundwater. Bill 81 does provide a means to achieve this, but we feel that it will be dependent on the regulations that actually come out of this legislation, which remain to be established.

Agricultural land use practices impact the groundwater and surface water by contributing contaminants such as pathogens, sediments, pesticides and nutrients. All sizes and types of farm operations have the potential to impact water, with perhaps a greater risk associated with some of the intensive agricultural operations. Studies in our watershed have shown that over 90% of the nitrogen and phosphorus loadings that come into the South Nation River come from non-point sources such as stream bank erosion, manure management and storm water runoff. As the predominant land use in the South Nation watershed, agricultural practices do impact our water resources.

We've also had a recently completed study, the eastern Ontario water resources management study, that identified areas of groundwater vulnerability. It also showed areas where agriculture is concentrated across the

landscape. In some cases, it's been shown that agricultural activity does coincide with our sensitive areas. I think overall, then, our agricultural best management practices must consider our local site characteristics in their water protection planning.

There is a need for the province to address existing farm operations and require a whole-farm planning approach which includes all potential contaminants. Bill 81 and the regulations should be broadened to incorporate this. The current nutrient management plan, as recommended by the Ontario Ministry of Agriculture, Food and Rural Affairs, only includes nutrients and there is no consideration for the watershed characteristics; for example, groundwater recharge areas. So, similar to what is proposed in Bill 81, the implementation criteria for the other contaminant sources could vary, dependent on the risk.

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Overall, agriculture has the potential to impact on the environment, with the degree of risk dependent on the farm's location relative to the watershed characteristics—for example, the groundwater recharge area—and the size, type and management of that operation. Obviously, a strategy to address agriculture and the protection of our water resources requires a comprehensive approach, an approach beyond simply nutrient management.

As I mentioned earlier, our clean water committee has been very instrumental in our water programs in our watershed, and they very effectively direct our water quality programs within our watershed. The programs that we're involved with include research, for example, water quality modelling; demonstration projects, for example, constructed wetlands; information and education initiatives; fundraising; and our clean water program, which is one of our key programs that offers grants for water quality protection projects. Our clean water committee is a multi-stakeholder group. We have agriculture represented, industry, municipalities, the province—Ministry of the Environment, Ministry of Agriculture and Food—as well as South Nation Conservation.

The grant program that we provide offers grants for water quality protection projects for wells, septic systems, as well as many agricultural initiatives: manure storages, livestock fencing, stream bank erosion. The priority that goes for funding is to those with the most water quality benefit. We've completed over 247 projects, with over \$1 million in grants being distributed since 1993. This program is funded by our municipalities, by a South Nation Conservation levy, and by a donation from Parmalat, a milk processing plant here in Winchester. Recently, we received funding from the Agricultural Environmental Stewardship Initiative sponsored by Agriculture and Agri-Food Canada to expand our program. So it's a broad-based program in our funding as well.

It is recognized that the proposed Bill 81, Nutrient Management Act, is an important part of a comprehensive approach to working with agriculture in

protecting water resources by providing a framework for the comprehensive management of nutrients in the province. The regulations are not available for review at this time. It is felt that the specifics of those regulations will dictate what the actual impact will be on protecting our water resources. We believe the potential exists to broaden Bill 81 to address other potential contaminants and suggest that this be included directly in Bill 81.

We support Conservation Ontario's recommendations as presented and submitted to you on September 11 at the St Thomas session, and I will not repeat those at this time. Rather, I'd like to offer some specific comments as a result of our experience in working with our partnerships on agricultural water quality program delivery in our watershed.

First, we believe the risk-based strategy proposed is a common sense approach. We would suggest that it requires that you address the agricultural operation's size and type as well as consider the watershed location, specifically areas vulnerable to water contamination.

Another point is that there will be a variety of tools required, including regulations, standards and guidelines. These must be established in consultation with all the parties involved, as you are well aware: the province, agriculture, municipalities and conservation authorities. Implementation of Bill 81 must provide a framework which is cost-effective and practical to implement for agricultural producers as well as implementers and to achieve our water protection objectives.

We would like to emphasize that all regulation implementation must have a reasonable phase-in period to allow an opportunity to budget and plan on the farm.

In addition, financial assistance should be provided to help farmers with the implementation of these regulations. Without financial assistance, we're concerned that many smaller operations will be forced to sell their farm operation or will amalgamate with others and result in more intensive farm operations with perhaps larger environmental risks.

Financial assistance should be coordinated through existing programs such as the proven South Nation clean water program rather than developing yet another program within our area.

We would like to see proactive and reactive enforcement. Proactive enforcement is more positive and it allows the operators to receive technical assistance to help them implement appropriate practices. Provincial enforcement will provide that consistent approach across the province, and we're pleased to see that.

Additionally, there will be locally based staff resources required to implement Bill 81 and the regulations. This might include expertise such as agricultural engineers, agronomists, conservation technicians and enforcement staff.

Overall, we feel there needs to be a consistent approach across the province. From our viewpoint, it is unclear whether the act will override all existing municipal nutrient management planning bylaws or if the municipalities will be allowed to impose restrictive

bylaws in addition to the act. If allowed to impose more restrictive bylaws, we return to an inconsistent approach across the province. In addition, if the province were to delegate some of the delivery of Bill 81 to our municipalities, there may be a risk that some stress may be placed on an already overloaded system, and it could result also, from that viewpoint, in inconsistent delivery.

We feel there is a need for third party review of all nutrient management plans. Currently, the proposed implementation of the act suggests that smaller operators will be required to complete a nutrient management plan which remains on file at the farm. It's the feeling of our group that all nutrient management plans should be reviewed to ensure they are complete. The third party review standards could reflect the size and risk of the operation. The province could also consider delegating the third party reviews or provide options such as the Ministry of Agriculture and Food, conservation authorities or consultants.

We would like to see the province provide technical assistance to help in the development and implementation of the nutrient management plans. Technical assistance could be offered through the conservation authorities as well and build on the agricultural extension program experience that we have as an option.

The province needs to consult with conservation authorities to ensure that the regulations and standards developed are compatible with the watershed requirements and natural hazards, such as flood plains and unstable slopes. The South Nation River flows through a flat, low-gradient topography and by its nature has a very expansive flood plain. These are highly productive soils under agricultural production. The regulations and standards applied in flood plains would need to differentiate new from existing operations and apply different regulations: for example, new intensive livestock operations' buildings might not be sited in a flood plain, whereas an existing farm may construct a manure storage which meets specific floodproofing standards.

Earthen manure storages are a specific concern in our area. They must be regulated to ensure proper design, siting and construction. Currently, they are a low-cost option used widely in eastern Ontario and are not addressed by the building code. As such, many are not properly designed, sited or constructed, and we feel this poses a serious risk to our water supplies.

In closing, I'd like to thank you for the opportunity to speak with you today. We are a watershed management organization protecting water, and we work in partnerships with our municipalities, agriculture, the province and the rural community. We look forward to being consulted in the future development of Bill 81 and the regulations that will be forthcoming. We'd like to work to develop a positive, proactive solution that is workable for agriculture and protects our water resources.

The Chair: Thank you, Ms Wilson. You've just about used up the 15 minutes. There would be about 30 seconds

if there were any comments forthcoming. Ms Munro, briefly.

Mrs Julia Munro (York North): On page 2, you talk about the need to have implementation criteria potentially made so that it would vary depending on the risks. I just wondered if you could comment briefly on whether you are satisfied that there is sufficient knowledge and technology to be able to proceed in that kind of direction.

Ms Wilson: I believe there's a need for more research and work in some of these areas, but I do believe there's definitely a knowledge base there to begin working from. I think it's very much dependent on all the groups coming together so that we can develop a workable solution. I agree that there needs to be flexibility so that over time, as new information and new knowledge comes forth, that can be incorporated into the process.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): As I drove down from the Upper Ottawa Valley this morning, I noticed a couple of septic pumpers doing their important work in rural Ontario. Have you any advice to the committee as to how these nutrient management plans and new legislation generally should apply to what I see as a very real problem in rural Ontario and cottage country, that is, the disposition of septage in this new world?

Ms Wilson: I would agree. The proposed legislation has indicated that there will be a ban on applying untreated septage directly to our land base. I would agree that's a very necessary recommendation, but I would also add that we need to be very aware that there are alternatives that we need to search out so that waste water management can—

Mr Conway: Like?

Ms Wilson: For example, our existing lagoon systems would be the obvious place to receive those wastes, but we have to ensure they have enough capacity, so there might be a need for additional infrastructure.

The Chair: Thank you, Ms Wilson. We appreciate this presentation from South Nation Conservation.

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ONTARIO CATTLEMEN'S ASSOCIATION

The Chair: I now wish to call forward our next delegation, the Ontario Cattlemen's Association. Good morning, sir. I would ask for your name for Hansard, and we have 15 minutes.

Mr Dick van der Byl: Thank you. Good morning. My name is Dick van der Byl. I'm pleased to be here today as president of the Ontario Cattlemen's Association, which represents 25,000 beef producers in the province.

We're encouraged by what we see in the proposed legislation. It appears that the government has listened to the concerns and input of agriculture. We believe it is absolutely crucial that this act and associated regulations meet the goal of environmental protection while ensuring a viable future for agriculture in Ontario.

Farm gate value of beef cattle production in Ontario is estimated at \$980 million; it's second only to dairy. Beef

cattle raised in Ontario provide the raw product for significant primary and secondary food processing sectors serving the consumer, retail and food service segments of the economy. The agrifood sector in Ontario is second only to the automotive industry in gross sales. Agriculture is truly a driving force in the Ontario economy.

On environmental protection, the OCA is actively involved in many programs related to protection of Ontario's environment. We have also initiated many projects focused on water quality. OCA has been a member of the Ontario Farm Environmental Coalition since its inception in 1991. We are committed to making legislation and standards for farming operations effective for environmental protection, as well as practical for farmers competing in a global marketplace.

Industry partners, including all levels of government, need to develop a vision for rural Ontario. As part of this vision, we recommend the expansion and provision of permanent funding for the highly successful and widely accepted environmental farm plan program as a delivery vehicle for funding related to new regulations for agriculture operations.

Contrary to recent press coverage, the Farming and Food Production Protection Act does not constitute a licence to pollute for farmers. Farmers are currently regulated by several pieces of legislation, including the Environmental Protection Act, the Ontario Water Resources Act and the Fisheries Act. Farmers have been proactive with respect to protection of the environment and have taken many voluntary actions. Examples are the environmental farm plans, nutrient management plans and best management practices. These actions must be recognized and encouraged.

As a member of OFEC, we support the development and use of local agriculture advisory committees. These committees must include farmer representation. These committees would be the first points of contact for citizens with concerns related to environmental practices on farms. The committees would play a mediation role and, when necessary, pass cases on to a provincial agency for enforcement.

We also support the concept of an environmental help line to deal with citizen concerns, much like the successful OFAC animal welfare help line that we initiated at OCA a number of years ago, as well as to connect willing landowners with information and resources.

On to regulations: all proposed regulations for agriculture operations must be subjected to both economic and environmental impact analysis prior to implementation. The environmental and economic impacts of regulations for agriculture operations must be known and, where needed, financial incentives and compensations put in place.

The agricultural industry must be provided with sufficient time to evaluate and comment on proposed regulations. A 30-day comment period would not be sufficient.

Categorizing farms: we feel that implementation should be phased in, with the determining factor being total nutrient production and/or use. A timeline of five years would be appropriate.

Using livestock units as a means of categorizing farms is unacceptable. This measurement is weighted toward odour production and is not meaningful for regulations targeted to nutrient and pathogen control. A new measurement must be developed that is specific with respect to actual nutrient production while addressing changes in livestock genetics and management over time.

A very clear distinction must be made between livestock production systems that are confinement-based, such as poultry and swine, and those that are grazing-based, such as beef cow-calf and sheep. For example, regulations related to manure storage of 240 days based simply on number of animals are meaningless for grazing-based operations where manure is spread by the animal itself for most of the year.

We support the requirement for all nutrient managers, not just those in agriculture, to complete a nutrient management plan. These plans need to account for all lands used by nutrient managers, whether they are owned, leased or otherwise.

Because many farmers are not computer literate, nutrient management plans should not be required to be in electronic format. A summary of each nutrient management plan, following a standard format, should be prepared as a public document. Full nutrient management plans may contain proprietary information and should remain confidential other than for audit purposes.

OMAFRA involvement: we feel strongly that OMAFRA should be the lead agency when it comes to the new legislation, including third party reviews, audits of nutrient management plans, and the implementation of these plans. Tied closely to the audit function should be an effective extension component. This will require an increase in resources available to OMAFRA.

Enforcement can only be successful with the following key elements: a consistent approach, qualified and knowledgeable staff, and sufficient resources. OMAFRA, with its qualified staff familiar with Ontario agriculture, should be given responsibility for ensuring enforcement of the Nutrient Management Act.

Financial incentives: financial incentives are essential and must form a major part of the government's overall approach. Changes made with societal benefit as an objective must be funded by society at large.

Costs associated with third party review, audit, hydrological study and facility upgrades must not become an undue burden on producers.

As mentioned earlier, access to funds should be through an expanded and permanently funded environmental farm plan program.

Best management approach: there are likely to be several regulations from which existing operations must be exempted. An obvious example would be the siting requirements of farm buildings with respect to waterways. A great number of barns, built several decades ago,

were sited close to water with good reason. It would be totally impractical to require movement of these buildings.

OCA is currently leading the development of best management practices for buffer strips on farms. This project has all key stakeholders as contributing partners. These include the Canadian Cattlemen's Association; the Dairy Farmers of Ontario; Environment Canada; the Department of Fisheries and Oceans; Ducks Unlimited; the Ontario Federation of Anglers and Hunters; Wildlife Habitat Canada; the Grand River Conservation Authority; the Ontario Ministry of Agriculture, Food and Rural Affairs; the Ministry of the Environment; and the Ministry of Natural Resources.

In addition, OCA and the Ontario Sheep Marketing Agency were recently granted \$150,000 through the agriculture environmental sustainability initiative to implement best management practices on farms with watercourses. These initiatives are evidence of industry concern regarding the protection of our water.

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Regulations should not include a requirement for fencing of livestock from watercourses. The Best Management Practices for Buffer Strips on Farms book will identify those situations where fencing is necessary and, for other situations, which best management practices are acceptable as due diligence in protecting water quality. The issue of livestock access to watercourses should be dealt with in individual nutrient management plans to account for individual farm situations. The focus should be the avoidance of livestock standing in water rather than having access to watercourses.

Legal precedence: the issue of capping the size of operations based on number of livestock units is a very real concern to the OCA. A recent OMB ruling stated that municipalities have the right to impose a cap on the size of livestock operations. OCA is involved in an appeal of this decision as it could strike a serious blow to the entire animal agriculture industry in Ontario. Like most other business types, farming has followed a long-term trend toward fewer numbers of producers whose operations are larger in size. This has been driven by the need to compete in a global marketplace. The real issue is not one of size but one of good management, including nutrient storage, handling and spreading on an appropriate area and type of land.

The act currently deals with provincial regulations superseding municipal bylaws. Issues such as the cap on number of livestock need to be addressed effectively through this means.

Municipalities must be prevented from using the municipal Planning Act to set local requirements different from those outlined in the Nutrient Management Act. Such changes would render the Nutrient Management Act futile.

I thank you for the opportunity today to express OCA's opinion on a number of areas of the proposed legislation. The beef industry is committed to protecting

our natural resources and have proven this by our actions over the years. We will continue to work toward the combined goal of environmental protection through economically viable agriculture in Ontario.

The Chair: We have just under a minute for each party.

Mr Gilles Bisson (Timmins-James Bay): On the third page of your presentation you talk about using livestock units as a measure of categorizing farms as unacceptable. Could you explain that a little more? How would you categorize them if it's not by number of units?

Mr van der Byl: I think what we're looking at is really the land base that a producer has or could get a hold of to spread his nutrients on. If he has a large enough land base, and through soil testing and whatever it takes, sees how much nutrients he can put on that land, then using livestock units is not a desirable measure.

Mr Bisson: I guess what I'm wondering is, if you are going to categorize somehow or other, you have to bring into the equation the number of livestock units or head of cattle that you have on the farm. I understand that you want to look at the land base as well, but how do you do it without looking at the number of units? How do you categorize that? You have to come up to a number somehow.

Mr van der Byl: But if you have a land base and you do your soil testing to see what nutrients this land can take, that will dictate how many livestock you can have on an operation.

Mr Bisson: So I think you use both.

Mrs Tina R. Molinari (Thornhill): In the last few days that we've been having consultations on this bill there have been some themes that have been consistent in all the presentations, and certainly you cover some of them in yours. One I've noticed is the whole issue around who is going to be responsible for regulating it, which ministry. Will it be OMAFRA or the environment? We've had presentations from those who feel that it should be the Ministry of the Environment, because they feel that's the ministry best to fulfill that role. One of the issues they've raised, actually, is the whole conflict-of-interest issue. In your presentation you're recommending that OMAFRA be the lead agency. How would you respond to those who say that it may be a conflict of interest for OMAFRA to be the lead ministry to enforce the bill?

Mr van der Byl: I think in every situation you can have a conflict of interest. Yes, people in Ontario might think that, but it's still a ministry within the government so I don't see why there should be a conflict of interest.

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): Just to follow up on the second page, second paragraph, "The committees would play a mediation role and, when necessary, pass cases on to a provincial agency for enforcement." I just wondered what you were thinking there.

Mr van der Byl: That's somewhat how our animal welfare system works. If we get a complaint, then it's passed on to us as producers, and if it's something we

can't handle, then we pass it on to another agency. That's how we would be looking at it. If you have a committee set up and somebody comes with a complaint to that committee, and the committee feels it's something they can't respond to or that it's above them, then it's passed on to another agency or another department.

The Chair: Mr Cleary, do you have a supplementary? We should wrap this up.

Mr Cleary: Yes. Are you suggesting that be another provincial committee that would be set up to handle this?

Mr van der Byl: Depending on, of course, who's going to be handling the enforcement, and I think that's who we would be looking at. But if the committee can't handle it, it would go on to the enforcement agency. We'd like to handle it in our local municipalities, and if it can't be corrected there, then it would have to go on to the enforcement agency.

Mr Cleary: I've been asked that question quite a few times. Thank you.

The Chair: Thank you, sir. We appreciate the Ontario cattlemen coming before the committee.

RUSSELL COUNTY FEDERATION OF AGRICULTURE

The Chair: The next delegation on our agenda, Fédération de l'Agriculture du comté de Russell. Good morning, sir. We'll get your name for Hansard. We have 15 minutes.

Mr Pommerville: Thank you very much, Mr Barrett.

My name is Rejean Pommerville. I'm a dairy farmer in Russell county and the regional director for the local federation in Russell. I hope everybody has a copy of our presentation? Thank you.

The Russell County Federation of Agriculture appreciates this opportunity to present comments on Bill 81.

The agricultural sector is very important in Russell county, and we are blessed with very good farmers, land and proximity to markets for our agricultural products. The fact that Ottawa is at our doorstep, however, presents a struggle to maintain a vital and vibrant agricultural sector.

The environment, water and nutrient issues are of great importance to the farmers of Ontario and Russell county. Farmers maintain a very good record for land stewardship and environmental initiatives to protect our most precious assets: land, water and air. Several initiatives that farmers have already participated in to date include the environmental farm plan, the grower pesticide safety course etc.

Farmers are expected to do more for society to protect the environment and are more than willing to take on additional responsibility toward this goal. The Nutrient Management Act is asking farmers to prepare nutrient management plans for their farms; however, society and industries must also do their share. If too much responsibility is placed on farmers without financial assistance to help protect natural resources on behalf of

society, the burden of enhancing the environment will be unbearable for a lot of farm enterprises.

Following are some of the issues in the proposed Bill 81, Nutrient Management Act, that are of major concern to the farmers of Russell county.

We agree that the Ontario Ministry of Agriculture, Food and Rural Affairs is right in its quest to develop clear and consistent nutrient management standards to ensure that we live in a healthy and sustainable environment. Farmers should not be the only group required to bear the burden of protecting good farmland for society, nor should farmers bear the burden of paying the total cost of a system being legislated to benefit society in general. We should have every reasonable expectation to make a living from farming without being financially deprived of an adequate standard of living in order to protect the land base, surface water and groundwater for future generations.

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The farming industry is simply not capable of carrying extra costs which cannot be passed on to processors and consumers. The ministry must remember that a vast majority of farmers already handle manure and other nutrients responsibly, as a courtesy to their neighbours and to promote productive farming. If the government does not financially assist family farms with the changes this legislation will demand, in the same way it now pays urban municipalities to improve their water and sewer systems, it may be too expensive to farm. It will drive farmers out of business and it will cripple our rural communities.

It is our belief that both provincial and local governments must work hand in hand to ensure good policies with regard to surface water, groundwater and land use. The province cannot allow the continued construction of homes and industries on our best farmland. Farmers produce more than just food; farmers maintain vital communities. Laws that place an additional burden on farmers also place an additional burden on rural communities. Therefore, the government must handle Bill 81 with care to avoid creating an environment that regulates farmers out of farming. The government must ensure that the new legislation allows the family farm to carry on, free from legal constraints and overbearing costs. The ministry must not lose sight of its primary goal: to promote the economic development of rural communities.

Administration should include preliminary and on-going studies on the economic impact of this legislation. It appears that the government of Ontario is planning for the farmers of Ontario to pay the nutrient management administration costs—"the minister may establish fees." The objective of Bill 81 is the protection of our water resource, which is a public resource. Therefore, the public has a responsibility in this process and the payment of fees for application, reviews and certificates by farmers etc should be nominal or zero.

Delegation of responsibilities: some elements of the bill must be administered by provincial agencies to

ensure consistency across the province and not by agencies operating at a local level. To ensure effective consistency, we would strongly recommend that OMAFRA conduct reviews, issue certificates and establish the registry.

Financial considerations: depending on the number of categories—not yet determined—farmers could be required to follow simple guidelines on charts regarding manure application rates, or they could be required to have an environmental farm plan in place. There will be a phase-in period to obtain a nutrient management plan. Who will be the liaison between farmers, OMAFRA and MOE? A certification process involving education, approval and training will take place throughout the province. Then a third independent party will be contracted to carry out the necessary program requirements. However, until the regulations are identified, it is hard to say what the costs will be or how they will impact on farmers.

What is considered a normal farm practice will be modified to incorporate the standards of the Nutrient Management Act. Testing every field and perhaps several of the neighbour's fields, because a farmer is also spreading there, could become an onerous task for producers. It will demand more of their time, energy and money. Should farmers enter into agreements with their neighbours? How much record-keeping will be required? Financial incentives are not being offered in the draft documentation of Bill 81. Financial assistance and incentives must be available to farmers who may have to upgrade existing facilities to meet standards.

Legislation, regulations and standards: once the bill is proclaimed, the province will have the authority to make standards for managing materials containing nutrients. Farmers must be permitted to participate in a significant manner in the development of regulations and standards and strongly suggest a consultation process whereby farmers form part of the local nutrient management advisory committee, as suggested in Bill 81.

Intensive review by farmers and farm groups: stakeholders need to have input, primarily to iron out difficulties and concerns before they become major problems. Empowering these local advisory committees to do site visits and make recommendations can effectively deal with complaints.

Periodic inspection to ensure compliance is accepted as a necessity. Legislation should establish a process clearly stating that random inspections are meant to be helpful, pointing out what aspects of a producer's operation are in compliance with the standards and what aspects are not. We believe the intent at this stage should not be punitive. We recommend that the issuing of an order be reserved for individuals refusing to correct a situation in a reasonable length of time, as determined by a follow-up visit. A monetary penalty under these circumstances is appropriate and is fully supported by the Russell County Federation of Agriculture.

We must emphasize the importance of biosecurity. We recognize the inspections will require a presence on the

farm; however, biosecurity protocols must be established in consultation with farm organizations to ensure biosecurity requirements are met. These protocols must be entrenched in the legislation and not dealt with as a regulation.

Amendment to Farming and Food Production Protection Act: the amendment should indicate that a judge "shall" refer the determination of a normal farm practice to the Normal Farm Practices Protection Board since decisions of this board have always been site-specific and recognize that normal farm practice varies across Ontario.

Privacy issues: the establishment of a registry in which nutrient management plans are recorded, and the provision of subsequent access to farm records by the public, is a concern to farmers. Vigilante groups could conceivably blow available information out of proportion and take it upon themselves to monitor on-farm practices and watch for violations of any degree. What type of information will be made available to the public in this database must be determined in consultations with farm organizations.

Comments with respect to various sections of the act: application of nutrients in regard to the time—season—of application must take into consideration soil conditions, time of application etc. If the producer's ability to spread nutrients on the land is too restrictive, a problem is created for the storage of those nutrients. Winter application is not acceptable to the RCFA.

The requirement for geophysical studies to determine the types of soils on lands and the direction of groundwater flow in relation to the use of materials containing nutrients is acceptable with respect to new operations, but is there sound justification for such studies with respect to older or improving operations? These studies are very expensive for any farm operation.

Minimum distance separation requirements for the spreading of nutrients on lands must be reasonable between neighbouring houses, watercourses and wells because it could potentially affect the amount of land that a farmer can use: slope, type of soil etc.

The requirement that a nutrient management plan, strategy or any other record or document must be prepared, kept or filed under this act should not be restricted to an electronic format. There are mature farmers running old operations who do not have access to, do not require access to or do not want access to computers. For many, "floppy disks," "CDs" and even "word processing" are foreign words. The RCFA would request that some flexibility with respect to this requirement be taken into consideration.

Regulating the access of farm animals and persons to lands where prescribed nutrients have been applied: regulations would have to be more specific, stating when and why access will be regulated. The RCFA understands regulating access of farm animals but does not understand the reference to persons. Clarification is required. Is it notification for health reasons?

Restricting the access of farm animals to water and watercourses: some thought should be given to the possible expense involved. In some cases it is very difficult and expensive to maintain a fence in a floodplain area.

Conclusions: the RCFA recommends that the primary requirement of the legislation be that every farmer, industry and stakeholder develop and maintain a nutrient management plan tailored to his or her farm operation or business, to protect the province's surface water and groundwater resources.

The RCFA strongly recommends and advocates provincial legislation on nutrient management on the basis that it provides consistency across the province. To ensure consistent interpretation of the regulations, it is important that inspection/enforcement be done by a provincial agency rather than delegate several responsibilities to agencies or persons outside of government. This could lead to the interpretation that standards are seen as provincial but will in fact be administered unevenly across the province.

The RCFA believes and recommends that all of society share in the cost of administration. Reasonable projections of the cost to administer Bill 81 should be developed and transition funding should be made available to existing operations that are not now in compliance to make the necessary changes. Studies should be conducted to determine the environmental and economic impact that legislation has on the agricultural industry.

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The RCFA recognizes and accepts the need for periodic inspections. However, it recommends that monetary penalties be reserved for individuals who refuse to correct a situation within a reasonable length of time, as determined by a follow-up visit. Monetary penalties under these circumstances are considered appropriate and are fully supported by the RCFA.

The RCFA believes it is essential that the inspection-enforcement group recognizes strict protocols with regard to biosecurity requirements. The RCFA recommends that protocols must be established in consultation with farm organizations and must be entrenched within the legislation.

The RCFA recommends that the Nutrient Management Act must not be used to address situations that fall under the Environmental Protection Act. The Environmental Protection Act is a powerful piece of existing legislation and well suited to dealing with environmental incidents resulting in pollution.

The RCFA supports the establishment of local nutrient management advisory committees that are empowered to do site visits and make recommendations. The RCFA strongly recommends that Bill 81 commits the government of Ontario to establish and use such committees by indicating that the Lieutenant Governor in Council "shall" rather than "may" provide for their establishment. It is further recommended that these committees be composed of individuals having a registered farm business.

Some of the issues that the Russell County Federation of Agriculture has outlined in this paper will surely be repeated in other representations before you today and will more than likely be brought forward in future consultations when the formulation of the regulations takes place.

I wish to thank you for providing us with the opportunity to provide input into the Nutrient Management Act, 2001.

The Chair: That pretty well uses up our time, unless a committee member has a brief comment they feel they need to make.

Mr Peters: On point 7, the local advisory committees or community environmental response teams—the terminology hasn't been determined—how do you feel about a non-farm rural resident being a member of this advisory committee?

Mr Pommerville: One member or the majority?

Mr Peters: A representative. I'm not saying the majority, I'm saying a representative.

Mr Pommerville: I think society is entitled to have at least one representative on such an advisory committee but the majority should probably be farmers who are knowledgeable in each situation. Agriculture is changing so rapidly. It's not what it used to be 20 years ago and probably 10 years from now it will not be the same again. If you are not involved in farming per se, you might not be able to give the proper advice on what is required. We have to have an act that is proactive, that will also change as the times change, if we want to do the proper job.

The Chair: Thank you, Mr Pommerville. We appreciate this brief from the federation.

KLEMENS WEBER

The Chair: I wish to call forward our next delegation, Klemens Weber. Good morning, sir. As I indicated, individuals have 10 minutes before the committee.

Mr Klemens Weber: My name is Klemens Weber. I have been a farmer for 40 years. I'm glad I'm retired. I appear in front of you today on behalf of no one but your grandchildren and mine.

The Nutrient Management Act, 2001: I am encouraged that this government is taking action to improve the rural environment. This action is long overdue. I am concerned, however, that the legislation as drafted does not further the goal of improving the rural environment.

I feel that the draft has two major faults. First, it does not spell out its real purpose. It is like planning a journey without having a destination. What is in fact the desired goal and what is this government's commitment to achieving it? Second, it fails to name and put in place the proper ministry and jurisdiction to be solely responsible for implementing, controlling and enforcing environmentally sensitive legislation in rural areas.

In the proposal, part II, subsection 5(2)(w) refers to the obligatory registration of nutrient management plans by farmers. Using the nutrient management plan as a cornerstone of this act is irresponsible and ineffective. It

will not have the desired results in cleaning up and protecting all our water sources. A nutrient management plan cannot be controlled or enforced in practice. It may well give farmers, some politicians and even some members of this committee a wrong sense of security.

To illustrate my point, I will share some observations. I noted articles published in June last year by our local papers, the Winchester Press and the Chesterville Record. In one, a local farm leader described his liquid manure system in detail. He expressed pride in adhering to his nutrient management plan, which leads him to apply liquid manure at a rate of 4,000 gallons per acre in June and 8,000 gallons per acre at the end of October. Is this plan friendly to the environment? I don't think so.

Shortly afterwards, a well-known OFA spokesperson, in a letter to the editor, explained his belief that manure stored for two months no longer contains any pathogens and is therefore as safe as your backyard compost.

The most striking example of the attitudes of some rural leaders toward the environment was expressed in a letter to me from the chair of the South Nation clean water committee dated May 10 of this year. In it he stated that if landowners, besides education, "receive financial incentives and are compensated for costs incurred, they are more likely to adopt long-term best management practices." I ask you, is his attitude acceptable? One should not get paid for not polluting but should be fined if one does.

Ontario is the third-worst polluter in North America. Our rural community is part of it. Too many overlapping jurisdictions, lack of directives, lack of funds and years of neglect have all contributed to our poor record. This, in spite of all of us knowing better. Just look at all the publications, organizations and studies that are out there and the money spent on them. Who is paying attention? Who is taking action? Who is in charge?

The Minister of Agriculture has failed us miserably. Now he's hiding in a bunker in Guelph. The environment minister is invisible.

Part VII of the act, sections 55 and 56, must be revisited. The minister cannot be allowed to delegate powers and then abdicate all responsibilities for persons or organizations to whom he has delegated those powers. Therefore, the Minister of the Environment must have undivided and sole jurisdiction and all necessary powers over the environment. The minister must establish rules and regulations independently and take full responsibility for implementation, control and enforcement. No other ministry should be able to interfere or overturn decisions.

This proposed legislation must apply to all rural land: farms, woodlots, as well as golf courses and parks. There should be no exceptions or phase-in periods granted for farm operations of different sizes.

To be effective, rules and regulations must be clear, simple and enforceable. Please consider the inclusion of the following:

Establishment of buffer strips on all river banks and watercourses to reduce erosion and agricultural runoffs, to be completed in not more than three years. The local

conservation authorities are the best equipped to help in this task.

Prohibit the use of pesticides in the buffer zones.

Keep all livestock out of waterways.

Prohibit fall plowing on land prone to spring flooding.

Regulate the timing, and if found necessary, the rate of manure applications; absolutely no spreading on frozen or snow-covered ground; no spreading of liquid manure at the end of the growing season between September and April.

Liquid manure systems, as used today, should be discouraged in the future and ultimately replaced. Processing manure is a safer alternative.

In closing, I am sure that rules like those are easily understood and enforceable. They would contribute in a real way to the improvement of our water quality and rural environment. I thank the Chair and the committee members for listening patiently to me.

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The Chair: We have just under a minute for each party. Any comments or questions from the Liberal Party?

Mr Conway: Thank you very much, Mr Weber. I just want to go to the back of your presentation. You live in north Stormont, RR1, Berwick. You say here, "Absolutely no spreading on frozen or snow-covered ground." That's an understandable argument, but let's just play that out. What would I have found in north Stormont last winter if I had followed, let's say, some rural homeowner—

Mr Weber: I just want to say that I am only a recent resident of north Stormont.

Mr Conway: All right, but you live in RR1, Berwick. That's a very good part of the world. You give some interesting advice here. At one level it's very compelling. So I just want to know, what are people doing now and, given this advice—let's say it were accepted—if I were to be around in Berwick next winter, what would people be doing if they—

Mr Weber: You're going to see some farms—a lot of them are very environmentally conscious and they don't spread manure in winter.

Mr Conway: Let's take somebody who is not a farmer. Let's take some rural resident living at RR1, Berwick, and he or she has a septic tank. What do they do now?

Mr Weber: I'm not addressing municipalities or septic systems because I'm not an expert in civil engineering or those things.

Mr Conway: But we have thousands of people living in southeastern Ontario who would face that problem. And it is a problem, I don't deny it. I understand the reasons to make changes. I just want to know what people are going to do as a practical matter.

Mr Weber: I'm a farmer; I'm not a municipal expert with rules and regulations regarding seepage from the drainage system of a septic tank.

The Chair: Mrs Molinari, less than a minute.

Mrs Molinari: Thank you very much for your presentation. You talked about some consistencies in application of the legislation in various communities. We've heard from some presenters about how the provincial legislation should supersede any municipal bylaws that are in place. We've heard from some of the municipalities that you really have to take into consideration some of the municipalities' local concerns. How would you respond to that?

Mr Weber: It depends on who is expressing those local concerns. If I'm a farmer and I'm tight with my money, I don't want to spend any money on the bloody environment because I have to pay my bills next week, or on November 1 my farm loan is due. I don't give a hook about the environment; I might pay lip service.

You've got to have simple regulations, and don't send the fox to count the chickens in the barn. We have an environment minister. What does "environment" mean? He should be in charge of the environment and be on top of the environmental regulations—independent. You get the municipal affairs minister, you get the mining people; everybody is doing his own thing, representing his own interests or his own view on the environment. And who has suffered in the last 50 years, roughly, especially in Ontario, as a jurisdiction cleaning up the mess? Ontario is lagging behind Europe especially and even Quebec, and some jurisdictions in the States. A generation of farmers is behind in education in a place like that. It should be more environmentally friendly, and I think it isn't.

The Chair: Thank you, Mr Weber, for coming before the committee.

LEEDS COUNTY FEDERATION OF AGRICULTURE

The Chair: I wish to call forward the next delegation, the Leeds County Federation of Agriculture. Good morning, sir. We have 15 minutes. We'll get your name for Hansard.

Mr Dave McLaughlin: My name is Dave McLaughlin. I'm the provincial director for the Leeds County Federation of Agriculture. I have regrets from our president who is unable to attend today.

The Leeds County Federation of Agriculture, on behalf of the farmers of Leeds county, appreciates this opportunity to present our comments and concerns regarding Bill 81.

Leeds is a diverse county, rich in agriculture, representing a wide variety of agricultural products, including the more traditional ones and the more exotic, such as llamas and ostrich. Recently, an economic impact study was released for Leeds, Grenville, Frontenac, and Lennox and Addington has shown that agriculture is a major force in the local economy. This study provided us with that proof, with the facts and the figures that everyone seems to enjoy so much: 1,500 farms, with farm gate receipts of \$104.5 million; related sales of \$210.3 million; and, 16% of the population in our area is

employed either directly or indirectly in agriculture. It is clearly a major force in our local economy.

Farmers, as stewards of the land, are very concerned about the environment and conservation of the land and water. Through the development of the Ontario Farm Environmental Coalition, the environmental farm plan program was launched in 1992 which addresses a number of nutrient management issues which farmers can identify with, seek solutions to and address potential problems on their farms. In Leeds, 43% of farm businesses have attended an environmental farm plan workshop.

Unfortunately, the Walkerton situation has created a heightened awareness over water quality and nutrient management by the agriculture sector. A cloud of suspicion by the public views farmers as potential contaminators of our water resources. I'd add that's the unfortunate part; it's not unfortunate that we're looking at these issues. At this time, while there is no conclusive evidence substantiating the fear based on the information given at the first step of the Walkerton inquiry, we must be vigilant and ensure that our farmers have the ability to farm after Bill 81 is in place. Some of our concerns include:

A major issue that's repeatedly expressed by our membership is the concern of the costs for upgrading existing farms to meet eventual minimum standards and regulations once Bill 81 is in place. I realize that this is enabling legislation, and when our ministry toured the country earlier and we were able to ask questions at information sessions, when asked about funding and why funding was not mentioned in any of the enabling legislation, the reason given was that would come later when developed. Yet almost half of Bill 81 as presented now deals with fees, cost recovery, penalties and punitive action.

Although the farming community strongly endorses the nutrient management plan process, a number of farmers will be unable to afford expensive upgrades. Many farmers are already in a precarious financial situation and if required to make several expensive upgrades their only option may be to quit farming. This alone will have many implications. Smaller farms will shut down their operations, leading to fewer and larger farms thereby increasing the intensive livestock operations. The economic impact to local businesses will be affected as there will be fewer farm businesses: related business, veterinarians, agribusiness, farm supply, truck and equipment dealers, financial, legal—it goes on and on.

Another factor to take into consideration is that the average age of an Ontario farmer is now 55. Some of these farmers, if faced with costly upgrades, may just simply quit farming.

LFA strongly endorses that financial assistance should be made available to farmers in the form of project grants. The grants must be accessible and applicable to the farming community requiring upgrades to meet minimum standards that will developed for Bill 81.

OMAFRA has done us a very large favour in that they've put a good Web site together. Their page links to other jurisdictions' nutrient management plans and conservation efforts in effect elsewhere. Almost all of North America is available on their Web site. All of the jurisdictions bordering Ontario—New York, Pennsylvania, Vermont, Quebec—make provision for grants, and realize that in order to keep strong small family farms and mixed farming viable in their areas some assistance has to be provided.

A suggestion to consider in order to fund these projects with NMP would be to establish a food or a green tax. These dollars should be used exclusively for the NMP process for farm upgrades to meet minimum standards. While the intention of Bill 81 is to protect our water resources, it is also a public health safety issue and the upcoming legislation would benefit all the public, therefore the public has a responsibility in this process. Agriculture should not be forced to bear the brunt of the costs associated with this alone.

Another major concern expressed is over the provision that inspectors could enter any part of your property, except your personal residence, without warrants. Inspectors can also examine all records, including your environmental farm plan. The original intention of the environmental farm plans was that they would be kept confidential. The concern is that provisions you might have identified in your farm plan, corrective action you may need to take but may for financial reasons have put off for a one- or two- or three-year period, will then be available for their viewing and could possibly be used against the farmer.

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LFA would like to request that investigators receive permission from the landowner/operator/tenant prior to entering the property. These investigators must be thoroughly trained specifically to regulations pertaining to Bill 81 and must respect farmers' right of confidentiality of environmental farm plans.

This inspector must also adhere to on-farm biosecurity measures. The inspections and the inspectors should come under provincial agencies so there's consistency with rules and regulations throughout the province and everyone follows the guidelines. In that area, we recommend there be no farming out of services by government agencies.

While the general consensus for the most part is that this legislation is positive and seen as a proactive step with the farm community to address environmental concerns, there is a concern that once this legislation is passed there will be a number of groups and/or individuals who could challenge farmers and interpret the legislation to suit their own purposes. To deal with this potential problem, it is suggested that a local peer review committee or dispute resolution committee be established. In many cases, the committee could be the first point of contact for complaints and/or violations of the regulations and these complaints could then be forwarded to the ministry handling inspections. In effect, OFA has

suggested that OMAFRA and the Ministry of the Environment should work together on this program and that they could be consulted to provide the initial response.

It's felt that in most cases a committee of peers would resolve the situation without need for an enforcement agency to become involved. The makeup of the committee should be broad-based, but at least 50% should be farm business registrants. The Ontario Farm Environmental Coalition has developed basic sets of guidelines for the formation of advisory committees, and these guidelines could be the basis for the formation of local NMP committees.

Also, to possibly reduce the number of unfounded complaints and unnecessary costly investigations, complainants should be required to sign a witnessed document in order to initiate an investigation. The complainant should also be required to pay legal or court costs if the complaint is unfounded or unjustified in any way.

We feel very strongly that farmers and other stakeholders must be allowed to participate in a relevant and meaningful way in the entire process of developing the regulations and standards, and evaluating the adjustments once the program is set into place.

The bill doesn't indicate any ministry having a lead role. We would like to request the Ontario Ministry of Agriculture, Food and Rural Affairs be this lead agency. With OMAFRA's expertise in soil science, crop production, manure storage and application, they are best suited to deal with Bill 81. In addition, the farming community and OMAFRA already have a comfortable working relationship.

It's essential farmers be informed of the standards and regulations once the legislation is approved. It is also important that farmers receive the appropriate training needed to understand and upgrade their knowledge base to become prepared and initiate their NMP planning and record-keeping. It is suggested that the Ontario Agricultural Training Institute, known as OATI, be contacted to provide the necessary training. OATI's mandate is to provide training and to help farmers manage change—this certainly will be a change—and would be the logical choice to assist farmers with new changes. OATI also has community training advisers already established throughout the province.

The Leeds federation would like to recommend a baseline study needs to be implemented to determine environmental and economic impacts this legislation will have on the agricultural industry. It's obvious this is meant to improve water quality, but how will we know if we've improved it if we don't know where we started from? We need to know where we stand today in terms of existing legislation, inventory of water resources, water quality on a provincial level, and provincial land-based animal density in addition to soil mapping. The provincial baseline study should be completed and analyzed prior to implementation of the regulations.

Also, nutrient management legislation should not duplicate or replicate current legislation. For example, if we're just looking to solve a problem situation, we already have legislation through the Environmental Protection Act, Ontario Water Resources Act, Pesticides Act, Farming and Food Production Protection Act, Highway Traffic Act, the Department of Fisheries and Oceans, building codes etc, to deal with problems. This legislation is looking at being a control instrument. It is the intent to make water quality a top priority but not to have a number of different agencies dealing with the same issue.

Our federation supports the intention of Bill 81 to supersede municipal bylaws which have put in place their own NMP regulations. OFA's strong support of this and many other people's strong support of this was that it would provide a provincial set of standards. Unfortunately, that may not be the case. Recent cases include the pesticide control bylaw in Hudson, Quebec, and the non-smoking bylaw in Ottawa. Parties against those used the public health and safety issue as a guideline, and due diligence awarded that the municipality could indeed set forward bylaws that were stronger than provincial legislation.

Once again, I'd like to thank you very much on behalf of the farmers of Leeds county for this opportunity.

The Chair: Thank you, Mr McLaughlin. We've got about a minute for each party. We'll begin in rotation and start with the NDP.

Mr Bisson: You touch on an issue that everybody's gotten into, which is the costs associate with implementing such practices on farms. You suggested putting on a green tax and I, for the life of me, don't think the public out there is prepared to get any kind of new taxes when it comes to an added burden on to the taxpayer. The idea of a phase-in has been brought up by other people. Would that be a more appropriate way of going, that you phase it in over a period of time so that if there's new equipment that needs to be purchased it's on a phase-in period, that when people need to replace their equipment they go to the new standard? If there are certain guidelines to be met, there'd be a phase-in period of three, four or five years. Would that be more acceptable? I just don't think the green tax thing is going happen.

Mr McLaughlin: Quite often, when we're asked to comment on these things we're seen as saying everything that is wrong and offering no solutions. We felt this was the way of offering a solution, that indeed all consumers are to benefit.

We're constantly developing policy, in this case agricultural policy or environmental policy. We're developing a policy to work within what we can afford. The dollars are put up on the table first and then they say, "You design the policy that we can deliver with this amount of money." It's obvious that the best policy needs to be developed without looking at that cost: develop that policy and then go and try to fund that policy, if you believe that to be the best one.

I'm not sure, from indications that I have seen in various studies in ecological and environmental magazines, that a large part of the public would not be prepared to put a 1% food tax on to pay for a better environment.

Mr Carl DeFaria (Mississauga East): On point 6 of your presentation, you indicated that your federation felt that OMAFRA should be the lead agency.

Mr McLaughlin: Yes.

Mr DeFaria: That is a point that has been made by other presenters. How would you feel about an enforcement unit that would be under OMAFRA but would have inspectors from the Ministry of the Environment?

Mr McLaughlin: Actually, I have a copy of the presentation that the Ontario Federation of Agriculture made, and I'll just read from that because it also addresses Ms Molinari's concern earlier this morning for the conflict of interest. That is: "that the Ministry of Agriculture, Food and Rural Affairs be named as the lead ministry and that the enforcement expertise of the Ministry of the Environment be obtained through the establishment of a special unit within OMAFRA that includes individuals seconded from the MOE."

By assembling expertise in soil science, crop production, manure storage application and training, and combining those ministries with that enforcement agency, I think that would take care of the concern over the conflict of interest.

The Chair: I'll go the Liberal Party.

Mr Cleary: Thank you for your presentation. I know the two questions I had have partially been answered, about the food tax or the green tax. You had said a 1% food tax?

Mr McLaughlin: That would really require a lot of study on what would be feasible, even what would be required. We don't know the cost yet of this program.

Mr Cleary: You had said about the inspectors going on the property at any time. So you agree these would be for provincial Ministry of the Environment inspectors?

Mr McLaughlin: Yes.

Mr Cleary: And that the Ministry of Agriculture would be a partner in it?

Mr McLaughlin: Yes.

The Chair: Mr McLaughlin, we appreciate the Leeds Federation coming forward.

ONTARIO SHEEP MARKETING AGENCY

The Chair: Our next delegation is the Ontario Sheep Marketing Agency. Good morning, sir. We've got 15 minutes. We'll get your name for Hansard and we can proceed.

Mr Chris Kennedy: Good morning. My name is Chris Kennedy. I am here to represent the Ontario Sheep Marketing Agency, which is the body authorized by the Farm Products Marketing Commission to represent the sheep farmers in Ontario.

I am one of the 11 provincial directors on the board and seem to have acquired the portfolio to deal with nutrient management. I'm a full-time sheep farmer. I have been for 15 years. I've spent the last year also working with our local township on drawing up a nutrient management and intensive farming bylaw, so I'm fairly familiar with most of the issues that have come up.

I hope you've all received copies of the sheep marketing agency presentation. I'm not going to read through it. I just wanted to highlight three or four issues that are particularly important to the sheep industry, and maybe at a later time you can go through the full detailed study of the bill.

1130

The first point I'd like to make is that it's very important to the sheep industry that this be a provincial bylaw with province-wide standards. There are a number of reasons for this. Partly, we don't want to see conflict arising between different municipalities as to, for example, which ones require a roof over them near a storage shed and which ones don't. If my next door neighbour in the next municipality has to have a shed, I don't. I can see a lot of potential for conflict, and indeed lawsuits, if that comes up.

Another important point from that is that if, for example, a roof is required over a manure storage shed, that requirement should be based on science and engineering studies. If it's opened, is it going to leak so that we require a roof? It shouldn't be based on the opinion of local politicians and their conceptions and misconceptions of farming; it should be a scientific study. Do we need a roof or not? If we need a roof, then the whole province needs a roof. One municipality doesn't and one municipality would.

Another thing of concern to the sheep industry that always comes up is the table of livestock units. It dates from the 1970s and it equates four sheep to one dairy cow. It's a constant bone of contention at every meeting I've been to. In terms of manure production, four sheep do not, in our opinion, equal one dairy cow. I believe OMAFRA has conducted scientific studies to investigate this and indeed found that probably six or seven is certainly a much more accurate figure. I think this is a good opportunity to completely revise these tables, bring them up to date and base them on some science, rather than on figures from the 1970s.

Another thing I find at sheep meetings is people want to know if the regulations are going to be tailored for sheep. Most of the bill and a lot of the regulations we see cover all species of livestock. In many respects, I hope you realize that sheep are not actually just pigs with wool on or miniature beef cattle. Sheep are a different species with different habits, and we would like to see in the regulations that they are treated correctly from a biological point of view.

One example that always comes up is wintering sheep. Sheep come provided with their own wool coats. They do not need to be in barns. Indeed, the quickest way to make a sheep sick is to stick it in a barn with a whole lot of

other sheep. So it's important for the sheep industry to have regulations so that we are allowed to winter our sheep outside, which nine out of 10 sheep farmers do, sometimes in yards. A lot of sheep farmers, particularly bigger ones, winter their sheep outside on pasture and they are the healthiest sheep in the province. We want to be able to maintain that. We can get away with it partly because of the different nature of sheep manure. Sheep manure is much closer to, say, deer manure than cow manure. It's dry pellets; it doesn't dissolve at the first sign of rain. So we can safely leave sheep out grazing during the winter.

Another thing that comes up is the fencing of waterways. This is always a big one because sheep avoid water if they can. They originate in the Middle East, which is dry country. They never stand in water. They will avoid crossing water if they can. If they come down to drink water, they'll come down and drink without getting their feet wet, if they can, and leave. To require every piece of water to be fenced for sheep is an enormous expense and, frankly, I don't think it will do an awful lot—

Mr Bisson: And it's silly.

Mr Kennedy: Yes. It's just not necessary, that we can see.

A lot of sheep farmers, too, particularly in the north and east, do not plow land at all; they don't work land at all. So if the regulations and so on require incorporation, we're going to be really in a bind because we spread the manure on pasture and hay fields. We would like regulations designed so we can do that safely.

The other subject that comes up, of course, is cost. Sheep farmers trade on the world market. We do not have quotas, we do not have tariffs. We have to compete against all the neighbouring jurisdictions, and New Zealand, when we sell our product. As the previous speaker said, all the neighbouring jurisdictions—the United States, Quebec and so on—are getting considerable financial help. If we don't get it, we are not competing on a level playing field. We have to compete against American lamb and Quebec lamb and so on. In the last 10 years, the sheep industry has increased its share of Ontario lamb from about 30% to about 50%. So it's a growing industry, but we want to be able to continue to grow without having to suffer too many financial penalties.

The other thing that has been brought up to me is the sometimes heavy-handed nature of this legislation, reading through it, particularly the right of entry without a warrant. I can see why we need the right of entry without a warrant if there is danger to the environment, people or livestock. That, I can see, constitutes an emergency. But for provincial officers to be able to enter without a warrant merely to obtain evidence, I believe, is greater power than the police have. I believe if they enter a house, they have to get a warrant. I would like provincial officers to have the same restrictions.

Coming back to the legislation, I really hope you can move ahead with it. A lot of people in the sheep industry

want to do stuff. We want to know what the regulations are and what the restrictions are before we go putting money into improvements to our farms. So I hope you'll move ahead, draw up regulations, talk to the sheep industry, talk to all the industries as to what really make sense and what will really do the job to manage nutrients properly without placing undo restrictions, and then we can all move ahead.

The Vice-Chair (Mr Carl DeFaria): We have approximately two minutes for questions from each caucus.

Mrs Munro: Thank you very much for coming here today to talk specifically about the sheep industry. As you went through the number of areas where there are, in your view, distinctions to be made because of the specific nature of the sheep industry, I wondered if you could comment on the kind of environmental plans that sheep producers have put forward in the last few years which speak directly to the ways in which the sheep industry has responded to the environmental farm plan projects.

Mr Kennedy: Specific projects by the sheep industry? I'd have to think about that one.

Mrs Munro: I guess the reason I ask the question is simply because of the fact that you raised issues about the question of animal units and it not being appropriate to recognize the difference between confined animals and those, obviously, that are pastured.

Mr Kennedy: One thing is, we have been co-operating with OMAFRA staff on the sampling of manure. They've come around and taken samples on a lot of farms. They have also been measuring manure piles. They've been around eastern and southern Ontario measuring manure piles. I haven't seen the results of that study yet but I have seen the results from studying manure. OMAFRA's suggestion is that the table of livestock units be based on the amount of phosphorous produced by different livestock, because phosphorous is the most serious nutrient for sheep. The preliminary figures I saw indicated about seven sheep to one dairy cow.

Mr Conway: Thank you very much, Mr Kennedy, for a very interesting brief. I just have one basic question here. I'm a visitor to this committee, but it seems to me that most people quite understandably make the argument for consistency. That I think is understandable, and you did an excellent job of doing your share. Then, having said all that needs to be said about consistency, very thoughtful people like yourself, it seems to me, sing a hymn of praise to variability, which also makes sense. I don't know anything about the sheep business but I learned a lot from your presentation. I guess one of the questions I have is, how do we do this? I live in Renfrew county; we have a lot of producers on rugged hardscrabble that happens to be close to very sensitive waterways. I imagine my friends here from the Russell County Federation of Agriculture being over in the shadow of a never-ending expanding Ottawa. We've got cattle; we've got sheep. Somebody gave me a copy the other day of the Ontario Farmer Daily from August 25,

2001, where I'm told that 20% of farms account for two thirds of the manure produced in the province. There's a very heavy concentration of that in southwestern Ontario. Can you just help me with this balance between consistency and the need for flexibility and variability? It seems to me that too much consistency here is going to get someone into a lot of trouble.

1140

Mr Kennedy: One possibility that occurred to me was that we could have regional variations—that may be northern and eastern Ontario—away from urban concentrations. We could have more relaxed standards, say, than in the 905 area. That might be one way of approaching it, rather than having it on a municipal basis.

Mr Conway: But you're making a very clear statement that fencing issues, for example, should be different around watercourses for sheep producers than they should be for beef operations.

Mr Kennedy: Yes, because sheep react completely differently to a watercourse from the way I've heard cattle do.

Mr Bisson: You're not the first one to raise it; a number of people have raised the issue of the ministry having the ability to send in their inspectors without warrants in order to inspect, to make sure people are consistent with this act if it passes. I share a concern with you and others about what that means when we put that in legislation.

I'm wondering, and I'm not sure if the question is for you or legislative research maybe to respond to, what the current practice is. If the ministry goes on to a farm to inspect for acts that are presently in place, do they have to have a warrant, or do they have that right already written out in legislation? I'm wondering if this is a new concept or just the expansion of an existing concept that already exists when it comes to the purposes of an inspection.

Mr Kennedy, I'm in the mining business, so I don't know: when inspectors go on a farm, do they normally have to show a warrant when they go to inspect if you're consistent with other acts, or what?

Mr Kennedy: I don't know. I'm afraid I've never had one on my farm.

Mr Bisson: That's probably a good thing.

Mr Kennedy: Yes.

Mr Bisson: I think the sheep wouldn't like it.

Can we get legislative research to provide us with an answer to that, maybe to the clerk? Is it a new concept? That's all I want to know. If it is, it troubles me.

BRAZEAU BOURGET SANITATION

The Vice-Chair: We have one more presenter this morning: Brazeau Bourget Sanitation, Nicole Brazeau. If you could just state your name for Hansard.

Ms Nicole Brazeau: I was told I could do the presentation in French.

M. Bisson : Mais oui, madame.

M^{me} Brazeau: So feel free to ask me questions in English if you can't ask me in French, OK?

I represent Brazeau Bourget Sanitation. Mon nom est Nicole Brazeau. Mon mari, Robert, et moi sommes propriétaires d'une entreprise incorporée du nom de Brazeau Bourget Sanitation. Cette entreprise est familiale et nous travaillons avec nos deux fils, François et Charles. Nous sommes situés près du village de Bourget dans les comtés unis de Prescott-Russell. Nous sommes en commerce depuis 30 ans.

Que faisons-nous? Depuis 1986 nous faisons le transport des déchets qui proviennent des fosses septiques résidentielles. Nous offrons nos services à une clientèle estimée à environ 20 000 clients. Ça ne veut pas dire que nous avons 20 000 clients, mais nous offrons nos services à une clientèle de 20 000 clients. Nous faisons aussi la location de toilettes portatives.

Depuis 1997 nous avons un site d'épandage pour les déchets provenant des fosses septiques. Ce site est situé à Riceville, au centre des comtés unis de Prescott-Russell.

J'aimerais parler de notre site situé sur le lot 18, concession 14, dans la municipalité de la Nation.

En 1997, nous avons acheté un terrain à Riceville dans la municipalité de la Nation. Ce terrain est pour nous l'endroit idéal, et pas seulement pour nous; j'ajouterais aussi pour le ministère de l'Environnement. C'est ce qu'ils nous ont dit. Il est situé dans un endroit isolé et boisé où il n'y a pas d'électricité. Nous avons fait la demande auprès du ministère de l'Environnement pour que ce terrain soit approuvé comme site pour épandre les déchets provenant des fosses septiques. Nous avons suivi le « guideline for site assessment for septage disposal ». Nous avons aussi embauché un consultant, même si cela était optionnel.

Quand le travail fut terminé, nous avons reçu notre certificat d'approbation. C'était en septembre 1997. Le premier jour, lorsque nous nous sommes présentés sur le site avec de l'équipement d'épandage, nous avons eu une vive objection de la part de trois non-résidents qui possèdent du terrain à plus d'un demi-kilomètre de notre site. Ces gens se sont plaints aux représentants municipal et provincial. Il était clair qu'ils ne voulaient pas de notre site d'épandage dans leur région. Aussi, ce même premier jour, le ministère de l'Environnement nous a demandé de ne pas commencer à épandre et il nous a demandé des exigences nouvelles: un programme de monitoring, incluant la gestion des plaintes. Nous avons donc présenté un programme de contrôle de la qualité des eaux de surface et des eaux de profondeur. Nous avons installé des puits d'eau afin de prélever des échantillons d'eau de manière régulière. Nous avons aussi établi un programme de gestion des plaintes.

Ce programme de monitoring a été approuvé et nous avons reçu du ministère de l'Environnement, en octobre 1997, un « amended certificate of approval ». Le ministère nous a alors dit que nous étions un des rares sites dans la province qui est approuvé avec un programme de monitoring et en fait le seul de ce genre dans les comtés de l'est de la province.

En 1998, nous avons rencontré un groupe d'étude du Collège d'Alfred—je crois aussi qu'il y avait des gens de l'Université de Guelph—afin de considérer la construction d'un wetland sur notre site. Nous avons décidé de ne pas choisir cette option pour traiter les eaux usées puisque ce traitement n'a pas encore fait ses preuves. Les résultats sont encore inconnus.

Le 22 juin 1999, notre site a été reconnu sur le nouveau plan directeur des comtés unis de Prescott-Russell comme étant un site de gestion des eaux usées.

Cette année, le ministère de l'Environnement nous exige du travail en surplus. Nous devons installer d'autres puits pour vérifier les eaux de profondeur et nous devons analyser de nouveaux paramètres. Aussi, la fréquence des échantillonnages va peut-être augmenter considérablement. Le ministère nous exige également d'avoir un consultant en permanence.

Nous avons aussi comme plan de bâtir une lagune. Cela nous permettra d'entreposer les eaux usées et de les épandre dans des conditions idéales. Une lagune est aussi un pré-traitement pour les eaux usées. C'est sûr que ça doit être fait avec l'autorisation du ministère de l'Environnement.

1150

La Loi de 2001 sur la gestion des éléments nutritifs, comment peut-elle nous affecter? Nous avons lu le document Nutrient Management Act explanatory notes. Nous savons que cette Loi fera en sorte que nous devons suivre des standards qui seront établis et que ceux-ci répondront à des règles de la Loi.

Les règles ne sont pas claires, ni les standards, à ce point-ci, pour moi en tout cas, quand j'ai lu la Nutrient Management Act. Nous croyons que la Loi va nous interdire d'épandre sur notre site les déchets provenant des résidus de fosses septiques. Donc, en d'autres mots, cela veut dire que notre site sera fermé.

Jusqu'à maintenant nous avons dépassé les exigences de base selon les requêtes initiales demandées par le ministère de l'Environnement afin d'obtenir et de maintenir notre certificat d'approbation.

Ce que nous demandons, c'est A et B, deux options:

A. Que notre site certainement ne soit pas fermé, car nous croyons avoir un site spécial, géré différemment avec un programme de gestion;

B. Dans le cas contraire, où nous n'aurions pas le choix de cesser nos activités et où une fermeture du site devient éminente, nous aimerions que le ministère ou les ministères nous accordent une compensation financière pour les raisons suivantes: les raisons que j'ai expliquées plus haut, parce que l'on nous a exigé des critères de performance plus élevés; et deuxièmement, parce que sans compensation financière, nous nous retrouvons devant un échec financier ou, en d'autres mots, c'est la faillite. Je m'explique: les dépenses encourues sont de plus de 200 000 \$ et elles comprennent achat de terrain, défrichage, embauche d'un consultant, achat d'équipements. Pour nous, cela est un investissement majeur.

Dans le cas où notre site serait fermé, nous ne serions pas en mesure de payer les frais pour disposer des eaux

usées à la ville d'Ottawa et en plus de payer les dettes encourues pour obtenir notre certificat d'approbation. Il est certain que nous allons devoir augmenter les frais aux usagers et qu'ainsi nous ne serions plus du tout compétitifs.

Pour nous ce projet est encore jeune ; il n'a même pas quatre ans. Nous n'aurions certainement pas dépensé tant d'argent, d'efforts et d'énergies si nous avions pensé qu'une loi mettrait fin à nos activités sur notre site. Nous aimerions que les ministères reconnaissent nos efforts et notre travail dans l'élaboration de leurs règles et de leurs critères futurs. Merci.

The Chair: Merci, madame Brazeau. We have approximately three minutes for each caucus for questions.

Mr Conway: I just want to thank you, madame Brazeau, for a presentation that I think speaks to one of the most serious issues I see facing hundreds of thousands of people in rural Ontario. There are at least 25,000 or 30,000 permanent residents of my county who face this issue, to say nothing of all of those people in cottage country, who just recently have begun to understand that this new reality might apply to them. I don't want to take the time of the committee today, but I would hope that my colleagues who are permanent members of this committee and all of us who represent rural and northern Ontario have an opportunity to have some kind of briefing with the Ministry of the Environment and the Ministry of Agriculture and the Ministry of Municipal Affairs, because this is a ticking time bomb that most people don't understand and for which there are no easy solutions. I wish I had some.

Ms Brazeau: You know, in 1996 we were told by the city of Ottawa that they have the right not to accept us. That's why we decided to go ahead with that project. So today we face the reality that maybe a law will stop us from spreading human manure on the site.

Mr Conway: My colleagues might have something to say about this, but this concerns me a great deal and I really appreciate your coming here and focusing on that.

Mr Peters: Madame, is there an association of other like-minded companies like yourselves? How many companies like you are there in Ontario?

Ms Brazeau: I don't know.

Mr Peters: You're the first we have heard from as we've toured around. We've heard from companies that have some ideas as to how to deal with the septage but you're the first affected company. I just wonder how many others there are like you.

Ms Brazeau: There is an association, I think it's in Toronto, but we're not members or part of the association. We've received some pamphlets in the past, but I think from what I heard—maybe I'm wrong—that it's not a really strong association that deals with these problems. I think these problems need to be dealt with more locally. Maybe it's different from one area to the other; I'm not sure.

Mr Cleary: Madame Brazeau, thank you for your presentation. I know that there are other incidents where there are similar problems to yours. I just wanted to ask

you: you said you'd cleared the land? The land is clear where you spread the sludge or spray?

Ms Brazeau: Yes.

Mr Cleary: So you don't spray into a swamp or bush?

Ms Brazeau: No.

Mr Cleary: It's clear land. Then you work the ground after?

Ms Brazeau: No, it doesn't need to be worked right after. What we need to do is just spread. We have equipment: we have tractors, we have a spreader; it's a vacuum spreader that we have. So we just spread it on the land, but we have certain criteria to follow. We are not allowed to spread it during the winter, when the earth is frozen; and 60 metres from the ditch, we cannot spread in that area.

Mr Cleary: So you quit spreading in November?

Ms Brazeau: We are not allowed to spread between December 15 till March 15. Or if it has rained too much, if it's pouring, we are not allowed to spread in these conditions.

M. Bisson : Madame Brazeau, merci beaucoup. Votre présentation, comme l'a dit M. Conway—c'est quelque chose qui est frustrant. On dépense des milliers de dollars pour s'assurer qu'on est en vertu de suivre la loi qui est en place pour nous donner notre approbation, puis parce qu'une loi change, ça change tout le jeu.

Je peux seulement dire que notre comité, ce qu'on va faire, parce que c'était demandé, c'est de regarder cette question-là d'un peu plus proche, parce que ce n'est pas seulement vous dans vos entreprises mais des autres qui sont possiblement en danger s'il n'y a pas de changements dans la législation. J'ai votre nom et votre adresse. On va vous laisser savoir ce qui se passe.

Je vous remercie pour votre présentation.

M^{me} Brazeau : J'aurais peut-être dû aussi ajouter que notre terrain est approuvé pour accepter d'autres gens, pas seulement pour notre usage à nous. Je pense que cela aurait été essentiel que je l'ajoute, et je m'excuse. C'est un point qui vient à mon esprit.

Mrs Munro: Thank you very much for coming here today. As was mentioned a moment ago, you represent a very significant part of this whole problem. As far as I'm aware, you are the only person who has brought the specifics of operating for a very significant part of our population in the province as a whole. So I want to offer my thanks for bringing this issue to our attention. Although it is within the guidelines in terms of the discussion, it certainly needs to have the kind of voice you've brought to the table here today. So certainly I want to thank you.

Ms Brazeau: Thank you. I would like to invite the committee, whenever you have questions, to me or just put them in writing for me and I will be pleased to answer.

The Chair: Thank you for that offer. On behalf of the committee, we appreciate your making this submission. Thank you very much.

This concludes the delegations for this morning. We now take a break. I wish to let people know that the

cafeteria is available two buildings over from here. I think that cafeteria is open to the public. I know the committee has been scheduled to go over there to have something to eat and maybe get a chance to roam around this beautiful campus. We reconvene at 1 p.m.

The committee recessed from 1159 to 1300.

The Chair: I wish to welcome everyone back to our afternoon session of hearings through the standing committee on justice and social policy, continuing delegations on Bill 81, the Nutrient Management Act.

NATIONAL FARMERS UNION,
DISTRICT 8

The Chair: From this afternoon's agenda, I wish to call forward the National Farmers Union, District 8. Good afternoon, gentlemen. If you wish to proceed, we have 15 minutes. We'll ask for your names first for the purposes of the Hansard recording.

Mr Barry Robinson: My name is Barry Robinson.

Mr Ellard Powers: My name is Ellard Powers.

The Chair: Please proceed.

Mr Robinson: Mr Chairman and members of the committee, we're very pleased to have the opportunity to present our concerns and recommendations on Bill 81 on behalf of farmers in Renfrew county. The National Farmers Union is a national general farm organization. We recognize and advocate for the family farm as a principal unit of food production, the primary agent of stewardship for the land and water, and the very foundation of the rural community.

In Ontario the NFU actively promotes family-scale farming that is economically and environmentally sustainable. It's our firm belief that policies which benefit the family farm are also the best policies for the citizens of Ontario as a whole, whether rural or urban. This is the fundamental principle on which we base our involvement in policy, including the current process of developing appropriate standards for agricultural operations.

According to the government's June 13, 2001, press release describing the bill, its purpose is to "protect water and set clear standards for farms." The accompanying backgrounder indicates that the bill is in response to the "need for a comprehensive, clear, province-wide approach that protects the water, environment and well-being of communities in rural Ontario, while ensuring farmers can invest in and operate their farms with confidence."

The NFU applauds these goals and the affirmation of the interconnectedness of the environmental, economic and social aspects of the issue. The best way to ensure good management practices is to provide farmers with adequate return for their investment, management and labour. Farmers want to be good stewards of the land and environment. We believe that government must show appropriate support for this important sector of our economy. We particularly appreciate the fact that the government is now recognizing the urgent need to

address, as part of the same issue, the problem of municipal and industrial sludge. However, we seriously question whether the nutrient management bill actually responds to the needs it claims to address.

A major limitation is reflected in the title. The overwhelming focus on nutrient management as the solution to the problem cited simply misses the mark.

The NFU shares the understanding of animal manure as a soil and plant nutrient. Indeed, high-quality manure is practically irreplaceable as a means of maintaining the health of the soil and producing food in a sustainable manner. Among NFU members and others, there are farmers who are doing a marvellous job with this precious resource. At the same time, we recognize that most of the manure does not come up to this standard. Poor quality manure, no matter how it's managed, can be a major threat to water, the environment and human health. We must aim for laws, policies and agricultural practices that maximize the quality of the manure we produce and enable us to make it always a benefit, rather than a threat.

We believe nutrient management plans can be helpful and important when linked to proper standards and adequate procedures for monitoring and enforcement. Even then, nutrient management plans are only one element of what is needed. Without attention to the issue of quality and without other major legislative and policy changes, a focus on NMPs simply cannot provide proper protection for water, much less the environment and rural communities as a whole.

We are pleased to see the government proposing province-wide standards for some aspects of the problems associated with livestock manure, sludge and other such materials. We recommended provincial standards in our two previous briefs on these matters. However, it is difficult to comment on the technical and legal adequacy of this legislation when the standards it is intended to introduce have yet to be established. In fact, there's no assurance that they will be. Section 5 states the government "may make regulations" in any or all of a variety of areas, but it is not required to do so.

We are also uneasy that if and when these measures come into existence, they will not be as an integral part of the legislation, but only as regulations, which are subject to change without significant public involvement. We recommend that the regulations dealing with provincial standards and other matters currently listed under section 5 of the act be developed in full consultation with citizens and with farm, environmental, municipal and public health groups, and that key requirements be subsequently enshrined in the legislation itself.

Under size and concentration, classifying agricultural operations is not a simple matter, but it must be addressed if regulatory measures are to be feasible and fair. The Galt-Barrett report of March 2000 proposed three categories: fewer than 150 livestock units; 150 to 450; and over 450, the last of which they would classify as intensive agricultural operations.

We believe that stocking density is just as important to consider as the total number of livestock units. The type of operation also makes a difference. A cow-calf producer with 200 beef cows on 500 acres would not be running an intensive operation, whereas a dairy operator with 100 cows in confined quarters could be.

The distinction between family farms and intensive livestock operations is critical, both in environmental terms and economic and social as well. For example, the cow-calf sector, an important part of Ontario's agriculture, is made up almost entirely of smaller family-run operations, often numbering 20 to 30 cows. We must recognize that many of these producers depend on rough pasture, bush and gullies as an important part of their operation. These places can be extremely difficult and expensive to divide. If the law were to require that these farmers submit nutrient management plans, pass examinations and draw up reports, most of them would simply stop producing beef. To legislate such requirements for these operations would amount to an economic and political decision to return their land to brush and trees, devastating the economic and population base of many of our rural communities.

The NFU recommends that the legislation specify appropriately different regulatory requirements for, the different categories of agricultural operations, with rigorous regulatory requirements for existing and proposed intensive livestock operations, and less onerous requirements for smaller operations, particularly in regard to procedures and paperwork.

In the application of this legislation, the priority must be to apply the measures to the highest-risk categories first, that is, the intensive livestock operations. Smaller farms should have a significantly longer phasing-in period for any new regulations.

1310

The NFU recommends the phasing in of the regulations over time, starting immediately with the largest and most concentrated operations and allowing a longer time period and greater flexibility to smaller family farms.

The NFU is also concerned with the introduction of the measures proposed in the bill as they apply to smaller family-scale farming operations, that they will demand large amounts of paperwork and often significant expenditures.

We fully support the creation and enforcement of regulations that will help safeguard our water, land and air as well as the sustainability of our farms and our communities. However, as noted above, both the need for regulation and the ability to fulfill regulatory requirements are very different for smaller farming operations. Smaller family farms are already struggling to survive economically and cannot afford major additional costs. To the extent that the bill's provisions must apply to these smaller farms, the NFU believes the public as a whole, through the government, must take its share of the responsibility and the costs involved in bringing the smaller operations up to the required standards. The NFU

recommends that public funding be made available to farmers with non-ILO operations to assist them, up to a specified ceiling, with the costs of complying with the level of regulations that apply to them.

As for contraventions to the act once it is in place, it is important in the case of non-ILO farmers to distinguish between self-reported incidents where the farmer seeks the authorities' help to mitigate damage and cases where the farmer does not report a problem. We are also concerned that for some large ILOs, the fines contemplated for infractions might simply be budgeted as a business cost.

The NFU recommends that subsection 39(3) be amended so as to lessen or suspend the penalty in cases of self-reporting by individual non-ILO farmers and that subsections 47(1) and 47(2) be amended to increase the maximum penalty for contraventions by large ILOs.

For all the reasons touched on above, the NFU maintains that any lasting solution to the environmental and other problems associated with livestock production must be based on a comprehensive policy of support for the family farm and for environmentally sustainable farming methods which improve the quality of nutrients applied to the soil and minimize the contaminants entering the environment.

The NFU recommends that the government encourage and provide appropriate financial and technical support for family-scale farming, particularly for ecological and low-input approaches, while ending all support for the establishment and expansion of ILOs.

The NFU welcomes the committee's review of this legislation and encourages members to improve it. However, the bill is simply not capable of solving the problems it purports to address, particularly in the case of large intensive livestock operations. Our overall concern is that the bill, as written, will tend to allow and even encourage increasing numbers of ILO operations, while making things difficult or impossible for smaller livestock farmers.

No one—farmer, ILO, company, municipality or citizen—should be allowed to pollute, but it is neither reasonable nor useful to impose the same requirements for expenditure and paperwork on smaller family farms as are necessary for ILOs. We urge the committee to ensure that this distinction is respected in the legislation so that it can help to mitigate the environmental threats posed by ILOs without driving even more farm families off the land.

We ask that the committee attend to the specific problems we have pointed out in the legislation by recommending corresponding amendments. Many further detailed comments will be in order once the regulations are introduced, and the NFU asks that our input be sought and included in the process at that time.

Finally, we ask the committee and the government to recognize the inherent inadequacy of this bill, focused as it is on a single aspect of the problem, and to deal with the major environmental and other problems associated with ILOs. We urge that additional legislative and policy

measures be established, with full public consultation and input, to address these problems. Only in this way can we hope to reach the goal of safeguarding the environment and the health of all citizens while supporting Ontario's farm families and our rural communities.

Respectfully submitted by District 8, National Farmers Union.

The Chair: Thank you, gentlemen. You're 15 minutes, right on the money. We don't have any time for questions, so on behalf of the committee we wish to thank you for coming forward.

BURNBRAE FARMS LTD

The Chair: I wish to call forward our next delegation, Burnbrae Farms Ltd.

Mr Conway: Perhaps if I might, Mr Chair—and I know it's difficult, but you've offered the advice earlier—I think certainly I, and I'm sure other members of the committee, would like to be able to organize this so there's a little bit of time to ask at least a question.

The Chair: Yes, Mr Conway. On behalf of the committee, I would suggest to delegations that in most cases we do have a copy of your brief. We've found during the past week or so that many delegations will present for 10 minutes and leave five minutes for questions. So I would suggest that. We do have a hard copy of your information in most cases.

I would ask you to identify yourselves for Hansard, and please proceed.

Ms Mary Jean McFall: Good afternoon. My name is Mary Jean McFall.

Mr Craig Hunter: I'm Craig Hunter.

Ms McFall: I think we'll be within your time frame.

My family has operated an egg farm, Burnbrae Farms, in Leeds County since 1945. My children are the fifth generation of Hudsons to live at Burnbrae Farms, my great-grandfather having founded the farm as a dairy and cash-crop farm at its present location in the village of Lyn in 1893. I appreciate the opportunity to speak to you here today in a rural farming community where Bill 81 will have a very direct impact on each and every family.

This is an important initiative. I commend the Ministry of Agriculture, Food and Rural Affairs for developing this legislation.

Let me say up front that I share the ministry's interest in clear, consistent and reasonable standards to ensure that communities like Kemptville and Lyn and Spencerville—communities in this area and indeed all across Ontario—can thrive in a healthy and sustainable environment.

Our farm is one of the largest egg farms in Ontario, but it's also a family farm which has grown within the community in which we live. My family and many of the employees who work on the farm live in close proximity to the farm. My children attend the local school which actually borders on the farm. As you can see, my family has a vested interest in achieving a successful balance of all the interests of those who live in our rural community.

Many egg producers I know are strong proponents of environmental management practices. Craig Hunter, who is here with me today, will speak to you in a few moments about the practices that are undertaken on our farm.

The on-farm practices of farms like Burnbrae Farms complement an industry-wide stringent food safety and quality program that includes regular on-farm inspections by egg board personnel to monitor farming standards on the farm, so I am pleased to hear that the legislation under consideration here today will build on the best management practices that Ontario's producers have developed voluntarily. This is a critical point. Our management practices are homegrown solutions. They're developed by producers whose livelihood relies on agricultural production that's consistent with preserving our environment. It's only common sense for the government to consider many proven practices that reflect the ministry's goal to promote the economic development of rural communities.

I recognize the need to conform to proper, province-wide management practices. However, the new legislation must be free from arbitrary legal constraints and overbearing costs.

Some suggest that a minimum amount of land may have to be owned by each farmer based on the number of livestock on the farm. Some suggest that there should be restrictions on the number of animal units on a farm. We submit that such requirements would result in considerable inefficiencies in farming operations without necessarily addressing the environmental concerns that gave rise to them. We definitely recommend against the establishment of such arbitrary constraints on the productivity of Ontario's farms. We believe the key to achieving the right balance—that is, between environmental protection and productive farming—is for each farm to have a viable, verifiable nutrient management plan based on province-wide standards.

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As you know, the consultation process has only just begun, because Bill 81 constitutes enabling legislation, the specifics of which will be found in the regulations which have yet to be drafted. Like the others who have spoken to you here today, I would encourage the government to continue its consultation with farmers and other members of rural communities in Ontario in devising these regulations.

As to administration and enforcement of the new regulations, we would suggest that these actions should be taken by those who are knowledgeable of agriculture and sensitive to the manner in which farmers live and work. An example of that which has been raised already today is biosecurity concerns. We would suggest, like other people here today, that the Ministry of Agriculture, Food and Rural Affairs should be responsible for administration and enforcement of these rules. This ministry has a track record of dealing sensibly and knowledgeably with farmers in order to achieve common goals. Pollution and the prevention of pollution are

definitely the responsibility of the Ministry of the Environment. Agriculture is the responsibility of OMAFRA.

As we all know, farmers are resilient; at the same time, they are open to change. They are prepared to do their part in shouldering their fair share of the burden of the changes which will arise as a result of this new bill. But the goals to be met by Bill 81 are also common goals for the benefit of all of Ontario, and so we believe that all Ontarians must help to shoulder this cost.

In order to help farmers stay competitive, we are asking the government to provide meaningful financial assistance to farmers to help them implement these changes. We would also ask for a five-year phase-in period to allow the time for the education of farmers and indeed just for the implementation of whatever the new rules may be.

Once again, I would like to say that I applaud the government's efforts in developing this legislation. We would only ask that you strike a proper balance between environmental protection and productive farming across this province. Thanks very much.

Mr Hunter: As I already stated, my name is Craig Hunter. I oversee the egg operations at Burnbrae Farms and I am a resident of this community. At Burnbrae, we take pride in maintaining a leadership role not only in our community but also among many of Ontario's egg producers. Like Mary Jean, I appreciate the opportunity to speak to you today. I would just like to take a few moments to touch on two main things. One will be our experience with nutrient management, and the other will be some thoughts I have about some things we've learned from our egg operations that we have in Quebec.

Burnbrae Farms has been handling the manure generated by its egg operations, I believe in a very knowledgeable and responsible way, for many years. We are working closely with the Ministry of Agriculture and Food. We certainly work closely with agronomists and other experts in the area. We do soil testing and water testing on our farm on a regular basis. We built a depot for storage of dry manure on our farm so that when it cannot be spread, we can hold it there, and we are developing a formal nutrient management plan which is not only specific to the needs of our farm but is environmentally responsible.

The manure from our farm is purchased by local farmers for use as fertilizer on their fields. Believe me, it is a valuable commodity. We have more demand than we can supply. We hold regular meetings with the farmers who buy our product in order both to share information and to gain information from them on how we can put together best management practices to handle this manure. The managers in our operation who are responsible for nutrient management are certainly always improving their knowledge by attending various training sessions put on by OMAFRA and other organizations.

As you can see, farms such as Burnbrae have taken the initiative to deal responsibly with the manure from their livestock. But the solutions that we have developed, as

we've heard in many cases today, work for our site and our operation. Even though there are certainly a lot of general rules for best management practices, what works for one farmer doesn't necessarily work for others in terms of productivity and efficiency. Certainly, arbitrary legal constraints which could be directed at environmental protection but which ignore the specific circumstances of each local farmer will only undermine the success of the farming industry in Ontario.

As most of you know, agriculture and agri-food are Ontario's second-largest industry. As a matter of fact, in Leeds county, the county I live in, it is the largest industry. We don't want to place roadblocks in the way of its continued growth and success, especially if those roadblocks do not even serve the purpose for which they were established.

The key to finding the right balance, as has been said many times before, between environmental protection and farm productivity is the nutrient management plan. This nutrient management plan can be developed by the farmer with other experts and verified by the Ministry of Agriculture and Food. That, believe me, will meet the needs of the farmer and his neighbours. That said, I believe the farmer's nutrient management plan really should not be public information.

As I'm sure everybody knows, in all kinds of farming situations, the farmer is the steward of the land. He earns his living from the land and, with his family, he lives on the land. He has a vested interest in ensuring that the land and the waterways that flow through it are well cared for. The ministry has the background, the knowledge and the sensitivity not only to farmers but also to the rural communities of Ontario such that it really is best positioned to both administer and enforce the new regulations. It's a good partnership and we sure hope it's not going to be disturbed.

I just want to touch on the province of Quebec for a moment. In Quebec, serious nutrient management legislation was introduced a few years ago and the government recognized a couple of things very quickly. First of all, introducing new legislation such as this would cost the farmer a lot of money. The new laws are for the common good, so everyone at least should help pay for them. Also, by giving farmers an incentive to comply with the rules, the government can ensure faster compliance. The government of Quebec, as some of you likely know, gave a grant of up to \$30,000 per farm to assist in the construction of manure storage facilities, which is one of the main capital expenditures that will need to take place.

The second point I'd like to make is that a patchwork of municipal legislation simply does not work. We experienced first hand the difficulties which arise when one township makes different rules from its neighbouring township. For example, a township near our farm made a rule that it wouldn't allow manure from farms which were not located in that township to be transported and spread to their land. As a result, cash crop farmers who wanted the manure from our farm just couldn't get it.

Farmers who owned land in two different townships couldn't even transport their own manure from one farm to another. So other townships responded with the same kind of regulations and the farmers ended up spending more time fighting with their municipal bureaucrats than they did farming. The government's response, fortunately, was to legislate province-wide rules which could not be overridden by municipalities. Believe me, this system works very well for farmers in Quebec and certainly doesn't compromise environmental standards.

Bill 81 is an essential element of the continuing process of developing best management practices, something the farmers have been working on for some time, as you've already heard today. I hope the comments I've given you here today will assist in refining this bill, as it is needed by all the residents of rural Ontario.

Again, I'd like to thank the committee for the opportunity to come here and speak to you today. I believe it is an excellent consultation process. We do suggest that farmers, both large and small, be consulted and participate on a lot of the local advisory committees that I'm sure will be formed as a result of Bill 81 in order that we can continue to add a meaningful voice from agriculture. Thank you.

The Chair: I'll go to the Liberal Party. We've got about 30 seconds for any comments from each party.

Mr Peters: You describe yourself as having one of the largest egg farms but also a family farm. We heard the previous presentation talk about family-scale farming and family farms. I don't think, in the seven days, we've had a clear interpretation of what a family farm is. What is a family farm, in your mind? In your mind, it's what you've described here, but do you understand the dilemma?

Ms McFall: I think it's not fair to describe large farms as necessarily the perpetrator of the problems along the way. I think whatever rules are going to apply should be applied consistently across the board. As one of your presenters said earlier today, perhaps it depends, for example, on the location of the farm—is it near a well?—not necessarily on the number of livestock that are on it. It's the way you manage your farm, not how many livestock you have, that determines whether you're being environmentally responsible, in our view.

As to being a family farm, I'm not really sure what the definition is, but I know that certainly our farm is a family farm. We don't all work on it but we certainly all have a vested interest in seeing it go forward. There are many of us, actually, with a real tie to that place and would always like to see Burnbrae Farms operate from where it's located.

The Chair: I'd like to thank Burnbrae Farms. We appreciate you coming forward to the committee.

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DOMTAR PAPERS

The Chair: I'd like to call forward our next delegation, Domtar Papers, Cornwall. Good afternoon,

sir. We have a copy of your brief. Just in keeping with some requests, the committee is here for a dialogue. If you wish to perhaps summarize, we have 15 minutes. We would like to leave some time for the committee to participate.

Mr George Velema: My name is George Velema. I'm with Domtar Papers in Cornwall. I'm speaking for the corporation. I am the resource recovery manager at the Cornwall mill.

Domtar, as a corporation, is the second-largest producer of uncoated free-sheet papers in North America and the third-largest in the world. It is also a leading manufacturer of printing, publishing and specialty technical papers. Domtar is a major lumber manufacturer in eastern North America and the company also owns about 50% of Norampac Inc, which is the largest Canadian producer of containerboard and corrugated containers. Domtar, as a corporation, has about 12,500 employees across North America.

Domtar operates four pulp and paper mills in Ontario, one in Cornwall, one straddling the border between Ottawa and Hull, another in Espanola and a fourth in St Catharines.

Pulp and paper mills generate biosolids. In fact, the industry generates about 300,000 dry tonnes a year in Ontario. These materials were traditionally landfilled. Pulp and paper mill biosolids are dewatered, solid residues from the treatment of pulp and paper mill process waters, including settled suspended solids and biologically converted dissolved organics. These materials contain cellulose fibres and microbial mass—that's the bugs that have converted the dissolved material back to solid form. They also contain some clay, which is the filler in the paper, and lime, another filler in the paper to make a nice, white sheet.

Domtar Inc has developed a land application program for pulp and paper mill biosolids over the last six or seven years. We have an extensive program for the Cornwall mill and for the Ottawa-Hull mill. The degree of utilization of biosolids from the Cornwall mill is 100% and for the Ottawa-Hull mill is 90%. Together, the two mills produce about 25,000 or 26,000 dry tonnes of biosolids, or equivalent to about 87,000 tonnes of wet solids, "wet" meaning as is. These are dewatered materials. Their uses are in agriculture, silviculture and land rehabilitation.

The characteristics of the Domtar pulp and paper mill biosolids, which we call Domtar soil conditioners, are that they contain nutrients, meaning the macronutrients of nitrogen, phosphorus and potassium. They're very high in organic matter. They also contain trace metals at the scale that you would find in animal manures. They also contain some organic contaminants such as, for example, dioxins and furans, again at the scale that you would find in animal manures.

Biosolids—Domtar soil conditioners—also contain bacteria. These are the bacteria that do the conversion process for us. So we have some similarities to animal manure, and I have attached for your later reference some

comparisons of the Domtar soil conditioner to things like cow manure, municipal biosolids and other materials.

The difference between Domtar's soil conditioner and manures is primarily that the nitrogen contained in Domtar soil conditioner is contained in organic form, and therefore is not immediately prone to leaching or volatilization. Also, the bacteria do not originate from animals or humans, and therefore do not constitute a hazard to man or animals.

The land application program that we have has as its objectives: soil maintenance and improvement; to provide a source of nutrients as fertilizer; to use responsibly the resource that we have; and to divert materials from landfilling, as opposed to beneficial use. Land application of pulp and paper mill biosolids is safe, it's ecologically sustainable, it's environmentally responsible, it's agronomically beneficial and economically sensible. In terms of environmental impact, the use of Domtar soil conditioner has less environmental risk than animal manure and it has less environmental risk than municipal biosolids.

Domtar supports the proposed Nutrient Management Act because: it facilitates the responsible management of all materials containing nutrients; nutrient management plans will integrate and account for nutrients that go into the land from all sources; nutrient management plans will help balance nutrient application to crop requirements; the Nutrient Management Act will provide for standards in terms of material quality, methods of application, record-keeping and training and certification. All these will increase public confidence, which is very important to our program.

Our program has been in effect since 1994. It's been a very successful program with very good agronomic results and wide community acceptance. We have some 56 sites permitted under the Environmental Protection Act regulation 347 as soil conditioning sites. We have about 50 co-operating farmers or landowners. We have an ongoing research and development program with the University of Guelph right here at Kemptville College. We have a program that is run by the company with the help of contractors. We have a waiting list of many landowners who wish to participate in the program.

Domtar supports the proposed Nutrient Management Act provided that the new standards recognize the characteristics unique to pulp and paper mill biosolids, as demonstrated by an individual generator quality assurance/quality control program; that is to say, the nitrogen is in fact in organic form, that the phosphorus is relatively low, the material originates from wood, and the bacteria are non-pathogenic.

We do have some specific concerns. They relate to winter spreading on frozen ground. Our understanding is that this practice, which can be appropriate under specific conditions and types of application, could be banned because of perceived similarity to other biosolids. Also, we have a concern about the long-term on-site storage of biosolids—that is, the spreading site. This could be made unnecessarily restrictive. It could reduce the availability

of the material to farmers. It could significantly increase costs for us, while the storage of biosolids on the field prior to spreading has no environmental benefit, again because of the fact that the nutrients are primarily in organic form.

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Another concern is that farm co-operators using pulp and paper mill biosolids are required to have a nutrient management plan, which is fine. But at the same time, Domtar is also required to have an Environmental Protection Act certificate of approval for the same acre of land. This might give rise to duplication. It raises the question of precedence. Is it the nutrient management plan or the certificate of approval which takes precedence? It may add to the complexity and may limit the availability to Domtar of the co-operating farmers and it may force us to obtain more new permitted sites. There is a question of liability for non-compliance.

Our recommendation is that there be separate standards for pulp and paper mill biosolids, as opposed to other sources of nutrients. We recommend that there be no arbitrary change without scientific justification to the current standards or guidelines for the storage of biosolids or for winter spreading of pulp and paper mill biosolids. Especially, we would recommend that there be no outright prohibition; further, that there be no prohibitions relating to pathogen content for pulp and paper mill biosolids that are known to be free of animal and human waste.

Domtar requests participation in the development of regulations or standards as they relate to pulp and paper mill biosolids under the proposed Nutrient Management Act.

I have some attachments to this presentation which the committee members may want to look at, at their leisure. I think I have a few minutes for some questions.

The Chair: Yes, we have three minutes. Thank you, Mr Velema. The NDP for one minute?

Mr Bisson: No, that's fine.

The Chair: Can you do a question and answer in one minute?

Mr Doug Galt (Northumberland): Do you want me to start?

The Chair: Go ahead, sir.

Mr Galt: Thank you very much for your presentation; interesting content. My question is along the line of using this paper sludge. You mention nitrogen in it, but I understand a lot of nitrogen is needed to break down that cellulose and use it.

What's running through my mind is the sewage sludge that is being composted—to some extent, that would be the preferable route to go—needing carbon, manures that could be composted needing carbon, and this is a source of carbon getting together, composting it together prior to applying it to the fields, as one question.

The second is, gasification, as your sister plant in Quinte West is doing with the—

Mr Velema: Norampac?

Mr Galt: The stuff they spread on the roads anyway.

Interjection: Dombind.

Mr Galt: Dombind, thank you. They're developing a plant to gasify that and take the hydrogen off and use it as fuel to produce electricity, which could be done with paper sludge as well, I understand.

Third, have you considered using this cellulose as a source to create ethyl alcohol? Certainly, that is possible out there by adding enzymes etc. Three questions on other suggested considerations for paper sludge.

Mr Velema: Let me start with Norampac. The material that was spread on roads is really the lignin from the wood. If you take a piece of wood, the two primary components are the cellulose fibre and the lignin, which is the glue in wood that holds the fibre together. So when you make paper, you separate the two by dissolving out the lignin. In the case of Norampac, that lignin is kept separate as a liquid and that liquid was heretofore used on roads.

Cornwall has taken a different approach. They have built an \$80-million facility to take that lignin and put it in various manure pits or concrete containers where bacteria eat this lignin, use it as a food source, so that dissolved organic material is converted to the bodies of these bacteria.

Those bacteria are then added to stray cellulose fibres that come from another part of the process. So we have the wasted cellulose fibres and the bugs from the secondary water treatment process combined to make this biosolid.

What I need to stress is that there are two types of treatment: primary, which takes out the cellulose fibres and suspended solids; and secondary, which is the biological treatment of the dissolved organic matter. The two together provide carbon, in terms of organic matter—that's the cellulose fibres—and the nitrogen, being the bodies of the bugs. Together we have an almost ideal compost-type material. In fact, the carbon-to-nitrogen ratio of that material is similar to compost, but of course it has not been composted. The type of material you refer to as needing more nitrogen is only the primary-type material, the cellulose fibres only, and that requires some additional source of nitrogen.

Mr Peters: You make the comment in here—and I don't profess to be a scientist—that "bacteria do not constitute a hazard to man or animals." I guess it all comes down to the scientific justification for applying your biosolids on the land. There's research and development going on here; you've got the Pulp and Paper Research Institute of Canada. Is this independent research that is taking place or is this research that is being funded by the companies to look at the safety aspect of it?

Mr Velema: In terms of independence, the Pulp and Paper Research Institute of Canada is an industry-supported institution. The research that they did specifically was done by Health Canada. Is that independent? I don't know. What is independent I can't answer. You'd have to judge on that yourself. As for the research that is done by the University of Guelph at Kemptville

College, we support the program financially but it is at arm's length and it is independent, as far as I'm concerned.

Mr Bisson: Just a quick question. When you're going through explaining the primary, secondary and tertiary treatment of your waste—it's the same idea up in Kapuskasing, Iroquois Falls and all those places—you wouldn't have to stop doing that because of this legislation. What does it mean to you as an operator? You still would be able to treat your waste the way you do.

Mr Velema: Yes, absolutely. But the question is, how is the waste handled? The material is now dealt with as a waste and all the process of applying it to land is under the waste regulations under the EPA. Now we have another set of rules coming at us under the Nutrient Management Act and we don't know how that's going to jibe.

The Chair: Thank you, Mr Velema. We appreciate the report from Domtar.

DAIRY FARMERS OF ONTARIO

The Chair: I would now ask the Dairy Farmers of Ontario to approach the witness table. Good afternoon, sir. I'll just repeat again for all delegations that it was suggested they allow five minutes for questions. We would ask if you could accommodate that.

Mr Gord Coukell: I'll attempt to do that. Obviously, you have our brief and I'll just highlight it as we go.

We are pleased to be able to make this presentation to you today on behalf of the Dairy Farmers of Ontario. We sincerely believe that the goal of the proposed legislation must not only be environmental protection, but the act must also allow for continued, sustainable growth within the agricultural industry.

The Dairy Farmers of Ontario, along with many of the other commodities, have been involved in extensive consultation with members of OMAFRA, MOE and other government officials over the last three and a half years. As such, we believe Bill 81 represents the culmination of these discussions with the government personnel and are basically supportive of the act. However, we would like to raise a few issues that in our mind need to be either clarified or added to the current proposed legislation.

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Number one is biosecurity. DFO requests that the proposed Nutrient Management Act be amended so that biosecurity protocols present on farms be recognized by the legislation. The personnel entering farms in accordance with the Nutrient Management Act must take precautions to minimize disease transfer. We recognize, however, that biosecurity protocols should not and must not be used to prevent access and follow-up on nutrient management issues.

Municipal jurisdiction: concerns have been raised that municipalities could use certain provisions in the Planning Act to supersede or circumvent the Nutrient

Management Act. Inconsistency between municipalities due to these provisions will definitely threaten the viability of primary production agriculture in Ontario. DFO believes that the Nutrient Management Act should be followed by all municipalities and circumvention of the act must be avoided.

Ministry responsible for administration: there are several references to “minister” and “ministry” in the legislation. It is unclear at this point in time whether this is referring to the Ministry of Agriculture, Food and Rural Affairs or the Ministry of the Environment. DFO feels that the Nutrient Management Act should be administered by OMAFRA. OMAFRA should provide administration, extension and audit functions. We recognize and accept that if the audit function of plans are intentionally not being followed, the auditors may need to administer some type of a monetary fine system as well. This act deals solely with application of nutrients to agricultural land and therefore it would be most logical to place it in the ministry that holds the most expertise with primary production, crop nutrient requirements and availability of nutrients from different sources. We accept the fact that if pollution occurs, the Ministry of the Environment has today, and we would expect in the future will continue to have, the authority to inspect and enforce regulations in that regard.

Separation of enforcement, extension and audit roles: during the discussion of this bill, one of the confusing parts around it was the enforcement, inspection and extension and audit functions. DFO feels that there must be a significant extension component as well as an effective audit mechanism that in itself will require some enforcement ability. The role of extension provider and auditor would most appropriately be in the hands of OMAFRA.

Moving on to page 4, we think it must be very clear in this regard that there are two very distinct enforcement issues to be dealt with. It is our view that enforcement of the Nutrient Management Act infractions that are not causing pollution should and could be dealt with effectively by OMAFRA. This would not be a new role for OMAFRA since they performed a similar role in the dairy industry for many years when they provided extension and enforcement of regulations under the Milk Act. If OMAFRA were to identify a nutrient spill or a pollution, such an incident then would be turned over to MOE for follow-up, and it could very easily differentiate those two roles.

If the act is to be successful in providing the environmental protection that is expected, then adequate resources must be provided to do the job. This will mean more staff and budget for OMAFRA. The real beneficiary of this process is the environment and the Ontario public, and therefore public resources must be provided to do this work.

We have detailed how a complaint-handling system could be handled. We are supportive of the concept of local county environmental response teams to deal with complaints and there is a suggestion there as to how that

might work. This format is somewhat similar to the present process that the Ontario Farm Animal Council has in dealing with animal welfare issues and this is working quite well in that regard.

Privacy of information: DFO shares concern about the public availability of nutrient management plans created with this act. Although there is little problem with many parts of nutrient management plans being public, certain parts may contain sensitive or even protected information around certain crops that may be grown. Once a nutrient management plan has been audited and compliance has been determined, a certificate of compliance should be issued. This certificate and a summary of the nutrient management plan should be the public document, not the actual plan. We believe the actual plan should remain private. By doing this, the audits and adherence checks will be done consistently by trained OMAFRA staff, rather than a public audit on a complaint-by-complaint basis.

Economic impact: it's expected that the regulations written under this act will require some producers to make a financial investment in order to comply. DFO requests that an economic impact study be carried out by the government to determine the financial implications of this act. It is our view that many of the benefits of this act will accrue to the general population and not just to the producers. Therefore, adequate funding from public dollars must be provided so that Ontario producers can remain competitive with producers in other provinces and countries.

In the area of environmental assessment, we believe that the environmental farm plan should be the basic tool of environmental assessment on farms in Ontario. If an EFP indicates a concern pertaining to further expansion or building, then perhaps some additional environmental assessment may be warranted. Detailed environmental assessments should not become a way of life for all agricultural buildings or in any way an excuse to stop or hold up agricultural practices in an area. There may be some very sensitive soils or some sensitive areas where further study needs to be done, but they should be the exception and not the general rule.

In conclusion, and I've skimmed this very quickly, we have appreciated the opportunity to be involved with the discussions leading up to the introduction of the act. We would request that the same consultation be made available as regulations are written under this act. We believe the regulations will have a large impact on many producers and the expertise of the commodity groups and general farm organizations should be used in this regard.

The Chair: We have about a minute and a half for each party for questions and answers.

Mrs Munro: Thank you very much for coming here today to give us this perspective. In the discussions that have taken place over the hearings, there seems to be an issue with regard to regional issues. We heard earlier today that perhaps there should be a recognition of those. We've also heard people who have spoken about the unique differences—questions, for instance, over issues

like animal units and things like that. I'm just wondering whether you would offer any comment on the need to look at the consistency, but in the framework of the practices, from a species-specific as opposed to a regional approach.

Mr Coukell: We view that it should be a provincial approach across the board. There may be some regional differences, but I think if you're going to have consistent regulation and consistent legislation across the province, then you can't have the regional differences. This is what we saw developing with each municipality going their own way, and that's simply not acceptable. It comes down to, when you get two municipalities side by side going different ways, then there will be producers with land in each municipality who end up with different rules depending on which field they're in, and that is certainly not acceptable. So we support the provincial.

Mr Peters: Thanks very much for your presentation. We previously heard references made to other jurisdictions—whether it be Quebec or the United States—where financial support has been provided for capital improvements. You make reference here to the economic impact as a result of this legislation and its accompanying regulations. What would you like to see in an economic impact study?

Mr Coukell: I think initially we, and the government, need to realize the scope of where this legislation could take us.

Mr Peters: Have you looked, just within the dairy industry, at the potential impact?

Mr Coukell: Yes, we have, and even at just the enforcement of the legislation from your perspective. You need to realize that this will not happen without significant dollars, and it's not taking dollars out of current budgets to do it. This has to be new money, in our minds. Then you've got the whole other side of the capital required on farms, and it will be different for different commodities and so forth. There needs to be a thorough study on what is the far-reaching economic impact of this legislation.

Mr Bisson: That's fine.

The Chair: Fine. I wish to thank the Dairy Farmers of Ontario for coming before the committee.

1400

DUNDAS COUNTY FEDERATION OF AGRICULTURE

The Chair: Our next delegation is the Dundas County Federation of Agriculture. Good afternoon, gentlemen. We have 15 minutes. We are asking that five minutes be used for questions. Could we ask you to give us your names for the Hansard recording.

Mr Gordon Garlough: We will. Thank you for the opportunity. My name is Gordon Garlough, from Williamsburg, Ontario, representing the Dundas County Federation of Agriculture.

Mr Leo Laughlin: My name is Leo Laughlin. I'm a dairy farmer in Dundas county.

Mr Garlough: I'm going to go through this, not reading it, but basically dealing with the essential points in each paragraph. In the background section, on the first page, in the first paragraph, I'm simply trying to point out that the farmers of Ontario, through the Ontario Farm Environmental Coalition, have been working together themselves and with various ministry staff over the last number of years on this nutrient management issue. In 1998, that group published the nutrient management planning strategy, which is the general direction in which we have been going during the time up to now. I hope you will keep that in mind and keep on the path that strategy suggests and that OFEC—the Ontario Farm Environmental Coalition—working group has been suggesting.

In my mind and in our minds, the content of the June issue of Bill 81 is fairly reasonable, except in the attitude it appears to take. I've put it down here that the content seems to follow fairly closely the ideas farmers and ministry staff have already come up with as far as nutrient management is concerned, but in reading over the act, it seems to take a very punitive attitude toward farmers. I really hope that is only an attitude and not something that continues on from this point.

The next paragraph deals with something that's maybe very basic, but I think we all need to keep this in mind. In southern Ontario, where most of the population is, all our water comes from precipitation, and that precipitation falls mainly on land that is farmland or is under the control of farmers; a very high percentage of it is. Therefore, farmers do have a very important role in the quality of surface water and the quality of groundwater in Ontario.

Going on to paragraph 3 and the simple science that's involved in the water cycle, the nutrient cycle, and all those—I don't know where it is now, grade 5, 6 or 7 science things that are maybe a little bit below us here, or we think they are—I think we still need to keep them in mind: the principle of water falling on the land, the natural capacity of that land to filter and treat the water and so on; the nutrient cycle issues and the fact that farmers are dealing with nutrients as an input and that those inputs are in most cases a cost to the farm producer; and the farm producer looking at minimizing the nutrient inputs in order to maximize his crop production and maximize his end returns. Wasting nutrients is an economic waste to the farmer, as well as a danger to the environment. As long as we keep in mind the fact that in terms of protecting the water supply, by focusing on nutrients, we're looking at the same aim: the farmer producing the best crop at a minimum cost and protecting the environment at the same time.

The last point I wanted to deal with there in the introduction is what has happened to the farm situation since Walkerton a year ago. Farmers, of course, have come under scrutiny, and I just want to point out a case in our own county where we have a major water well in another municipality in a very sensitive aquifer situation. We have farmland all around it. That well has been

monitored under the certificate of approval from MOE for the past five years since it was constructed, with annual monitoring reports. I have a copy of the most recent monitoring report of that area and, as I've said here, this water comes as close to perfect as any water could possibly be. Water supply and intensive crop production can get along in the same area. That's the simple point I would like to make. There are a couple of references to that in the addendum in the last two pages of the report.

Going on to the body, I've just divided it out according to the sections of the proposed bill.

Part I: we strongly request that OMAFRA be the responsible agency. The Ontario government essentially dissolved—disintegrated—a large part of the OMAFRA extension role a few years ago and I think we have to re-establish that role as a working link with farmers. It's the logical way to go with the aims of this particular bill.

Part II: basically, we feel that OMAFRA again has a role in informing farm producers about the standards and regulations. We strongly urge the government as well to carry through with its plans to have local advisory committees. It's my feeling, as has been pointed out already, that those local advisory committees can basically clear up 90% or 95% of the problems right then and there before they develop into what I have called here "hard cases."

Part III: just one comment there. Whatever enforcement system is put into place, we ask that there be an appeals process for that.

Part IV: inspections and orders: I guess with that section, again, we go along with the previous presenters heard this afternoon, that if it is provincial and one central agency does it, it need not be farmed out to this group or that group or some other group around the province.

Parts V and VI: we support those provisions as long as there's an appeals process in place.

Part VII: I guess we have one positive comment to begin with. We see the provincial intention to supersede the various municipal bylaws—the one-upmanship situation that we've had—as good. However, we do have a few concerns and we hope, for instance, that the government, whichever ministry is finally chosen, will not simply take this and then delegate it out to other local organizations or local structures. We respectfully but strongly recommend that the administration be done by a provincial agency.

Secondly, it appears that the government is planning for farmers of Ontario to pay nutrient management administration costs, that the minister may establish fees. The object of Bill 81 is protection of our water resources. With the background that I mentioned from page 1, this is a public resource and the public has a responsibility in this whole process. Farm fees should be nominal or zero.

1410

Over to page 4, one point that didn't fit exactly under any of the sections and that was referred to in previous presentations, most recently by Mr Coukell from the

Dairy Farmers of Ontario, is that we look forward to some sort of provincial funding, some sort of provincial incentive or assistance, for bringing existing farm operations to whatever standards Bill 81 regulations finally set down. As part of its strategy, the government of Ontario must design some sort of incentive or cost-share program that recognizes farm financial limits as well as the public stake in the water protection process.

In summary, the present version of Bill 81 appears reasonable in issues of land use and agriculture that have a link to water quality issues. However, we feel the punitive tone of the act as it stands is totally inappropriate. Farmers of Ontario at present are not the villains that the present tone of Bill 81 suggests.

For your committee and this consultation, I think there are two key principles that we need to keep in mind: first, we hope that the government of Ontario will consult on an ongoing basis with the Ontario farm community and farm community stakeholders like OFEC in developing the suggested regulations and standards; secondly, that the government of Ontario, as part of its water protection strategies, invest public funds in a program or programs to facilitate farms upgrading to whatever the eventual standards are under Bill 81. Bill 81 should be put in place in a series of phased-in steps. Bill 81 should be designed to build on our existing knowledge and our existing situation, and not simply follow the inclination to regulate, regulate, regulate. Thank you.

The Chair: Thank you, sir. We've got one minute for questions from each party. We'll begin with the Liberals.

Mr Cleary: I'd like to thank you gentlemen for your presentation. I just was wondering a little bit: you said "local advisory committees." How would they be made up and who would be on them?

Mr Garlough: That is, I believe, to be part of the rules that the government will supposedly come up with, but I hope they would represent both farm and municipal people, farm and non-farm people, whether they were on a county area, a regional area, like several counties together, or whatever. But they would basically be a troubleshooting committee that could come in and look at a complaint and say, "Yes, this is valid," or suggest things that could solve it right there, as opposed to going on and making a real big issue of it.

Mr Coukell mentioned the Ontario Farm Animal Council using this type of set-up to deal with problems related to the treatment of animals and so on. It works well there; I don't see why it couldn't work here and solve a lot of those cases before they go any further. If someone has a complaint, the committee looks at the complaint and says, "No grounds; they are meeting the requirements," or, in the other case, to the one that the complaint is against, "You are not meeting the requirements. Are you willing to make a change?" In a lot of cases, I'm sure the thing would be solved right there.

Mr Bisson: Thank you very much. It's a very well put together brief. But on page 3 of your brief, you have

“part IX, commencement, short title,” but you don’t have any comments under it. I’m wondering what you think.

Mr Garlough: I had no negative or positive—

Mr Bisson: That’s what you were getting at.

Mr Garlough: Just no comment. “No comment,” I guess could be written in there.

Mr Bisson: That’s all I needed to know.

Mr Galt: Thanks for the presentation; very thoughtful. Just on your first paragraph, the punitive tone, I wanted to make reference to that. Certainly that is not the intent of what we’re trying to do, but I think what you’re reading into it—and I’m not surprised; I can follow your thinking. It’s an enforcement style of legislation, and therefore it does appear that way. Between Mr Barrett and myself, we’ve been on the road now and involved in consultations for about two years, working on this, trying to get it to as practical a level as we possibly can. I just wanted to make a couple of comments, and then I have a question.

The other is flexibility. There has to be a standard across the country, but still recognizing the type of soil variation, the slope of the land, the variation in winters from, say, Chatham to New Liskeard, in winter spreading: how do you write a regulation along that line?

The question I wanted to ask you has to do with public funding for the public good. Are you talking about matching funds? Are you talking about tax credits? Are you talking about tax deductions? Are you talking about full grants, which I don’t think you have a hope of getting? I’m kind of curious what you’re thinking, how you would expect the government to design something.

Mr Garlough: As far as total outright grants with no farm portion, no; shared funding, definitely, but whether that’s shared funding through a grant, partial funding through a grant type of incentive, or if the government feels it can make it more effective by being a tax-related incentive, I don’t think that really makes a lot of difference. The point is that depending on what the regulations end up being—what regulations finally come out are going to define what the farmers on an existing operation are going to have to do. If those final regulations are anywhere near as severe as the tone of this act suggests, there are going to be some big costs involved just for upgrading existing operations. Somehow, the cost of that has to be shared, public and the farm. The farmer simply can’t absorb it. If you force the farmer to absorb it, what will happen is that many of the modest-size operations like either Leo or myself will just say, “We can’t do it. We’ll sell out to somebody else who is part of a larger conglomerate and can probably write off the cost over a much larger unit of production.”

The Chair: Mr Bisson, you had a further—

Mr Bisson: A very quick question: the regulations for this will be done after third reading. If that’s the case, would you vote for or against this bill, if you were one of us?

Mr Garlough: That’s a tough question. I guess I’ll speak to that personally. I’ve been involved on this nutrient management working group at the province for a

number of years, and I would like to see it go ahead and hope that the government has the good sense to come up with a reasonable set of regulations, standards.

The Chair: Thank you, Mr Garlough; thank you, Mr Loughlin. We appreciate the input from the Dundas federation.

GRENVILLE FEDERATION OF AGRICULTURE

The Chair: I now wish to call forward the next delegation, the Grenville Federation of Agriculture. Good afternoon, sir. We have 15 minutes, as you know. We’d appreciate five minutes for questions if possible, for the committee to be part of this, and if you wish to give us your name for Hansard.

Mr Adrian Wynands: My name is Adrian Wynands. I’m president of the Grenville Federation of Agriculture. Today I’m speaking on behalf of over 300 farm families in Grenville county. I’d like to thank you for the opportunity to make our concerns known.

As farmers, we’re not against nutrient management plans being implemented; however, we do have concerns and suggestions with education, regulations, cost, biosecurity, policing and enforcing.

With education, we feel it is critical that farmers be educated. Our thought is that OMAFRA needs to have a workforce able to visit and assist farmers in order to educate them on preparing a nutrient management plan. In some of the meetings that I’ve been in on the South Nation watershed, we’ve had OMAFRA engineers in and they’ve said, “On the smaller farms, you’re just going to have to do a nutrient management plan. Just keep it on file at home; no problem.” But there’s nothing to say that that nutrient management plan will be done right, so farmers need to be educated on that. Another thought we had was that perhaps students from the agricultural colleges, funded through government assistance programs, could do this next summer.

1420

Regulations: The farm community must have input into the development of the regulations for Bill 81. We must be involved in the next process. A reasonable time frame must be established so that implementation of regulations does not cripple farm operations. Provincial legislation must supersede all municipal bylaws and that must be done immediately.

Cost: The nutrient management plans are for the betterment of society; therefore, all society should participate financially. Healthy futures would seem to be an appropriate resource for these improvements, or a specific fund jointly funded by the federal and provincial governments to address this need. Farmers cannot bear this cost alone. They have no way to recover the costs incurred. A suggestion we have is that you use 1% of the 8% provincial sales tax which is in Ontario right now to implement programs not only for farmers but for all clean water programs, whether it be municipal water upgrades or for the farm upgrades.

Any fines levied against farms should go directly to the fund that is delegated to this bill and its regulators. The costs of enforcement should not be downloaded to the farming community. An example we were thinking of is, if the OPP fines a speeder, right now the speeding fine goes directly into general revenue. We would like to see any funds stay with the farm community, and also the farmer should not be paying for the enforcement officers.

Biosecurity: Concerns with biosecurity are that industry standards must be adhered to. Enforcement officers should make all possible efforts to contact property owners and tenants before entering a property, contact to be either in person or by phone and have proper ID and credentials to be presented, and biosecurity measures are to be undertaken before any access is allowed.

Enforcement and policing: Enforcement of the nutrient management plan must not be downloaded to individuals, conservation authorities or private companies. We believe OMAFRA is the lead ministry that should be used for enforcement. Therefore, the enforcement will be the same across the province for all of Ontario. An enforcement officer should be specifically trained in agricultural issues.

We also feel there should be a fee to register a complaint. If a complaint is unfounded, then the complainant must pay all costs: court, lawyers etc. Once a complaint has been filed it should be heard by a peer review board first, and there must be an appeal process for the farmer.

We sincerely hope these issues we have brought forward will be seriously considered. Thank you for your time and consideration.

The Chair: That gives us about three minutes for each party. We'll begin with the NDP.

Mr Bisson: There are a lot of good recommendations and ideas in here with regard to the advice you give the committee. I want to come back to the question I asked the last guy, because it occurred to me, as we listened to everybody who came forward and talked about the legislation, that generally I think we all agree on the direction in which the legislation is going but people seem to be concerned about the application of the regulations themselves. Just so people understand, when we vote on legislation at third reading we don't see the regulations. Regulations are normally after that fact. The question I'm going to ask people is, what suggestion do you have for us as legislators? Should we be pressuring the government to make sure that the regulations are done way before it gets to third reading? My worry is, as I listen to people at Domtar, I listen to the people who came in earlier and presented from the various associations, the woman who was here earlier in the business of disposing of waste, that depending on how the regulations are written, it could mean a whole bunch of things. It could have negative implications to all of those parties, and I have a bit of a problem trying to vote in favour of something that I generally support but don't know how it's going to work out.

My question is this: if the government doesn't come forward with the regulations before third reading, should I vote for this bill?

Mr Wynands: No, I think we should make the government come out with the regulations first and we should have input into the regulations.

Mr Galt: I appreciate Mr Bisson's question and I appreciate your response.

Technically—and that doesn't mean we can't be talking about it and showing some of the things that are evolving—there's no authority to develop regulations until that third reading is through and you have the act in place. That doesn't necessarily have to be an excuse; you can be working on the regulations.

Between the ministry and some of the studies that Mr Barrett and I have carried out, an awful lot of the consultation has been done: staff going across the country, the ministers having some joint meetings. I can assure you there's going to be a lot more consultation prior to a lot of these regulations being developed. They're not all going to be developed right at the beginning, because of the intent of the phase-in period. I just wanted to assure you about consultation. It's two years that I've been involved with this so far and we still don't have the third reading through. So by the time it gets through it's probably going to be two and a half years, and then extensive consultations after that as we develop regulations.

I appreciate your point near the end on the enforcement, unfounded complaints or frivolous and vexatious. Certainly that was a lot of what the right-to-farm legislation was about, with odour and dust and noise what it was addressing at that time. I certainly appreciate your concern here and I can see that one raising its ugly head down the road. I appreciate your thought in that connection.

I guess the other comment has to do with biosecurity, and that's come up on a regular basis. My hat is off first to poultry producers who locked their doors first, and then the swine producers who locked their door following. Now it sounds like the dairy and beef producers are starting to lock their doors. Probably the best biosecurity you can have is a lock on the gate to keep people from coming in. But your point is well taken that just because a door isn't locked doesn't mean that enforcement officers should just walk in without proper preparation, such as not having been on a farm that day, having clothes that are totally laundered, shampoo, shower, the whole works. Some viruses will be carried for several days in nostrils etc. Those kinds of things have to be addressed and enforcement people have to be people who understand livestock and agriculture; there's just no question.

Mr Conway: Thank you, Mr Wynands. I have one question with two parts. I take it from the portion of your brief that deals with enforcement and policing that the less you see of the Ministry of the Environment in this whole business the happier you'll be.

Mr Wynands: That's right. We feel OMAFRA has a good working relationship with farmers. It has been fragmented with the closure of a number of OMAFRA offices, but this would be a goodwill gesture by the government if they put some money and some resources back into OMAFRA, which is supposed to be there to help the farmers.

Mr Conway: Let me play devil's advocate here for a moment. I know your county pretty well. With what you said in mind, what might I find if on a nice September afternoon I were to go around any or all of the 300 farm operations in Grenville county—and imagine a standard that's likely to come out of this legislation at whatever point in the future and sort of apply it to current operations—would I pretty well expect that most operations are going to be already close to a state of reasonable compliance, or would there be some bad actors who could really embarrass the vast majority of the 300 farm families and farm operations in Grenville county? I just would like to get a sense from you. What would I find if I went out there today?

Mr Wynands: I think you would find the majority of farmers are adhering to this as best as they can. Like you've probably heard from most of the presenters, farmers are excellent stewards of the land. We drink our own well water, so it's not in our interest to pollute our water.

Mr Conway: Is there a situation that might really be not the sort you would want the CBC or the Ottawa Citizen or the Brockville Recorder and Times to come and put on their front page or as the lead item on their newscast?

Mr Wynands: There are always a few farm operators who work in that way.

Mr Conway: How willing would those people be to accept the kind of friendly persuasion of their friends and neighbours to clean up their act so that something far more intrusive might not happen to everybody?

Mr Wynands: I think they would if proper education was provided. But there are always going to be people who feel, "It doesn't apply to me, and I can do whatever I want."

Mr Conway: What do we do with those guys? What do we do with these really bad actors? I think you're right. My sense is that most people are good and co-operative most of the time, but there are some really bad actors who can be very mulish and persistent in their unwillingness to support the public good.

What's it going to take to get those men and women to play ball by the new rules?

1430

Mr Wynands: I don't know. A lot of times I like to take the analogy of the 401. If you take a look at speeders—

Mr Conway: You're being bad now.

Mr Wynands: —how do you stop the bad ones who are doing 170, 180 kilometres an hour down the road? It's pretty hard. Even with all the enforcement we have, all the police officers, still the average is running 125 or

130. So everybody's breaking the law, but some break it worse than others. Some will fall in the same category with farms. The majority of farmers, 90% of them, are following proper nutrient management guidelines because it's in our best interest. We don't want to waste nutrients, but then there's always some people that just say, "Oh, well." They don't care. How do you change them? No. Public attitude is about the only way. Education.

Mr Conway: But if some of that education is the kind of education we sometimes see in the national media, boy, that could be very painful for everybody.

The Chair: Mr Wynands, I wish to thank the Grenville federation for coming forward.

WILLIAM LANGENBERG

The Chair: Our next delegation is an individual, William Langenberg. Good afternoon, sir. We have 10 minutes for an individual presentation.

Mr William Langenberg: My name is Bill Langenberg. I'm a former crop advisor and a lecturer-researcher here at Kemptonville College, which I left a few years ago. The last few years, I have been spending my time with the Composting Council of Canada and the composting industry.

When I am looking at your act here, I don't agree with all the exact wording because they may have a different influence on the future terminology when we're applying organic material containing nutrients to the land. On page 6, the third line down, it says, "'natural environment' means the air, land and water of the province of Ontario or any combination or part of them." Now I wonder, if I paddle across Lake Ontario and I'm halfway across, if it's not natural anymore. I think it should read the "physical environment," because that's exactly the soil, water and air. The "natural environment" itself is actually the flora and the fauna that will be affected in the years to come when we are reducing our nitrate applications to the soil.

The next line is, "'nutrient' means fertilizers, organic materials, biosolids, compost, manure," and so on. I honestly believe, when I speak with the composting facilities—actually, this coming November the composting council is meeting in Montreal and they're looking for policies and directions on where to head in the years to come. So what I've done here for you is I actually, when I talk about manure—manure is an organic material containing nutrients. It involves a lot more than just animal manure. Here, I gave you a definition on page 3. Manure is an organic waste material containing nutrients. Its organic matter content is provided by the excrement of animals, with or without organic bedding, and/or by constituents derived from the collection and/or processing and reuse of organic waste material. That is what we should be looking at when we're applying manure to farm fields. So I would really like to see in the act a distinction between the animal

manures that have been discussed predominantly today and the other remaining organic manures.

Then we are looking at all these other organic wastes, like mixed organic municipal solid waste, source-separated municipal solid waste, selectively collected residential kitchen waste, selectively collected yard waste—Ottawa, for example, is selling a lot of yard wastes as green compost—and selectively collected restaurant, grocery, and store food waste which is field-applied.

The other thing is the term “biosolids.” I would like to see this removed from the act. The main reason for this is that the term “biosolid” was introduced in the mid-1990s to make it more consumer-friendly, which of course didn’t happen, because now, every time they see the word “biosolid” in the newspapers, people get their ears up because they know biosolids are either related to municipal sewage sludge or pulp and paper sludge. I can guarantee you that in the years to come, when the Canadian and Ontario composting industry improves the quality of its compost by sort-separate collection, it will become available as biocompost. To the consumer it will be extremely confusing to look at the words “biosolid” and “biocompost,” because they will definitely relate the two, which is absolutely wrong.

Also, I’ve seen a lot of compost being produced not only in Ontario but across the country—actually, in the second part here I said “decision on quality and use of remaining organic manures.” If we start applying composted municipal solid waste to farmland, it will not only involve the nutrient aspects but also the heavy elements, and there are about six of them. At the present time the Ministry of the Environment is responsible for giving permission when compost can be applied, based on the quantity of heavy metals. Now, under this new Nutrient Management Act, there are about 30 quality criteria involved before permission can be given. If the word “quality” is used in OMAFRA’s act, then I believe OMAFRA is responsible for looking after the application of municipal compost to farmland. I think for a farmer it’s extremely confusing to get permission first from the Ministry of the Environment on the six or seven heavy metals and, second, to get permission based on the nutrient management. It should all be combined into one list of criteria.

The Woods End Research Laboratory in Mount Vernon in the States has done an elaborate study on the quality of compost across Europe. I’ve seen a lot of compost produced that is mixed with sand to get the level of heavy metals down. Once that happens, the organic matter content goes down. There should be criteria within OMAFRA that qualify compost based on the minimum organic matter content, which should be around 20% of the fresh material. Any compost produced in Ontario which has an organic carbon or organic matter content of less than 20% should have another designation. You cannot take it back to the landfill site, because that’s not the purpose of making compost. Any compost that has less than a minimum quantity of organic material should

be able to be sold to farmland as black soil or through the retail trade. So there should be a designation within the act to dispose of compost that does not qualify under the standards.

What I see quite often around the country, and last year I saw a brand new facility out west, is that sewage sludge is heavily used in the activation of the composting process. The relationship between carbon and nitrogen is extremely important to get the composting process going, so often they use sewage sludge as it is municipal compost. That should be banned in the Nutrient Management Act. There are other ways of applying nitrogen to the composting process to get it started.

I think, of all the composts that are being produced in the years to come, every single one should be produced and analyzed separately and get permission separately. There should be no mixing between one and the other in order to bring a quality compost on the market.

I also included in the definition that any manure or organic material containing nutrients should be produced from organic waste material. We like to distinguish this from peat production as well. I’m sure that the minister knows, because he has this problem right in his backyard with the Alfred bog. The Alfred bog is heavily exploited because peat is in high demand in Ontario. There is only one way for him to get out of the system: by including in the definition of “manure,” or whatever you want to call it here in the act, that it is actually all organic waste materials containing nutrients. Peat, peat moss and peat-related products are not considered to be waste materials.

That’s it, Madam Chair.

1440

The Acting Chair (Mrs Tina Molinari): Thank you very much, Mr Langenberg. You’ve left approximately one minute for the members to ask questions. Is there anyone who has a pressing question to ask the presenter?

Mr Peters: On the last page of your presentation, where you speak of an independent certification institute to be created, is this an initiative that should come from OMAFRA?

Mr Langenberg: Yes. To be honest with you, sir, I have the feeling from the Canadian composting industry that there’s a need for an independent certification organization. As you know, compost is produced across the country, so probably every province should have its own. If I take Ontario as an example, this independent certification organization or institution or whatever you call it should consist of one member of one of the four soil-testing labs, one member of a university or college and two members from the processing industry who are qualified and understand the processing of organic waste. It should come out of OMAFRA directions.

The Acting Chair: Thank you very much for your presentation and for taking the time to come out today to share it with the committee.

FRONTENAC FEDERATION
OF AGRICULTURE

The Acting Chair: Our next presenter is from the Frontenac Federation of Agriculture, if you could please begin by stating your name for the record.

Mr John Williamson: I'm John Williamson. Honourable committee members, thank you for the opportunity to address you today on the topic of Bill 81, the Nutrient Management Act, 2001.

I shall not discuss the many accomplishments of Ontario agriculture and our excellent track record in protecting the environment that farmers have done, at our cost, while producing the safest food in the world, as many of my colleagues have already done so. I shall take a slightly different approach.

I shall start by acknowledging the fact that the Ontario Federation of Agriculture, OFA, supported the legislative approach for Ontario, to a large extent to ensure a level playing field across all municipalities. This proposed legislation appears to do just that. However, I fear that it will level many family farms in the process.

Why do I say that? I say that because at one extreme this legislation, when regulations are enacted, could be one of the most draconian pieces of legislation on the books. The powers of search and seizure exceed the powers the RCMP have while searching for evidence on the perpetrators of last week's terrorist attack. No warrants are required, no thoughtful second opinion such as a justice of the peace or a judge, but in most cases the provincial officers act on their own. They only require reasonable grounds—reasonable to what level in a law-abiding rural community? This power is valid only in daylight unless "work is being carried out on the land or at the premises": section 12(3). I would suggest that on a livestock farm that is 24 hours a day, when you consider that regulations may cover buildings where livestock is kept or places where livestock is kept outside: section 6(c). I question whether some of these sections would withstand a charter challenge.

I find sections 7 and 8 confusing. I think they say that a director who issues an order etc shall serve written notice, and a person who receives the notice may require a hearing. However, if a person has been advised that the order has been issued, the person may not require a hearing. I couldn't follow the flow of thought of those two sections.

Subsection 12(4) seems too broad. The word "impairment" by dictionary definition catches everything and is open to interpretation by each officer. Manure on a dandelion could be impairment of the natural environment to some people.

Subsection 12(5) would allow for the seizure of a farm's environmental farm plan which had been confidential and personal previously, and guaranteed to be such by the government. Poor crop prices or a lack of government assistance will likely not be a due diligence defence if a shortcoming has been identified in the plan.

Subsection 6(d) will allow for regulations restricting the access of farm animals to water and watercourses, yet without that access, I would have lost my cattle during the ice storm of 1998.

Section 5 outlines the potential for numerous regulations, and virtually all will require expenditures. Both the act and the government have been silent on assistance to meet these requirements. Our neighbours in Quebec can receive up to 90% assistance to make environmental changes. What does that do to a level playing field?

Subsection 56(5) holds all the government officers, workers, directors and committees free from liability for any act done in good faith, yet the entire act is about holding farmers accountable for something that is virtually always done in good faith. As one of our better farmers said to me, "This act isn't about farmers. We are now criminals."

Subsection 56(2) on delegation holds the government exempt from liability for anything done by a delegate. The same standard is not held for farmers who may delegate nutrient management to a third party. Much of this is coming as a result of the tragedy at Walkerton, but nothing here would have prevented that from happening. Everyone is still going to have to do their job correctly.

The OFA has requested a level playing field to some extent because of the rush by municipalities to limit "factory farms," but by throwing such a heavy blanket, the act catches everyone without defining a lower limit. There is already a set of environmental laws out there and I feel that there should be a lower limit of livestock units or acres to where this new legislation applies. This is possible under subsection 58(e).

What have we done over the last 150 years that has been so terrible? If we have laid waste the countryside, why the rush of "rurbanites" trying to buy lots on and around farms? Remember the average age of farmers in Ontario is 58. Because of cost, this legislation is going to speed up the exodus and ultimately hurt the rural municipalities and farm-related businesses.

Subsection 5(2)(z) re local committees has a lot of merit, and we have already started to meet with adjacent counties to talk about this concept. We feel that by combining counties, neighbours won't be dealing with neighbours. In addition, any committee should consist of at least 50% farmers.

I shall leave you with a little story. On the farm where I played and worked as a kid, there was a small stream that we and the cows would wade into and get wet. Today, even without this legislation, the cows would be forbidden. This legislation would likely require a buffer. However, we need not worry, as it is under 50 feet of dirt and the corporate headquarters of Magna International Inc. Which one changed the environment?

Thank you for your time. If this legislation is passed, I trust we shall have the same opportunity to review and comment on the regulations. I feel it would be of benefit if this act was to be referred to committee before approval to give a second review, because with all the

other environmental legislation that exists, this proposal is overkill. Remember, we are farmers trying to raise families and to produce safe food, not criminals. We and our families live on the land, and our track record for lack of nutrient-caused illnesses is excellent.

1450

The Acting Chair: We have just a little over two minutes for each caucus. I'll begin with in the rotation with the PC caucus.

Mr Galt: Thanks for the presentation and the level of concern you're expressing here. I was away from the committee Thursday, Friday and this morning, just getting back with it at noon today, and I'm finding this afternoon I'm hearing a lot more concern than I was last week about the content of the legislation. It's been supported by the Ontario Federation of Agriculture and other agricultural leaders, and we've gone through extensive consultation, trying to arrive at a reasonable level where farmers can continue to farm and their neighbours can enjoy their property to a reasonable level, recognizing they may have to smell some odours a few days of the year, maybe even a few weeks, but not 365 days of the year.

One of the things that has evolved us to this has not been the majority of farmers; it has been a small percent, as I'm quite sure you're aware. Going back to January 2000 when Mr Barrett and I were on the road with this, we were in Guelph and an individual came in from Goderich on a most gorgeous January afternoon, the sun out like today, and he came by where he saw was five or six farmers spreading manure on the snow. We all know—maybe not all; most of us know—that very few nutrients are going to end up in the soil with that kind of disposal, because that's certainly not putting nutrients on the land. At the time I was embarrassed to admit that Dad and I, in the early 1940s and 1950s, put manure on the snow, and I was quite surprised to find out when we were involved in this just how many people are still doing that.

There is a need for this. I don't think there's too much question for legislation of some sort. One of the things we're doing as a government—and I believe this is the fourth piece of legislation—is we're going out after first reading. After first reading, it's more like we're working on a white paper. After second reading, the parties get entrenched, and it's more of a government position, and it's going to go through. But it's certainly a signal of flexibility by coming out after first reading.

So the comments you're making—I don't really have a question; I was just kind of responding to you. Certainly, it will be taken under advisement, and I'm sure you'll see a fair number of changes as we move into second reading. Again, thank you for the presentation.

Mr Williamson: Thank you. As I say, I'm responding to some extent to what-ifs, because we haven't got the regulations in front of us. But that whole section that states what types of regulations can be made, they're all going to require some type of investment by farmers, basically, whether it be a certification, a course, new equipment, storage, buildings, the whole thing.

I appreciate your comment that they used to spread it on the snow; everybody did. Back when everybody had horses, etc, if you didn't work 365 days a year—we didn't have the equipment we've got today—you couldn't get the job done.

Mr Cleary: Thank you for your presentation. You had mentioned in your brief that you would like to see 50% of the committee set-up be farmers. What would the balance be?

Mr Williamson: I think you'd have to change, depending on the community. I think, depending where you are, the structure may change substantially if you're trying to be reflective of the local community, whether it be a conservation authority, an environmental group, just general urban or "rurban" people or municipal councils. I don't have a problem either way, but I think if you're trying to go and be a peer-type of thing, if you counsel other farmers on what they should or shouldn't do, I think 50% of the committee should be farmers.

Mr Cleary: OK. Once this part of this legislation goes through, what do you see as the biggest one or two issues?

Mr Williamson: One is cost. Whatever happens coming down the pipe on these regulations, it's going to cost a lot for farmers to jump through these hoops. As I said earlier, whether it's certification, whether it's changes to where you hold your cattle, whether it's buildings, whether it's storage, the whole thing, it's going to be a major cost, and the money isn't there in agriculture today to do it.

I'd look at Quebec. I was over there last week reviewing the plan of a gentleman who has to build a new facility for the winter holding of his cattle, and he can get 90% of it covered by a grant from the provincial government.

Mr Bisson: My question, I guess, is fairly straightforward. I'm not from the farming community; I'm out of northern Ontario—mining, lumber. If it ends up the regulations are as tough as some people fear they might be, quantify for me what it means for you as a farmer. What kinds of things would you have to do and how much would it cost? You made the comment that it has the potential of shutting down a number of family farms. I'm just trying to get a sense of how.

Mr Williamson: I suspect I'm done. I have my home farm of 95 acres, I've got two streams, 13 springs and a third of a mile of shoreline. I'm on rolling topography, so by the time I buffer all that—I have them fenced currently, but the way I read this legislation, it won't be adequate—I'll probably have to stand my cows on top of each other. That's what it means today. If every beef/cow/calf guy has to build a facility for storage of manure, there's a major cost there.

Mr Bisson: So, if I understand, you're saying it's not even the worst-case scenario that could shut you down; as you read it, it could shut you down?

Mr Williamson: To some—yes. As I read it, I see regulations coming in most of those sections. How far they go or how wide is a guess. The Fisheries Act

currently has sections that deal with the present situation and that's where I fenced it before. I spent 30 years in natural resource law enforcement and I read it with that background as well as agriculture.

Mr Bisson: And it's the same for most people in the same way? For most farmers?

Mr Williamson: A lot of the bigger places, like dairy farms, have storage facilities for manure now. But if you look at cow/calf operators, most of them operate with cattle running at large during the winter. They're not confined to buildings. They're much healthier if they're out. So if you're getting into a space where you have to store manure etc, then you're into major costs.

Mr Bisson: Is it wrong for me to assume that the smaller the farm, the more difficult it's going to be? The large agri-farms, the corporate farms, would it be easier for them to comply because of the land base? Is that what you're getting at?

Mr Williamson: No. I don't think it's the land base as much. I think they're going to have some difficulty as well and they're going to have some major costs, but the smaller guy—

Mr Bisson: They can't afford it.

Mr Williamson:—just isn't going to do it. Plus, with many of the small cow/calf operators the average age of farmers is 58, so there are a lot of them in their 60s and 70s and they're not going to make that commitment, and they've farmed all their lives.

The Acting Chair: Thank you, Mr Williamson, for sharing your views with us this afternoon.

DUNDAS SOIL AND CROP IMPROVEMENT ASSOCIATION

The Acting Chair: Our next presenter is the Dundas Soil and Crop Improvement Association. If you would please begin by giving your name for the record.

Mr Robert Byvelds: Good afternoon. My name is Robert Byvelds. I'm here on behalf of the Dundas Soil and Crop Improvement Association.

In January 2000 we took part in the consultation process on intensive livestock operations. We supported nutrient management planning with third party reviews. Today I wish to make some comments on the Nutrient Management Act, 2001.

Although the act is now just the first step to allow the province to create and implement standards and regulations, farmers in Ontario must be included in the next steps. Farmers must have input in the actual numbers, calculations and ratios. Farmers must also be consulted to ensure the fairness and accuracy of farm operation sizes. Farmers are well represented with experienced, knowledgeable people to contribute to the new legislation.

Also, the Nutrient Management Act does not include any monetary incentive or compensation. Newly constructed barns or recently expanded farms have included manure and waste storage to accommodate the livestock. However, many farms in Ontario may require

significant capital to comply with the new regulations. Investments in the tens of thousands of dollars will be necessary. Without help financially or without tax breaks, the added investment would force many Ontario farms out of business. Most competing provinces have such programs with grants.

I also feel that the Nutrient Management Act should encourage research and new technologies and give staff and financial support that would work with farmers better utilizing nutrients to avoid any further nutrient-related problems. The Ontario government should not be cutting research money, especially to the University of Guelph's Kemptville campus.

In closing, I would like to say that in order for Bill 81 to proceed to the Legislature, farmer input is needed, firstly, to ensure that new standards are reasonable and practical; secondly, to help farmers adapt to new changes; and thirdly, to encourage nutrient users to try new technologies.

1500

The Acting Chair: We have about four minutes for each caucus member. In the rotation, we'll begin with the Liberals.

Mr Peters: Your comment on research and new technologies is certainly something we've heard consistently. Do you feel that we adequately understand right now from a soil standpoint, with the applications that are taking place, be it manure or septage or biosolids, the science well enough to know what we are doing, or is this what you're getting at as far as further research?

Mr Byvelds: I think we have much more to learn about application methods, uptakes. There's so much more to learn and so many experiments and field trials to do. I think we're just beginning. There's lots of research that could be done and these nutrients could be used that much more effectively. We just need to learn.

Mr Peters: John's got a question.

Mr Cleary: I had asked earlier about the makeup of a committee to oversee this. How do you feel that should be made up? Who should form the committee?

Mr Byvelds: Definitely farmers are well represented. We have very knowledgeable people who could provide reasonable and practical numbers. I think the farmers should represent at least 50% of such a committee.

Mr Cleary: And municipal people?

Mr Byvelds: Municipal people are certainly not as educated or as familiar with anything like this, although the municipalities are also contributing nutrients—maybe 25% and the rest being OMAFRA staff.

Mr Cleary: Would you support this legislation, if you were a member of the Ontario Legislature, without seeing the regulations?

Mr Byvelds: To me, when I first read it, it's like signing a blank cheque. I'm worried. I'm quite concerned that the numbers coming down are—the term we used was somebody in Toronto just putting these numbers together, whether they're using a dart board, or where they're coming from.

Mr DeFaria: On a point of order, Madam Chair: I think it's unfair to ask presenters whether they would support the legislation without seeing regulations. We vote on legislation all the time without seeing the regulations because regulations—

The Acting Chair: Mr DeFaria, that's not a point of order. The speaker is asking the presenter for an opinion on whether they would support the legislation, so I think it's duly appropriate.

Mr DeFaria: The point I wanted to make is that usually regulations come after the legislation is passed. All members know that we vote on the legislation without knowing the regulations.

Mr Cleary: I understand that. What do you think one of the biggest issues is in this piece of legislation?

Mr Byvelts: You'll be forcing farmers to make changes that they just can't afford; I'm not saying can't justify, but without any grants or something, you're asking the farmer—I can speak from our own experience—to invest \$60,000 in manure storage and he maybe just can't cash-flow that right now.

Mr Cleary: I may be asking a lot of the same questions to different presenters, but we have Hansard here, you know, and it's in there forever, and we like to look at it at a future date, which I often do, to see what presenters said at one time if things don't go exactly the way that they would like it. But anyway, I appreciate your comments. I know you said that one of the biggest issues was cost.

Mr Bisson: Just to follow up the point that Mr Cleary made, that I made originally, which is the question of regulation, often we vote on legislation—Mr DeFaria is right—and the regulations come after. But it's not always the case. A number of times, just to be clear here, we as critics will get a piece of legislation at second reading complete with a compendium that includes all the regulations. We've seen that on a number of occasions. So the government does have the ability to prepare the regulations, and I think this is one of these cases. This is a bit of a non-partisan committee set-up that we have here when we go to first reading, and I think there are some legitimate concerns being raised.

On behalf of our caucus, I'm just saying to the government, after they go back at the end of these hearings, that it would be good to at least get a sense of where you're going with the regulations. I think we all—the farm community, the municipalities, everybody—generally support what you're trying to do here, but if the regulations aren't right—and I think we all understand that—it could have far-reaching implications that could put people out of business. I don't think you want to do that and I certainly know that we don't want to do that. So on behalf of those people affected, I would hope that you would be able to come forward with an explanation of what's going to be in the regulations and what the intent is going to be, because to vote otherwise is going to be blind.

The question I have for you has to do with the money issue, because what I'm hearing people say is they've got

similar legislation they've put in place in Quebec and the government there has been proactive and basically provided some financial incentives for the farm community to be able to adhere to the new legislation, including whatever regulations they've got.

I heard Mr Galt earlier make a comment that it's not very likely that's going to happen. I guess I've got to ask the question: if you don't get any financial assistance, would you be voting for this bill? I come back to the question I asked earlier. I'm nervous voting for this bill at second reading without the regulations. I'm a little bit nervous voting for this bill knowing there's a financial implication for the farm community and there's no compensation coming your way to help you adhere to the new legislation. So on the second point, if you don't have a financial package tied to this, a tax credit program or a straight-up grant or whatever it might be, or, as some people suggested, what they call hypothecated taxes, like 1% of something to pay for this, would you vote for it?

Mr Byvelts: No, I'm not sure I could support that.

Mr Galt: Thanks for the presentation. There's been a lot of debate on regulations and when they come out and when they don't come out. Certainly there have been presentations around the province by staff giving general overviews of general direction. We're not exactly operating in a void, as has been suggested here. We've been working on this, as I'm sure you heard from the audience, for approximately two years, a green paper being developed in the fall of 1999 which was released just before Christmas of that year and then working from there to develop a paper.

Whether the regulations are totally in place as this bill goes through or not, two weeks down the road or two years down the road, whatever, whichever party happens to be in government can bring in new regulations based on the legislation that's there. So just because it's there at the time that it goes through third reading and receives royal assent etc doesn't mean it's etched in stone and going to stay there. That's part of why the regulations are written, rather than in the act. If you put it in the act it's very difficult to change, unless you go through another bill such as this, whereas if it's in regulations, cabinet has the ability to change it with the signature of the Lieutenant Governor, leaving some flexibility for those kinds of activities. I just wanted to give you that background so you'd have some feeling. It's always a struggle with absolutely every bill that I've ever been involved in how much should be in the bill to sort of semi-etch it in stone and how much should be left out in regulations so there's some flexibility down the road.

You mentioned about consultation. I ran through quickly some of the consultation that's been going on out there and some of the work that's headed in the direction as a result of that consultation. Where should we be going from here as we work on the regulations? Should there be more tours around the province? Should we be sitting down with stakeholders, different heads of federations and milk marketing boards? How should we go about more consultation?

Mr Byvelds: I think that's exactly where we should be going. Each farm organization has its members who are on the environment committee or such committees. Basically, just sit down with them and negotiate.

1510

Mr Galt: So rather than hold a lot of public meetings all over the province, more concentrated meetings with the stakeholders would be the way to tidy up regulations? Is that what I'm hearing from you?

Mr Byvelds: That would be the next step.

Mr Galt: The other one I would like to ask you, if I may, Madam Chair, has to do with the help, and I asked this earlier. What kind of form—and the government has not said no at this point. Would it be actual dollars in grants? There is a healthy futures program that now has recognized some organizations with dollars to assist in this general direction, and it's certainly there for looking after our water. How would you see it: tax breaks, tax—

Mr Byvelds: I understand that actual money to farmers is tough. It would be tough to get that money. The province beside us gets, from what I've heard, 90%. Sure, that would be great. That's what we're asking for. I wouldn't settle for anything less than some sort of tax break or accelerated depreciation—nothing less than that.

The Acting Chair: Thank you, Mr Byvelds, for your presentation this afternoon and for allowing time for the committee to enter into some questions and discussion with you. It was very helpful.

RENFREW COUNTY AGRICULTURAL ADVISORY LEADERSHIP COMMITTEE

The Acting Chair: Our next presenters are the Renfrew county agricultural committee. If you could please begin by stating your names for the purpose of Hansard, and then you can begin your presentation whenever you're ready.

Mr Ray Pender: I'm Ray Pender, chairman of the Renfrew county leadership advisory committee.

Mr Mac Coughlin: I'm Mac Coughlin. My title is chairman of the environmental farmland committee for the county. I have other titles too, but that's really what I'm here for today.

Mr Jim Hutton: Jim Hutton, manager of planning services for the county of Renfrew.

Mr Pender: Madam Chair, ladies and gentlemen of the committee, the Renfrew County Agricultural Advisory Leadership Committee appreciates this opportunity to present comments on Bill 81 on behalf of the agricultural organizations of Renfrew county.

We will be the first to admit that agriculture is a contributor to problems in the environment but object to the fact that we are targeted as the main culprit. It should be noted that most of Ontario farmers are currently operating, or trying to operate, in a friendly, environmental fashion. Only about 3% of the population of the province takes the responsibility of making sure there is clean water for all.

As a whole, the farming community of Renfrew county agrees there is the need of a legislative framework for nutrient management and therefore supports many aspects of Bill 81. However, we do have some concerns with Bill 81 as presented.

Administration: the agricultural organizations of Renfrew county approve of the government of Ontario and their Bill 81, the Nutrient Management Act. We do have concerns, the first being that we feel the Ministry of Agriculture, Food and Rural Affairs should be the lead ministry, and that the knowledge of the Ministry of the Environment be established as a special unit within OMAFRA. We feel that consistency is needed all the way around, from the large agricultural operation to the very small one.

We would also like to see that sufficient funds are made available to farmers to meet the requirements of the act. Farmers also want to see simpler Nutrient Management Workbooks if they must be completed for their farms.

The agricultural organizations of Renfrew county would like to see an economic impact study done to calculate the total cost of the new standards this legislation would have on the agricultural industry of the province. To make the Nutrient Management Act work, we must make sure that the environment and the agricultural industry remain viable.

Education: we feel that an essential component to the success of the Nutrient Management Act is the education of farmers. With the ending of the environmental farm plan program at the end of April 2002 we would like to see OMAFRA put funding in place to hold nutrient management plan workshops. In this meeting today, how many farmers would know there is already a Nutrient Management Workbook available through their government information offices? And to go one step further, how many know that there is available software as well, to be used on the computer?

Farmers must understand and feel comfortable with what they are doing in completing a nutrient management plan and know that they have the support of the government. The length of time planned to make all farms compliant to the act should be extended. It may not be financially feasible for many large operations to meet all requirements within three years. The bigger the operation, the higher the costs.

Economic impact: as farmers, we cannot help but wonder what impact the Nutrient Management Act will have on the agricultural industry. With the average age of farmers in Ontario being 58 years, we may see many of them exit the agricultural industry in fear of Bill 81. The Nutrient Management Act may indirectly affect agricultural land values, which in turn affect the assessment of municipalities in Ontario. We may also see an increase in family generation and land and business transfers.

The farmers, through the Nutrient Management Act, will face many financial burdens. Because of this, we again stress the need for financial assistance for them to stay viable. Society as a whole will benefit from this

financial help, because when the farmers protect the environment, everyone benefits.

With the implementation of the Nutrient Management Act, we encourage the updating of the provincial land use policy to reflect the changes that will occur to farmland; for example, MDS and individual lot separations on farms.

Finance: we urge the Ministry of Agriculture, Food and Rural Affairs to have money set aside for the implementation of this Nutrient Management Act. We have seen input costs rise year after year on the farm and the value of the products at the farm gate stay the same or go down.

With this in mind, many farmers are going to need financial assistance to meet the requirements of the act. There is a lot of talk about imposing penalties if a situation is not corrected in a reasonable length of time, but, again, no mention of compensation or financial help to do what has to be done to make a farm environmentally friendly. We feel that the agricultural industry deserves the same financial assistance the urban communities receive to keep them within environmental guidelines.

Inspection and enforcement: as an agricultural county we, the farmers of Renfrew county, feel that it is acceptable to hold random inspections on farms and to be fair to farmers who still have items to address where nutrient management is involved. After a few warnings and time frames being set for the completion of items set down in the act, we feel that the ministry is within their rights to set monetary penalties.

We stress that the passing of Bill 81 cover only items under the Nutrient Management Act and not be used to address situations that could possibly fall under the Environmental Protection Act. We must remember that the Nutrient Management Act is a preventive way to protect the environment in the future.

Regulations and objections: the agricultural industry believes that the managing of nutrients applied to the land is a good thing. However, we must keep in mind the environmental and economic implications that go with it. We would like to see a committee set up of our peers, those with registered farm businesses, to work with the government in establishing Bill 81 and indicate that the Lieutenant Governor "shall," rather than "may," provide for their establishment.

Our objection to Bill 81 is simple: this bill does not address the environmental pitfalls of our urban neighbours. Some of the issues yet to be addressed by the government are storm sewers, which gather pollutants from streets and lawns, fertilizer and lawn herbicides and droppings from animals. Another area not covered is the size of boat motors and boats on watercourses throughout the province, and the amounts of nutrients that are applied to golf courses to keep them up to par. All these things contribute to groundwater pollution.

Closing comments: we agree with the government that there is a need for the Nutrient Management Act. Before the implementation of the act, we encourage the

government to check the economic impact the act could have on agriculture and be prepared to offer workshops on nutrient management plans. We also recommend that a funding program be in place at the same time that nutrient management regulations are introduced.

I'd like at this time to ask Jim Hutton to make some further comments, please.

1520

Mr Hutton: On behalf of the county of Renfrew, I'd like to thank the committee for this opportunity to speak to you today.

Agriculture represents a very important component of the economy of the county of Renfrew. We've been working hard with the Renfrew county leadership committee to maximize the economic potential of the agriculture sector in the county of Renfrew, and also to make the local and county politicians aware of some of the concerns of the agricultural industry.

There are several characteristics regarding agriculture that are important for consideration in the county of Renfrew:

—The agriculture industry creates 4,257 jobs, which represents almost 10% of our labour force.

—The county is the largest geographic county in Ontario. However, we're dominated by the topography of the Canadian Shield and only 12% of our land base is class 2 or 3 lands. We have no class 1 lands.

—Our heat units are also lower than many other areas of Ontario, so it presents some limitations for field cropping.

—Farms in the county of Renfrew tend to be smaller and farm gate sales tend to be lower than in other areas of Ontario and even eastern Ontario. Therefore, farms in the county have more difficulties in responding to economic conditions than in other areas in the province.

The county of Renfrew, when the Nutrient Management Act was put out to the public, consulted with agricultural organizations in the county and local and county politicians. We have four points I'd like to make the committee aware of:

(1) Farming for many farmers in the county would not be a viable option if not for off-farm income to supplement farming. If implemented in a costly and complex manner, some farmers may opt to cease their farming operation, effectively being regulated out of farming. Again, in the county of Renfrew almost 40% of farmers are over the age of 55. This is higher than in eastern Ontario and the Ontario average by about 35%. So it could have a greater impact on the farmers in the county of Renfrew.

(2) The politicians, agricultural organizations and farmers in the county understand and are supportive of the need to practise agriculture in an environmentally responsible manner. There is a concern, however, that the requirements of the Nutrient Management Act and its regulations may make farming, particularly on a smaller scale, uneconomical.

(3) As the regulations cannot be passed until after the act is proclaimed, it is very difficult to determine the

impact of the regulations. Therefore, it's recommended that meaningful consultation should occur prior to the enactment of the regulations. This represents one of the main concerns expressed by both farmers and municipal politicians in the county of Renfrew.

(4) Over 40,000 residents in the county of Renfrew rely on septic systems for sewage disposal. Therefore, it's very important that viable alternatives to the disposal of untreated septage be developed prior to the banning of the spreading of septage within five years.

I'd just like to conclude by saying that the county of Renfrew is cognizant, and I would say supportive, of the need for environmentally responsible nutrient management policies and practices. Through this consultation process, it is hoped that the province will be able to satisfactorily address the concerns of the farming community, the municipality and the residents of Ontario with regard to nutrient management. Again I'd like to emphasize that meaningful consultation should occur with regard to the regulations prior to their enactment.

Thanks very much.

The Chair: Thank you, sir. Does that conclude your presentation?

Mr Pender: That concludes our presentation.

The Chair: That's great. That leaves us with two minutes for questions from each party. I'll go in rotation and, once we conclude that, I'm also asking the committee members to take an opportunity to put forward any concluding remarks.

We now have questions for the Renfrew county ag committee. We'll begin with the Liberals.

Mr Conway: Gentlemen, it's good to see you. Mac, that has got to be the fanciest pair of suspenders ever to come out of Ross township.

Let me just ask all of you but, Ray and Jim, I guess it's part of your presentations. Ray, on page 1 under administration you make the point that others have made here as well: "We feel consistency is needed all the way around, from the large agricultural operations to the very small one." Then you, Jim, in your presentation point out what I've certainly heard at home as well: a great concern from a lot of these small, almost in some cases marginal, beef producers up on the fringe of the Shield who were really worried about what any kind of increased restrictions are going to mean to the economic viability of their operations. My question to you as a panel is, how do we do that? How do we on the one hand, Ray, get the consistency that you call for between large and small and not strangle or just render unviable a lot of the 55% that Jim speaks of in his presentation?

Mr Pender: I guess I'm saying that we all have to comply, but probably at different levels, because of the different types of operations we run.

Mr Conway: Let's take that beef operation, because that's what a lot of what our farming activity is, particularly in some of the areas that we're perhaps most concerned about. We had a presentation, you may have heard, from one of the sheep producers. He made a very interesting comment—I don't know anything about sheep

operations—about sheep and water. I think of much of the sort of Shield country in southeastern Ontario. You've got cattle operations; you've got fast-moving rivers. Not very far away are creeks feeding into rivers that then go into some of our larger urban communities. What's practical? We talk here about regulations, but let's use that as just a quick example. What would you recommend on the basis of what your committee has heard is a practical thing to do in the upper Ottawa Valley, where you've got some person who's working off-farm but has 25 cattle roaming through the ranch, as we say, but the ranch has some creeks and maybe a river not very far away?

Mr Coughlin: Some of those small operations aren't any great threat to the environment. Their acreage is large enough and the cattle are spread over it. But from an environmental farm plan standpoint, we tell people to go through the workshops in those small beef farms. For a small amount of money, a concrete base with a tapered edge that will hold a small amount of manure will be adequate for them. But the dairy farm—

Mr Conway: But what about the fencing in the case of the beef guy or woman? What do we do about the fencing issue around watercourses?

Mr Coughlin: We'd just say, "Call the truck." We can't do it.

Mr Conway: And the dairy?

Mr Coughlin: Most dairy farms now are confined the year round, but they need terrifically big storages. For the ones that come through the EFP, it costs about \$1,000 a cow. Sixty cows is \$60,000.

Mr Hutton: If I may add, Mr Conway, I think perhaps a way to enact the act and the regulations consistently would be to provide the education that the smaller farm operators need. Perhaps you could set up centres of excellence, for lack of a better term right now, where farmers can go to get the assistance with the nutrient management plans, understand the regulations, perhaps even have professionals on staff, funding perhaps through the private sector, municipal and provincial governments, where they can talk to professional people who may have a template for a nutrient management plan. I think that would be a big assistance to particularly the smaller farmers who perhaps cannot be able to afford the professionals and the consultants who may be required to complete the nutrient management plans.

Mr Coughlin: Can I make a comment? The previous presenter talked about tax credits. Eighty per cent of the farmers from Renfrew county would say, "What taxes?" What are you going to base that tax credit on? There is no tax to base it on.

The Chair: Mr Bisson, questions?

Mr Bisson: No, that's fine. It was quite clear.

Mr Galt: I had one question, just as it relates to tax credits. A tax credit is something you get back, whether you pay any taxes or not. You have to have taxes to be able to get a tax deduction. There is a difference.

Mr Coughlin: There is a difference?

Mr Galt: Yes.

Mr Bisson: But you have to file taxes.

Mr Galt: Yes, you have to file to get it, of course.

The question I had goes back to the second paragraph: "Only about 3% of the population of the province takes the responsibility of making sure that there is clean water for all." We talk about 3% of the population as living on farms. Maybe only about 1% really farm. Are you referring to farmers in that quote?

Mr Pender: Yes.

Mr Galt: OK. You're not talking about people looking after water in general.

Mr Pender: No. I should have been more specific there, I guess, referring to farmers as a group.

Mr Galt: Specifically the farm population.

Mr Pender: Yes.

Mr Galt: They have the land where the water falls and it's collected from that land and sooner or later it ends up in wells or in water treatment plants etc.

Mr Pender: Yes.

1530

Mrs Munro: I want to come back to the issue around education, because I do think that that is a paramount piece of any initiation of legislation. There's been some discussion about the appropriate lead-in time, and I believe you made some reference to workbooks. I'm sorry, it might have been the previous—

Mr Pender: Yes.

Mrs Munro: Yes. I wonder if you could give us a sense of what you think would be an appropriate timeline, given the kind of concerns over education that you've identified here.

Mr Pender: How long has the EFP been in place now?

Mr Coughlin: Nine years.

Mr Pender: It has taken that long to get through most of the farm population, at least in our county. It's very hard to get the farm population notified and motivated to come and take a short course, to work on the books to complete a nutrient management plan. I don't have an answer for that. It's a very slow process and it's going to take time.

Mr Coughlin: Farmers in Renfrew county are outnumbered by cottage owners by about four to one. As farmers, we wonder how many of them have an approved septic system. A lot of those cottages have been converted to permanent homes. I think that we are being discriminated against.

The Chair: Thank you, Mrs Munro. On behalf of the committee, I wish to thank the Renfrew county committee. Thank you for this information for the committee.

That wraps up the delegations. This is day 7 of the hearings. We have two more days to go later this week. I would suggest to the committee that this is an issue that needs resolution. I guess we will take a bit of a breather at day 7 and I would ask each party for any summary remarks on this process. It's a process that's been going on for close to two years, it was indicated by Dr Galt.

We will start with the Liberal Party and go in rotation.

Mr Conway: Because I'm a visitor here, just a couple of things: I congratulate the Chair and the staff. It seems to be a very well run and very efficient exercise. I thank you for the opportunity to sit in today.

I just want to underscore the point that I made a couple of times earlier today—and my constituents just left. I really do think that this question about rural septage is a big issue. Quite apart from Bill 81, there are activities occurring out there that are going to have very significant impacts, not just on farmers but on people living in these rural communities.

At some point, whether it's part of this exercise or some collateral exercise, I think the Legislature had better sit down and find out, for example, with the approaching winter, what is actually going to happen. I heard this summer there was some investigative work being done out of the London office of the Ministry of the Environment. I was stunned by what was reported on CBC Radio news about six weeks ago as to what they were finding.

My friends have just made the point. I've got 40,000 people, that's almost 40% of my constituents—and if you get into Parry Sound, Muskoka, North Addington, Haliburton, rural Lanark-Hastings, the picture doesn't change a great deal. One of the questions I would have is the parity question. Are we expecting farmers directly to do things that we're not expecting other people to do? At any rate, I think it's a very significant issue.

As a long-time member of the Legislature with a very keen interest in this issue, I think a lot of very good work has been done by many of you on this committee, and I acknowledge the work done by Messrs Galt and Barrett. I think parts of this, if we're not careful, are really going to give us a lot of difficulty very quickly.

That's the only advice I would have. Again, thank you for allowing me to be here.

The Chair: I will mention too that the mandate of these hearings is not only agricultural manure; it deals with paper biosolids, as we heard today, municipal biosolids, municipal sludge and also septage. We're searching for a very comprehensive but balanced approach to this issue.

Mr Peters: I appreciate the opportunity because it's the first time I've sat on a traveling committee. We somehow need to find a better way to utilize the time, because the questions, as you've rightfully pointed out, are the best opportunity for us.

Having sat in on all seven hearings now, like yourself, I think one of the things we need to do is to better portray agriculture in the media. One of the things I've certainly seen, and I think the last group of presenters just reiterated it, is that agriculture seems to get painted as the culprit for the pollution.

All I can do is relate a personal experience when I was mayor of St Thomas. Every summer the reeve of Port Stanley would call up and blast us for the bypasses from our pollution control plant. The beaches were posted, and nobody could swim in Port Stanley. So we studied our watershed and what we came up with—and I think we

need to get the message out—is that we have a collective responsibility. It is the farmers, it is the cities with their pollution control plants and their bypasses and their storm water runoffs, it is the spreading of septage in the fields, it's septic systems that are falling apart, it's boaters, it's animals. That's been lost in the mainstream media, and I don't know how we fix that.

A couple of other common themes we've heard that need to be addressed: certainly the question of money, the capital dollars that are going to be required; the research and science and investment in facilities like this one where we are today, in our agricultural colleges. It's come through really loud and clear that we need a better understanding of what's going on out there.

The other thing we need to address is the differences across this province. In visiting seven municipalities I've certainly witnessed that the landscape, both visual and the natural environment, whether it's soil, water or climate, and what's below the ground, are different, and we need to take that into account.

The last part I think we all need to recognize is the regulations. I know there are procedural issues we need to deal with, but I just want to get on the record that it's important that we do consult. And if we're going to consult, we've got to make sure we do it in a timely fashion. I want to use an example of something right now that really troubles me: "Ontario reviews meat inspection system and regulations." It's dated September 12. But do you know when the hearings started? September 11. I think it's of utmost importance that we let people know well in advance. If we're going to give them that opportunity, we can't just send something out on September 12 for something that started on September 11 to deal with meat inspection. For those of you in this area, if you're interested, they're coming to Kemptville. They're at Alfred College on the 24th, and they're here on the 24th as well. So you may want to have some input to some real changes here.

So on the regulations, Mr Chair, I think everything in your power that you can do to ensure public consultation is most important.

The Chair: Mr Bisson, I recognize you were doing other things last week.

Mr Bisson: Yes. First of all, like Mr Conway, this is not my regular committee. I'm subbing for Marilyn, who would normally do this one.

Just a couple of things for people to understand: in fairness to the government members, this is a consultative process, a bill that's been put forward at first reading. We don't normally do that. In fact, we don't normally travel committees of the Legislature at all any more. Normally a bill is passed fairly quickly, and there is not very much chance to get into these types of forums, which I think are very useful.

Clearly Mr Galt and Mr Barrett tried to respond to the issue of how we deal with nutrient management in a positive and progressive way, and I think we can all agree on that. I think the farm community agrees and most people who came here agree with the general

direction. But in the spirit of understanding that this is somewhat non-partisan, I would ask the government to do what they can in order to come back with—if you don't at least come back with the full regulations, at least that we understand what the intent of the regulations is going to be. There's no reason why you can't come with the regulations. That could be done.

A second caveat: I think we need to take very seriously what has been said by pretty well everybody who has come here today. When developing those regulations, it has to be done in consultation with the farm community, and I think you hear that. So that would be one thing.

I would be willing to support this at second reading. I originally came here thinking it was like a rubber stamp and we were going to vote for this at second reading. But I'd be leery to support this at second reading if we don't clear up the regulations issue. This thing has very wide implications, as our friend Mr Conway and others pointed out: what happens in the cottage communities, what happens in small-town Ontario, what happens in the paper mills? It could really end up being something that's quite draconian, and I don't think that's the intent. So second reading support if we're able to get clarification on the regulations, or at least get them. I would prefer to see the regulations, actually, for the record. I think that would be a lot clearer, because I have seen the experience before where somebody said, "The regulations are going to meet A, B, C and D," and then you pass the legislation and find out it was X, Y and Z. So I just want to make darned sure we clarify that.

1540

The other thing is on the issue of either a tax credit program or a straight grant program. I heard Mr Galt earlier sort of indicate, "We're not too keen on providing an upfront grant system." But I think it's incumbent on us as a Legislature, as the people who are going to pass this legislation, that if we want the farm community to undertake what is going to be fairly onerous responsibilities when it comes to bearing the costs of this, we need to help them out in some kind of way. Again, I think that's something we're going to have to see in the legislation in order to get support at second reading. That's what I think I'm going to recommend.

The other thing is that—where was my last point here? Oh, that was my last point. Thank you very much.

My point to Mr Galt and Mr Barrett is this: I understand you're trying to do a good thing here. I think the general direction is OK, but our support is going to be conditional on that. We want to see the regulations up front, and we want to see some sort of assistance to the community. Without that, I think the NDP will have difficulty supporting this legislation.

Mr Galt: It's a smart politician who knows when he gets to his last point. I'm just teasing.

If I may make a couple comments—I think I saw a hand coming up. Maybe we shouldn't be implicating the Chair too much here. I know he was involved in some of the consultations, but he's to be neutral during these

hearings. Certainly the intent, as we were out listening a year ago January, was to arrive at that fine edge of meeting the environmental needs of the community and at the same time allowing farmers the opportunity to farm without having too many regulations and red tape, something we've been very, very opposed to.

Certainly this legislation is about covering all conditioners, all nutrients that are going to be applied to soil. If you were in my office today, you would probably be answering several calls over the spreading of sewage sludge. We can call it biosolids or whatever; it's sewage sludge that's coming out, most of it coming from that city called Toronto which, when you get a few miles away, you love to hate, particularly when they send their sewage sludge out. Manure is not the problem; it's the sewage sludge. So in the nutrient management plan, we're talking a lot more than farm manures; we're talking about all the various biosolids, whether it be from paper mills or sewage treatment plants or wherever, all those materials that are being put on to lands. Certainly I think it's interesting, even when we were consulting, how many of these lands do we include? Do we include golf courses, do we include front lawns in the cities and so on?

I get a general feeling—not today, but as we were out—that farm organizations are rather pleased that we're bringing it forward so that at least there's a bill, some regulations so they can say, "Yes, we're working within them," and have some defence from that. Maybe when we first started they were really fearful. Now, I think they are basically pleased or at least accepting of the fact it's happening. Farmers are tired—and it's been mentioned today—of being the scapegoats and being blamed. If you walk through something like what happened in Walkerton—and this is what I hear; I know the inquiry hasn't come out with its report yet. We're hearing that a farmer with an environmental farm plan—you could literally eat in the barn—actually a veterinarian operating a small beef herd, unfortunately was incriminated as having this special O157 E coli. A flood came along and went to a well that wasn't sealed—just a lot of unfortunate circumstances—and then the water, of course, wasn't chlorinated. But here we had somebody who was trying very, very hard. This is not what most people would classify as an intensive farm.

I just want to make a couple of comments about extensive consultations going on. I think the way you're going to see some of this as it works its way through a lot of the application, particularly commercial application—there are going to be some parallels, and certainly farmers have been saying it to us, as it relates to pesticides and how some of the pesticides have been applied. I'm talking more about the commercial level, not the small farm.

Just a couple of comments: today I was a little surprised at the concern expressed, compared to what I was hearing earlier—and I'm not surprised; I was

actually more surprised at the acceptance when we first hit the road. The biggest concern consistently, and here, is finances or costs and the economic impact studies being done. Environmentalists are not totally accepting it but are certainly pleased that we're moving in the direction that we are.

I guess the other one is that we're running into—I don't know if "surprise" is quite the right word—concern over the enforcement possibly coming under the Ministry of the Environment rather than OMAFRA. There's no question there's a commitment that whoever does the enforcement will understand livestock, have that kind of background, be at least educated in that area, and we won't be having somebody totally unfamiliar with the area doing the enforcement. I can understand why people are concerned.

Biosecurity has come up on a regular basis in almost every farmer's presentation. As a veterinarian myself, I empathize completely with you and you're absolutely right: biosecurity has to be respected on each and every farm that is entered by whatever means.

Mrs Munro: I just wanted to follow up on a couple of the comments that Dr Galt had made.

As someone who has been involved to some extent with these hearings and with earlier discussions, and coming from a community which reflects the kinds of concern with septage as well as agricultural interests, I represent a riding where these issues are extremely important. It seems to me we have to see this as a first step, and the legislative process then as one that is enabling.

The regulatory process that I appreciate so many of you have come forward with comments on I believe is very important.

Listening to those who have talked about the need for the adequate technology and the adequate science on which to base decisions I certainly agree is essential.

I agree with those who have talked about the issue around animal units and making sure of things such as animals that are not normally confined vis-à-vis those that are normally confined.

These are all extremely hands-on kinds of issues for people in the agricultural community. You can be assured that I got the message. I want to take it back to Queen's Park and will do so.

The Chair: Thank you, Ms Munro. Mr Bisson, do you have a—

Mr Bisson: No, she actually responded to the point. I just wanted to hear the government talk about regulations, saying they would try to come back with them.

The Chair: Thank you, everyone. This standing committee reconvenes at 9 am in Peterborough at Parkway Place, and Friday we're on to North Bay. Today's proceedings are adjourned.

The committee adjourned at 1548.

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