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of Debates
(Hansard)**

**Journal
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Tuesday 4 December 2001

Mardi 4 décembre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 4 December 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 4 décembre 2001

The House met at 1845.

ORDERS OF THE DAY

FOOD SAFETY
AND QUALITY ACT, 2001
LOI DE 2001 SUR LA QUALITÉ
ET LA SALUBRITÉ DES ALIMENTS

Mr Coburn moved third reading of the following bill:

Bill 87, An Act to regulate food quality and safety and to make complementary amendments and repeals to other Acts / Projet de loi 87, Loi visant à réglementer la qualité et la salubrité des aliments, à apporter des modifications complémentaires à d'autres lois et à en abroger d'autres.

The Acting Speaker (Mr Bert Johnson): We will start with the debate. We will go in rotation. The Chair recognizes the Minister of Agriculture, Food and Rural Affairs.

Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs): It's my pleasure this evening to introduce for third reading Bill 87, the proposed Food Safety and Quality Act.

In addition to my ministry's lead role, both the Ministry of Health and Long-Term Care and the Ministry of Natural Resources have played integral roles in the development of this bill. We are indeed proud of this giant step forward that will help ensure that the people of Ontario continue to enjoy a safe food supply based on an economically viable agri-food industry.

Ontario's food is safe, and this act will continue to improve its safety and quality, securing Ontario's worldwide reputation as a supplier of safe, quality food products. This first-class reputation is partly due to the diligence of our agri-food industries, which constantly strive to maintain an exceptional level of quality. It's also partly due to the hard work that goes on continuously between the government and the industry.

But as we all know, times have changed in the world of food safety. Our eating habits have changed over the years. We eat more foods from around the world. There have been more food-borne illnesses identified. Science and technology have developed in leaps and bounds, with quicker, more effective ways of both identifying and managing food-borne hazards.

In recent years, governments around the world have been taking a critical look at how both the public and private sectors can ensure the continued safety of the

food supply. Our food safety system review, which was launched in 1999, showed us that to do this in Ontario, we needed to take advantage of new science and technology and to modernize our food safety systems.

All players along the food supply chain have responsibility for the safety of food by ensuring industry practices and facilities do not contaminate the food we eat. Because of this, the proposed legislation recognizes all players in this chain: those who grow, store, cook, can, bag, transport and sell. The proposed legislation provides the powers to set standards and deal with identified food safety risks from the farm through to food distribution.

Bill 87 is broad enabling legislation that will form the backbone of a modern risk-based food safety system for the people of Ontario. It consolidates the food safety and quality requirements of six existing food-related acts: the Meat Inspection Act, the Farm Products Grades and Sales Act, the Dead Animal Disposal Act, the Livestock and Livestock Products Act, the Fish Inspection Act and the Edible Oil Products Act. Consolidation of these existing acts will streamline food safety legislation in Ontario. It will allow for more effective response to food safety risks, as well as improved capabilities for addressing new food safety risks and new science and technology as they develop.

1850

At the Ministry of Agriculture, Food and Rural Affairs, it is our responsibility to work with the agri-food industry to enhance its ability to produce safe food. We must also ensure consumer confidence in the food safety systems. To this end, as I indicated earlier, we have worked closely with the Ministry of Health and Long-Term Care during the development of this bill and they will maintain the highest authority on public health issues. The proposed act requires that all food safety risks be reported to a medical officer of health. In addition, our partnerships with the Ministry of Health and Long-Term Care and the Ministry of Natural Resources establish important, built-in checks and balances for Ontario's food safety system.

The introduction of this legislation is just one part of the food safety system review. As you know, the Provincial Auditor released a report last week that addressed some issues in this system. We welcome this review of our programs, and I am pleased to say that even before the audit was conducted, and since it was completed in early 2001, we were already establishing several new programs to improve the safety of Ontario's food supply.

For example, in 1999 we took advantage of new technology and began using a computerized information

system for our meat and livestock inspection. This state-of-the-art system has allowed for massive amounts of data from audits, lab testing and inspection reports to be more readily accessible for risk management purposes.

On the horticultural side, last year we conducted a province-wide survey of apple juice and cider producers. As a result of that survey, microbiological testing and educational programs are now in place, and standards for apple juice and cider are being developed in consultation with the industry to further ensure the safety and quality of these products.

In 1999 we established the healthy futures for Ontario agriculture program. Among other things, this successful program provides funding for the agri-food industry to enhance the safety and quality of Ontario food products. As part of the healthy futures program, funding and access to technical expertise are available to help our agri-food sector maintain and expand its capacity to meet domestic and export market demands with regard to food safety and quality.

We are also an active participant in the Canadian Partnership for Consumer Food Safety Education, working diligently to educate consumers about their role in food safety.

There are many initiatives addressed in Bill 87 that go beyond what is addressed in the auditor's report. For example, Bill 87 makes provision for more targeted requirements for food products to minimize public health risks from food-borne hazards. It includes quality standards to promote the marketing of Ontario products. There are more appropriate enforcement actions to ensure compliance, and new authority to ensure a timely and effective response to a food safety crisis, including the ability to trace back to find the source of a contaminated food, and to trace forward to determine where it has been distributed.

Any legislation is only as good as its enforcement. Currently the compliance and enforcement tools vary with each piece of legislation. A single Food Safety and Quality Act will provide a common set of tools necessary for establishing, implementing and enforcing a comprehensive, efficient and effective food safety program. Most importantly, the enforcement tools provided in Bill 87 will serve to protect the public in situations where foods or animals or plants that may be used in food appear to present food safety risks.

What constitutes a food safety risk is clearly defined in Bill 87, and applies to foods under very specific circumstances. Where there are grounds to believe a food safety risk constitutes a significant risk to public health and safety, inspectors could be authorized to trace the food safety risk wherever it occurred in the food chain. Inspectors would have the power to issue orders to prevent, control and eliminate that risk.

Current limitations on OMAFRA's authority to share information with other authorities may slow down the response to situations that present a serious food safety risk. In order to protect the health and safety of the people of Ontario, the proposed legislation requires that

the minister share relevant information about a significant food safety risk with specific government authorities when it is necessary to protect public health and safety.

While we were developing the proposed legislation, and as noted in the auditor's report, it was agreed that current penalties were not adequate. We heard that they needed to be increased to deter potential offenders and minimize public health risks due to food safety issues. Bill 87 would raise maximum fines to \$25,000 for an individual's first offence, and \$50,000 for subsequent offences. We feel these fines will help to increase compliance with regulations under the legislation.

Bill 87 is consistent with national developments in food safety. Earlier this year, Canada's federal, provincial and territorial ministers of agriculture met to discuss, among other things, food safety. We agreed in principle on a national action plan to make Canada a world leader in food safety. I was proud to be able to say that Ontario had already taken steps to ensure this in our province with the introduction of Bill 87. We agreed on a collective vision for the Canadian agri-food industry: it must be strong, modern and ensure access to international markets. And consumers must have complete confidence in the safety and quality of our food products. Again, I was able to say that Ontario is leading the way.

Many competing jurisdictions, including the United Kingdom, Belgium, Australia and the United States have already adopted science-based approaches to food safety that are founded on risk analysis. Within Canada, national standards are being developed to ensure consistency across the country as we expand our own food safety systems.

Since we first consulted stakeholders on the concept of consolidated food safety legislation, we have spent a great deal of time listening to their ideas and incorporating them into the proposed act.

Among others, we heard from commodity groups, food processors, general farm organizations, public health workers, government ministries and consumer education representatives. We heard that the act and its regulations should be scientifically based. Science continues to develop at an incredibly fast pace, and our stakeholders agree that we need to use new information and technologies available to us to increase the safety of our food supply. Our stakeholders also acknowledge that modern, science-based food safety requirements can indeed have economic benefits for them, such as reduced farm inputs, increased production and expanded market access.

In addition, regulations developed under the bill would be based on baseline studies and risk assessments to be conducted to determine where food safety risks enter the food continuum. Through risk management programs, food safety risks can be identified more quickly and managed more efficiently. Bill 87 provides the framework for this system.

We heard from our stakeholders that the act should support existing industry-led food safety programs and should harmonize with national standards for food safety. We agree, and Bill 87 reflects this.

From our standpoint, harmonization and support of existing programs is critical, not only to ensure safe food for the people in Ontario but also to open new markets for Ontario producers and processors. A consolidated, modern food safety act would support the overall competitiveness of Ontario's agri-food industry and would allow it to maintain and increase market share as Ontario continues to establish its reputation as a leader in food safety.

Food safety, from field to fork, is a high priority for the Ontario government, and our concerted effort to keep Ontario's food safety system among the best in the world is evidence of that commitment. Bill 87 will help ensure Ontario remains at the forefront of food safety and quality, with modern, effective legislation governing the agri-food system.

1900

The Acting Speaker: Further debate? The Chair recognizes the member for Northumberland.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I understood from the Speaker that the speaking was going to be in rotation, from you, sir, when you—

The Acting Speaker: You understood correctly. I looked to my left and nobody was standing so I came around here. In rotation, that's called clockwise. I don't care who it is as long as somebody does it.

The Chair recognizes the member for Elgin-Middlesex-London.

Mr Steve Peters (Elgin-Middlesex-London): It's important to stand up this evening and, first and foremost, go on the record to show Ontarians what the record of this government is when it comes to food safety. I think we were all very shocked by what we read in the auditor's report and saw what it contained when it came to food safety. It's very evident that this legislation in front of us tonight is in many ways a knee-jerk reaction to what has come out of that auditor's report. There's no doubt that the Ministry of Agriculture, Food and Rural Affairs was privy to what was coming from the auditor's report and that this is a reaction to it.

I want to go on the record, right off the bat, to say that the Liberals are not going to support this legislation this evening. One of the things that is of extreme concern to us is the funding cuts to food inspection we have witnessed in this province, where we've seen the food inspection budget cut by 45% and the number of food inspectors cut by 35%.

Now what we're going to do is enforce and bring forward a new piece of legislation that is going to require more food inspectors, but what disturbs me is there's no guarantee in this legislation that these food inspectors are going to be provincial government employees.

One of the things we advocated in the legislation, that we wanted amended and changed, was the removal of alternative delivery of services. But no, the government in its wisdom—I say that with no seriousness—chose to continue on this course of privatization. We've seen the Walkertonization of this province. We've seen the effects

of privatization of government delivery of services, the lack of accountability from the private sector and the need to have true government employees providing these services. We've seen what's happened when we look at the whole question of meat inspection in this province, part of this food safety legislation, where we've gone from 130 government meat inspectors to eight.

I know we'll hear the minister argue, "We've got another 130 people doing meat inspection," but those are contract employees. Those aren't people who have that commitment to the public service of this province. These are individuals who are contract employees. Do you know what we're hearing from some of these individuals? That it's not a job they enjoy doing as contract employees, and they're having a difficult time retaining these individuals.

What bothers me about what we're seeing with this food safety legislation that's in front of us this evening is that it fits into this government agenda that they have brought forward since 1995, and that's this blind drive to save money, a drive to save money with blinders on, without looking at the effect of the privatization of government services. We've seen that countless times, over and over again, and we've seen it recently in the auditor's report, this backwards initiative of not having true government employees and true public servants who are dedicated to the job. No, we've got to contract out services.

You know what's happened as a result of this? I'm going to speak only to agriculture right now. What you've done with this blind drive is compromised this industry, the number two industry in this province. The lack of recognition that you as a government place on this number two industry bothers me no end. We've heard the Minister of Economic Development and Trade talk about all the wonderful things in this province, but you know what he always forgets to talk about? The number two industry in this province. He forgets to talk about agriculture.

We hear the finance minister deliver a statement in this Legislature. Do you know what we don't hear? Do you know what this government forgets to mention? It's the word "agriculture" and the word "farm."

We've seen the lack of commitment from this government to agriculture. What the government should be doing is promoting the industry. Instead of working in silos—and there's no pun intended as we're dealing with an agricultural bill here, but one of the things I've noticed over and over again with this government is how government ministries work in silos. Why isn't the Ministry of Agriculture, Food and Rural Affairs working with the Ministry of Economic Development and Trade to promote this industry? But, no, we've got two different agendas in this province. You should be working to promote this industry, to instill confidence in this industry.

I can tell you, though, the auditor's report doesn't help this industry, it doesn't promote this industry and it doesn't instill confidence in this industry. And the blame

lies with the Minister of Agriculture, the Premier of this province and every one of you on the government side, because you've all allowed this to happen. Every one of you has sat back quietly as we watched the Premier come out in 1995 and say, "No cuts to agriculture." Well, what happens in July 1995? Some \$14 million is slashed out of the budget of agriculture, and we've seen those cuts continue to this day.

We know as we speak right now that the government's foolish recklessness with tax cuts in this province and the continuance of these tax cuts, with another \$2.2 billion in tax cuts coming down the pipes, is causing every government ministry on the other side to have to find further cuts within their budgets. Another 5%, minimum, is going to have to come out of this minister's budget. We should be doing everything we can to promote the agricultural industry in this province, to promote that we've got the best food in this province, the best food in Canada and the best food in the world. We've got the capability as a province to be self-sufficient when it comes to food. There may be a few exceptions, but for the most part, we can feed the people of Ontario and we can be the best in the world. But this government has let people down and they've let the agricultural community down when it comes to being the best in the world.

We've got the legislation that's in front of us tonight dealing with food safety. It's a commendable initiative, but the problem, again—and we see it over and over; we'll be debating another piece of legislation this evening—is the fact that the devil is in the details of the regulations and we don't have the regulations in front of us. It's the same with Bill 81, the Nutrient Management Act, which will be debated in this Legislature later this evening. We don't have those regulations.

1910

Mr Bill Murdoch (Bruce-Grey-Owen Sound): Are you going to support it or not?

Mr Peters: No, we're not going to support it, Mr Murdoch. We won't be supporting it. I think I opened up with that comment, that we won't be supporting this legislation. Again, we're seeing the lack of regulations coming forward and the lack of financial resources being put forward for this legislation.

I want to come to one particular aspect of this legislation that really amazes me. If the Minister of Agriculture wanted to choose a fight and pit agricultural commodities in this province against each other, he did it with this legislation, because when you look at section 44, it deals with the repeal of the Edible Oil Products Act. We, as Liberals, believe that when a consumer—and it's the consumer who supports this industry; it's the consumer who keeps this industry viable. We want the consumers to be assured, when they walk into a grocery store, that the contents of the dairy case are truly dairy products. You know what? That's about to change once this legislation is passed.

We asked at the committee level to have section 44 of the legislation removed, but the Conservative members at that committee chose to push the legislation through as it

stood. They chose to leave section 44 of this legislation in place. We've got representatives of the dairy industry in this province here tonight. I hope the minister has had an opportunity to read Hansard and has had an opportunity to listen to some of the representatives who were there that very day. We heard over and over again from the Dairy Farmers of Ontario, from dairy farmers' organizations from county after county across this province, of the devastating effect that the repeal of the Edible Oil Products Act is going to have on their industry. I asked the minister to take heed of those warnings, because they are very valid warnings that should be listened to. But it's obvious that the minister didn't listen, that the members of the committee didn't listen and that his staff didn't listen. This government is bound and determined to pass this legislation with the repeal of the edible oils act. I think that's a sad day for agriculture in this province.

Let's look at it. It truly was a debacle at the committee level. The honourable member for Niagara Centre called a recess at that meeting. We adjourned for 20 minutes and there were representatives from the Dairy Farmers of Ontario who tried to plead their case with the government members, but that case fell on deaf ears.

I've got some real concerns. I've been hearing some things today where this government has made some comments to representatives of the Dairy Farmers of Ontario that they are going to deal with this in the future. Well, let's deal with it right now. Let's stand up tonight and take section 44, the repealing of the edible oils act, out of the legislation this evening. Let's deal with it right now and not sometime in the future, and instill some confidence in these representatives who are here from the Dairy Farmers of Ontario. Let's let them know we support the dairy industry in this province.

The industry saw a great wind just today or yesterday at the World Trade Organization. We all stand behind the supply-managed sectors in this province, but what's happening is that we're seeing a gradual erosion. We're seeing this repeal of the edible oils act and seeing the dairy farmers with the potential to lose a great deal of their industry.

We're seeing a further erosion of the supply-managed sector in this province by this Ministry of Agriculture allowing Imperial Tobacco to stand up and challenge the marketing boards of this province, because if you allow Imperial Tobacco to do what they are doing in this province, you're just planting the seed, Minister, for the end of the marketing boards. I ask you to stand up against Imperial Tobacco. I don't know how much money they gave you—I can tell you they didn't give me a cent—and I don't know how much money they gave your government, but stand up to Imperial Tobacco and stand behind the supply-managed sector in this province, as I'm asking you today to stand behind the dairy farmers of this province.

We gave the government an opportunity at the committee, "Let's deal with section 44. Let's pull 44 off the table right now." I think if we'd pulled 44 off the table, we probably would have been a long way toward seeing

much more unanimous support for this legislation. But no, the government has chosen to go forward and divide the agricultural community. At a time when we're seeing the agricultural community in this province divided is not the time to do it.

We know that our agricultural community is faced with some of the worst weather they've ever faced in their lives. They're faced with subsidies from our American counterparts. They're faced with subsidies from the European Union. Worse yet, they're faced with subsidies from other provinces in Canada, because other provinces, like Quebec and Alberta, have recognized that they have to go beyond their 40% share of support for the agricultural community and not just stick with the 40-60 split. They need to go further. Other provinces have recognized it.

If it hadn't been for the support of the tobacco industry last year, with \$20 million, this province was only doing its 40% share. Because of that \$20 million that you gave to the tobacco sector—and I thank you for doing that—that puts you above that 40% ratio.

We need to look at where the dairy industry is concentrated in this country. Some 80% of the production of milk and dairy products is between the provinces of Ontario and Quebec. Some 80% of what is consumed by the consumers, the very people that we want to instill confidence in, the very people that we want to buy their product, the very people that we want to support the industry, 80% of that consumption is between Quebec and Ontario. This is the consumer market that we need to stand behind and support.

What we've seen—and we're seeing Ontario move away from this—is the long-standing commitment that Quebec has made to its agricultural sector. For years and years, the province of Quebec, and rightfully so, has recognized the importance of the agricultural community and has recognized the importance of agriculture to that economy. The province of Quebec is standing behind their dairy farmers. Is the province of Ontario standing behind the dairy farmers tonight? Can you honestly, any one of you, stand up and say that you're all standing behind the dairy farmers of this province? The answer is no, you're not. You've abandoned the dairy farmers. With the repeal of section 44 in this legislation, with the repeal of the Edible Oil Products Act, you're abandoning the dairy farmers of this province. Quebec is refusing to repeal, Quebec is standing behind their dairy industry, but not Ontario.

I'd ask any one of you on the other side there who represents a rural riding this evening to contact your local dairy farmers' organization and find out what they think of this legislation that's in front of us tonight. I'm sure you're going to hear loud and clear: they're going to express their concern over the repeal of the Edible Oil Products Act.

Mr Murdoch: What about the abattoirs?

Mr Peters: You want to get into abattoirs? We can in a bit, and into food safety. I've already talked a bit about the abattoirs and how you've abandoned food inspection

when it comes to inspectors, but we'll come back to that again.

What this province is doing is totally ludicrous, because they're cracking open this market, and they're opening up this market to the detriment of the dairy farmers of this province. I would love to hear—it's unfortunate, well, I can't make reference to that. I would love to hear the comments of the former Minister of Agriculture, who represents Oxford and the dairy capital of Canada. I'd love to know what the former Minister of Agriculture thinks of this initiative. I very much doubt he's going to support it.

It's going to be interesting to see the vote, to see who are the puppets on the other side who are going to stand up and be puppetized by the centre, and stand up and vote against their dairy farmers.

1920

Mr Murdoch: What about the soybean growers?

Mr Peters: The honourable member for Bruce-Grey-Owen Sound talks about the soybean sector. I think there are a lot of opportunities, because we know what's going to happen. You probably got that same 20-page fax that we all received last night. It all came into our fax machines at 3 o'clock this morning.

You know what's going to happen in this province? It's not the soybean sector that's going to receive the benefits of this. It's going to be the offshore. It's going to be the palm oils and coconut oils, the hydrogenated oils that come into this province. We don't grow palms or coconuts in this province. Why don't we see the Minister of Agriculture work with the Minister of Energy, who's here this evening, and the Minister of the Environment, and stand behind the alternative fuels committee? If you want to look at ways to add value to commodities produced in this province, let's do something that's really positive and that's going to truly benefit the soybean growers of this province. Let's seriously look at alternative fuels and not allow big corporations to come in and—

Interjections.

The Acting Speaker: Order. Only one person has the floor. If anybody else would like it, give me a chance to recognize you. Other than that, I'll recognize you. There's no talking back and forth. There's nothing in the rules that allows us to carry on conversations that way.

The Chair recognizes the member for Elgin-Middlesex-London.

Mr Peters: Thanks very much, Speaker. Sometimes the—

Interjections.

The Acting Speaker: Order. If you'd like to stay here, be quiet. The same for the minister.

The Chair recognizes the member for Elgin-Middlesex-London.

Mr Peters: Thank you very much, Speaker. I respect your comments about the cross-fraternization of comments in front of us tonight in the Legislature. But sometimes it's good because you hear some good things. Sometimes there are actually some intelligent things that

come out of government members—not too often, but once in a while you do hear them.

I remember making these comments when this legislation was first introduced. I guess it's going to be a rah-rah day in this province and it's going to be spray cheese for all, that wonderful product that doesn't contain any dairy products but it's called cheese, spray cheese—comes in a can. You put it on your crackers, put it on your toast. That's what this government wants to promote and misrepresent to the consumers in this province with a product like that.

Mr Murdoch: That's a federal problem.

Mr Peters: Again, you see, sometimes intelligent stuff does come out of people. There are federal issues here. Believe me, I'm prepared to stand up to the federal government. You accuse us regularly of being in bed with our federal cousins. I call them more like distant relatives. The federal government has a role to play in this and they're not enforcing it. Any one of you can walk into a grocery store today and look at the products in the dairy case that shouldn't be there. Walk down the aisle and look at that "buttery" popcorn that shouldn't be there. I agree there is a federal role to play, and we'll do our part to take that up. I'd be very happy to work with the minister to take on the federal government, because every once in a while I think it's good to do that. You may not believe we do that in opposition, but from an agricultural standpoint—I can't speak for others—I'm certainly prepared to do that.

It really does disturb me that we're moving in this direction with this legislation. I've talked about the Edible Oil Products Act, but I think the other thing that really needs to be of concern here is this alternative delivery of services, because we can't continue to erode the public sector in this province. The minister stands up over and over again, talking about the best food and instilling confidence in our consumers in this province. It's pretty tough to instill confidence in the consumers of this province when they know they don't have a full-time commitment to food inspection, that they don't have full-time individuals looking after our abattoirs, looking after all aspects of food inspection in this province.

This government is bent and determined to allow the private sector to do it. I think that is very risky. It's a move that is, in my opinion, irresponsible. We as legislators should be doing everything we can to support the agricultural community in this province. But no, we're not doing that.

We've seen what happened with privatization of services. We've seen the contracting out of services to private labs, and we've seen what happened with that with Walkerton. But you know, worse yet out of Walkerton, as tragic—and my heart goes out to those families and those individuals who have been faced with the worst nightmare that anybody could ever experience. But I think the other tragedy that comes out of Walkerton, and it comes back to food safety and to inspection, is how the agricultural community has been unfairly blamed for what's happened. Because every one of us in this

Legislature tonight, every one of us, has a collective responsibility for the water and looking after the water and the resources of this province.

Agriculture has taken an unfair hit as a result of the actions of this government. You can stand up and say you want to instill confidence in the agricultural community in this province, but you've allowed the agricultural community to be the scapegoat for what's happened in Walkerton. We know, as I say, there is a collective responsibility, because you can go to virtually any municipality across this province right now and you can find a pollution control plant that's bypassing into the creek. You can go to northern Ontario, to the Parry Sound-Muskoka riding or even to the Premier's riding in Nipissing, and you can find cottages and camps that have faulty septic systems that are leaking right into the waterways. But this government allowed the agricultural community to take the fall and the agricultural community to take the blame for what's happened in Walkerton—

Interjection.

The Acting Speaker: The member for Bruce-Grey-Owen Sound, come to order.

Mr Peters: —and you can't do that. And what you set up in Walkerton, you're setting up with this legislation here, because again you're bent and determined to contract out the enforcement of this legislation to the private sector.

You don't have the guts to do it yourself. If you want to instill confidence in the consumers of this province, you instill that confidence with OMAFRA employees; you don't instill that confidence with ABC Consulting Corp. You don't do it.

I wish we could stand up and support this legislation, because I think every one of us wants to see safe food in this province. There's no doubt about it. But we want to make sure, if we're going to have safe food in this province, that we know we've got the right employees behind us, and I don't have confidence in the private sector to do it. I have confidence in OMAFRA employees to do that.

We talk about the food safety that's in front of us here. I opened up my comments this evening talking about how Mike Harris and these Conservative members stood up in 1995 and said, "No cuts to agriculture." We've seen that budget for food safety go from \$12.5 million to \$7 million, and we've seen the tremendous cuts in inspectors.

Look too at the track record of this government. I'm so proud of the auditor for standing up and pointing out the track record of this government, because when you look at the three-year period between 1996 and 1999, there were only 18 individuals or corporations convicted of breaking food safety laws. If you're going to instill confidence, the public wants to know that there are inspectors out there, but you can't instill that confidence like this.

We've seen over and over again the media stories how this government has been lax, has let down the consumers of this province, has let down the farmers of this province by the number of illegal slaughterhouses and

uninspected and unhealthy meat processors in this province.

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We've seen it in another area—and I challenge the minister to do it. I don't know whether he has ever gone—I certainly hope he has—to the University of Guelph. Go and tour the animal health lab, which is charged with the responsibility of playing such an important role in food safety. Talk to the individuals at the animal health lab about some of the cuts they've experienced as a result of the government cutbacks and how the University of Guelph agreement has been cut back and cut back. As you read the Ontario Farmer Daily, the University of Guelph talks about how they're going to deal with further cuts and how this government can allow the University of Guelph and the animal health lab to buy used equipment. Why not invest the capital dollars? But, no, we'll force them to buy used equipment. We'll force them to make do with what they've got.

You know, it doesn't just hurt the University of Guelph; it hurts the people of this province. This government has done it over and over again, and I think it's very sad. What's it all leading to? It's leading to this government's response that the farmers have to rely on the farm organizations and the private sector to look after food inspection. I think that's extremely irresponsible of this government, extremely irresponsible of the Minister of Agriculture, because government does have a role to play in food safety. Government has a role to play in the number two industry in this province. Government isn't playing a role in this.

If you want to deal with section 44 tonight and the repeal of the edible oils act, I'll gladly seek unanimous consent. Let's get rid of section 44.

The Acting Speaker: The member's time has expired. Further debate?

Mr Peter Kormos (Niagara Centre): As you know, we've only got 30 minutes per caucus to discuss this bill because of the time allocation motion. The government didn't want to hear debate around—

Interjection.

Mr Kormos: Well, the government didn't want to hear debate around the bill, so the government imposed time allocation, which restricts opposition caucuses to about 30 minutes to deal with a piece of legislation that's going to have some significant impact on a whole lot of very hard-working women and men here in the province of Ontario.

Look, I live in an urban part of Niagara region, no two ways about it, but I was more than proud to hear from our Niagara North dairy farmers when they appeared at this committee. Indeed, I was very fortunate because I joined the committee at one of the critical points in terms of the submissions that were being made. I joined the committee, substituting for Howard Hampton, who is our critic in rural and agricultural affairs, at the point when dairy farmers began their debate around section 44 of this bill.

When they were engaged in that debate by the advocates of the repeal of section 44, I recall that one of the

presenters, a strong advocate in support of section 44 and a strong advocate for the repeal of the Edible Oil Products Act was Lever Brothers Inc—I think they just call themselves Lever corporation. I got an opportunity to see how massive and huge that company is. They not only manufacture food products, they manufacture laundry soap, oil products, everything from soup to nuts, well beyond the scope of edible products, never mind edible oil products, and they were adamant that the Edible Oil Products Act has to be repealed. That was in juxtaposition and contrast to the submissions made by dairy farmers.

I found the submissions made by dairy farmers in support of the maintenance of the Edible Oil Products Act to be just incredibly persuasive, incredibly straightforward and incredibly legitimate, both from the point of view of maintaining and supporting a historic and valuable part of our agricultural industry here in the province of Ontario, and I'm talking about dairy farmers and cattlemen—they call themselves “cattlemen” but I suppose it's cattle men and women. As well, I was impressed by nutritionists who came forward who pointed out, along with others, what edible oil products we really are eating and exploded the myth that somehow the expansion of the edible oil products industry was going to be some sort of a great boon for Ontario soybean farmers. At the end of the day, as was explained to the members of that committee, it's the palm oils and the coconut oils, the imported, very cheap products that are among the more dangerous oils in terms of people consuming them, with their lack of nutritional impact, indeed the health impact of overconsumption of these types of oils. I want to make it quite clear that but for section 44, New Democrats would be supporting this bill; we'd be supporting it in a New York minute.

I was incredibly disappointed in committee. I forced a recorded vote around, do we approve section 44? I wanted to be on the record, along with the opposition party, who clearly took the opportunity to record, and the New Democrats recorded themselves as clearly opposed to section 44. But the government, of course, with its majority, overwhelmed the opposition members and section 44 remains in the bill.

What was interesting was that dairy farmers said, “Look, let the Edible Oil Products Act survive, and indeed, if it has to be addressed from the point of view of doing some accommodation of the edible oil products industry, we can sit down and talk about the Edible Oil Products Act as it stands in and of itself, but don't repeal it.” I couldn't for the life of me understand why the government wouldn't adopt that same logic. That's what dairy farmers were saying: “There may well be stuff to debate”—if I'm wrong, indicate—“around the Edible Oil Products Act. It may well be demonstrated that there needs to be some adjustment to, if need be, enhance the role of the edible oil products industry, but don't repeal the act.”

One of their strong arguments is they had some incredibly persuasive evidence in terms of the types of

packaging people are being confronted with. We saw—I don't know which popcorn it was—the package of microwave popcorn with the big slash across “butter” on the front, and in fact when you look at the fine print there is not a dairy product in it, least of all butter, and once again the types of oils that are being consumed are not soybean. It wasn't soybean oil in that product, as I recall it. It's the sort of stuff that we're hard-pressed to find grown here in Ontario. It was palm oils and coconut oils, the most dangerous oils from a nutrition and health point of view.

We saw a collection of other packaging where, notwithstanding the so-called federal rules, there was an incredibly high level of, quite frankly, consumer fraud being perpetrated, consumers being misled in the most deceitful of ways about the contents of those packages, the contents of the food, especially in the fast-food type of industry. I was impressed with that. That was hard evidence that made the case for the dairy farmers very, very persuasive.

I was very disturbed earlier today to learn—and it could well be somebody mixing up their facts; I understand—catch this, my friends—of the allegation that the government had offered to put this bill into committee of the whole House to repeal section 44, to remove section 44 from the bill, in other words, to maintain the Edible Oil Products Act, but that the New Democrats wouldn't consent. Whoever said that, anybody from the dairy industry, from the cattle industry—and I'm not suggesting it was any member of this assembly; please, I'm not speaking about a member of this assembly, so I can say it—whoever said that outright lied, told the greatest—

The Acting Speaker: The English language has a phenomenal range of words, some of which are not allowed in here, so I'd ask you to retract it.

Mr Kormos: Withdrawn. The penultimate prevarication was performed, I tell you that, Speaker, with no hesitation, and I say to you right here and now that I seek unanimous consent to revert to committee of the whole, where we can put Bill 87 to this Legislature for the purpose of voting down section 44, returning back to the Legislature in this debate, upon which, should section 44 be voted down, New Democrats will cease their debate and support the bill. I put that by way of unanimous consent.

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The Acting Speaker: Mr Kormos has asked for unanimous consent to revert to committee of the whole. Is it agreed? It is not agreed.

The Chair recognizes the member for Niagara Centre.

Mr Kormos: It was the parliamentary assistant to the Minister of Agriculture who didn't want to revert to committee of the whole House so that we could have a second kick at the can and vote section 44 out of this bill. I don't want to put words in the official opposition's mouths, but I suspect—and they may well just by nodding indicate—that they would have been more than eager to do it.

Mr Peters: On a point of order, Mr Speaker: I'm going to give this government one last opportunity to dis-

charge the repeal of the edible oils act. I ask for unanimous consent that, notwithstanding the order of this House dated October—

The Acting Speaker: When there are two of us standing—

Mr Peters: I apologize. I was reading and didn't recognize—

The Acting Speaker: That is not a point of order.

Mr Peters: On a point of order, Mr Speaker: I ask for unanimous consent that, notwithstanding the order of this House dated October 15, 2001, the order for third reading of Bill 87 be discharged and that the bill be referred to the committee of the whole.

The Acting Speaker: Asking for unanimous consent is a point of order.

The member for Elgin-Middlesex-London has asked for unanimous consent to proceed. Is there consent? No, there is no agreement.

The Chair recognizes the member for Niagara Centre.

Mr Kormos: Well, the opposition parties tried, and I suppose that dispels a myth that somebody tried to generate some time over the last 24 hours or so.

We've made it clear. This is not a particularly difficult decision because, as I say, the information put forward was pretty clear and pretty overwhelming. New Democrats are standing with the dairy farmers and with the cattlemen and their families.

Among other things, our view is that that industry is not only historical, but is so important to the agricultural industry overall that it creates more spinoffs possibly than any other single sector in the agricultural industry, and among my constituents are some of those very same dairy farmers. I'm inclined, in the most absolute of ways, to stand with them at the end of the day.

I don't think Mr Marchese, the member for Trinity-Spadina, has a single dairy farmer in his riding. There could be the occasional absentee dairy farmer who lives in downtown Toronto but whose farm is somewhere out in sort of North York—

Mr Rosario Marchese (Trinity-Spadina): But we have a lot of gardens.

Mr Kormos: Mr Marchese says they've got a lot of gardens. I should tell you, I live in small-town Ontario, but it is urban. In terms of farming, my mother's parents were farmers. They were real, bona fide farmers. My father's parents were—well, they were peasant farmers in Europe. I've got to qualify that because although they were farmers, they were peasant farmers. I've been to that part of Europe. As a matter of fact, I've been to the piece of land that they called home, and the size of the piece of dirt that they not only supported their families on but on which they grew enough food and generated enough milk from one cow to earn a few dollars every month—people in Toronto have bigger gardens than that farm was, and still is, in eastern Europe.

But let's understand this is not trivial stuff. We've got to understand that second only to the automotive industry is agriculture here in the province of Ontario in terms of what constitutes our economy. As we see some signifi-

cant erosion of our automotive industry, that agricultural sector acquires more and more significance, again in terms of our economy.

Let's also understand that if we lose our farmers by virtue of beating up on them, if we lose our farmers by virtue of paving over important farmland, if we lose our farmers by virtue of not ensuring that they are paid fair incomes, fair revenues for the hard work they contribute to the agricultural product they create, you're never going to get them back. Then we become victims of the huge corporate farms down in California that persist because of the type of workers they employ and the low, sub-minimum wages they pay that undercut our farmers every day and make significant impacts on the agricultural industry here in Ontario.

I think it's important to protect our farmers because of the intrinsic value that farmers have here in Ontario, that they've had historically, and the fact that they constitute an essential part of our culture. Farmers are an essential part of our culture.

Mr Marchese is going to regale you, Speaker, with excerpts from the auditor's report. To suggest that it's only section 44 that causes concern to the New Democrats about this bill is somewhat, I suppose, hyperbolic. The fact is that we have great concerns about this government's clear commitment to the privatization, the contracting out of inspection services.

Time and time again in this committee, as well as in the nutrient management committee, I heard farmers speak highly of OMAFRA and speak about its staff in high regard and with great levels of trust. Similarly, as they did that, they expressed great concern about the contracting out and the privatization of services in the agricultural sector. I tell you, this bill before the Legislature now, Bill 87, certainly does nothing to relieve that concern about privatization. Indeed, the very structure of the bill is designed to accommodate yet more and more privatization.

The reduced number of inspectors, indeed the abandonment of meat inspection for all intents and purposes other than the handful of provincial meat inspectors left, has in no small part—as a matter of fact, in every significant way—contributed to the crisis that the auditor in this province revealed and disclosed in the meat processing, meat packing and meat marketing industry, in that area that's regulated and controlled by the province. Indeed the concern went from meat to dairy product—specific comments about goat milk—and from the dairy product through to other parts of agriculture: to the fruit industry, to the provision of fruits and vegetables and the fact that there were levels of unsafety, to put it politely, found in that particular sector.

Mr Marchese prevailed upon me to ensure that he had time to speak to this matter. Mr Marchese cajoled me into providing him with sufficient time to present his views on Bill 87. Mr Marchese would be extremely upset with me if I didn't leave him the 10 minutes that I promised him.

Mr Marchese: Ten?

Mr Kormos: Yes, Mr Marchese, 10.

Mr Marchese: What about 13?

Mr Kormos: No, not 13.

Mr Marchese: What about 12? Why don't we compromise?

Mr Kormos: Well, you might get 12. Enough said.

There is nothing equivocal about where the New Democrats stand with respect to Bill 87. Were this government to have assisted us in voting down section 44, were this government to have worked with us in maintaining the Edible Oil Products Act and the protection it provides to the dairy industry, we would have been supporting Bill 87 and we would have been prepared to work with this government and the dairy farmers and, quite frankly, the edible oil products industry in doing any fine-tuning that was necessary to the EOPA. This government ignored the wishes of farmers in this province; this government ignored the best interests not only of farmers but also of consumers in this province; this government ignored the advice of nutritionists who told this government that the increased scope of the edible oil products industry and their utilization of palm oils and coconut oils was going to create new and even bigger health hazards in an already relatively unhealthy culture and society in terms of what we eat, how we eat it and when we eat it. This government had no interest in listening to those folks.

I am extremely disappointed in this Minister of Agriculture. I'm extremely disappointed in his parliamentary assistant. One would have thought, had the Minister of Agriculture had the commitment he purports to have to these farmers, that he could have persuaded the brain trust around him, the Premier, the Premier's office and cabinet to abandon section 44, and that is to backtrack on the repeal of the Edible Oil Products Act.

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Let's understand that at the end of the day, the Edible Oil Products Act repeal is not about soybean farmers; it's about the big corporate manufacturers of that synthetic, oil-based food. Lever Brothers and their ilk clearly have far more clout with this government than do the farmers of Niagara north in Niagara region, or the dairy farmers, not just of Niagara north but of Oxford, or the dairy farmers of Algoma. I listened. I was there when John Hawdon of the Algoma Dairy Producers Committee spoke. He made it quite clear that this government's repeal of the Edible Oil Products Act was a direct attack on dairy farmers. I was there when Gord Coukell, chairman of Dairy Farmers of Ontario, made his presentation. He made it quite clear that this government was engaged in a direct attack on the dairy farmers of Ontario.

I tried to understand why this government would do that, but then I started to realize whom the edible oil products industry is all about, and it's not about the soybean farmers. Soybean is a minor element of the vegetable oil that they incorporate into their products. It's coconut oil and palm oil, cheap and incredibly unhealthy, none of it grown in Ontario, but it's big industry.

New Democrats are not going to stand by while this government beats up on people who have been farming, be they dairy farmers or otherwise, for generations, with the amount of incredibly hard work they have performed throughout the course of their lives and, indeed, generations. New Democrats aren't going to stand by while this government beats up on them, their families, their history, the unique culture they have in this province, in deference to big international and very wealthy corporations. I suspect that the only thing missing—and Mr Marchese may be able to fill in the gap—is just how much Lever Brothers contributed to the Conservative Party of Ontario. Mr Marchese may be able to tell us that. Mr Marchese may be able to tell us whether or not Lever Brothers contributed to the campaign of this Minister of Agriculture. We look forward to his opportunity to take the floor. Once again, we're voting against it, and we're voting against it because of section 44.

Mr Doug Galt (Northumberland): I appreciate having some time. I also appreciate the rotation that's going on here. I do want to speak a little bit on the proposed Food Safety and Quality Act. After Bill 87 received second reading in October, it was ordered referred to the standing committee on justice and social policy for further debate. Last month, the committee held two days of public hearings and heard from numerous stakeholders about the bill. There was indeed unanimous agreement that food safety is a critical issue for Ontario's agri-food industry and that Bill 87 would form an effective backbone for our food safety system.

There were also concerns about the bill expressed by our stakeholders during the committee hearings. I would like to take just a few minutes to discuss these issues with you and share the resolutions that were developed.

One concern that was raised during the committee hearings was the inclusion of goat and sheep milk in Bill 87. Currently, only goat and cow milk are regulated under the Milk Act. The Milk Act was originally written for the cow milk industry and provides for a marketing board to levy penalties and fines. This same system does not exist for goat and sheep milk, which have less-established industries. As the auditor's report indicated, the Milk Act is not very effective for goat milk. In the current system, without a marketing board for goat milk, there are fewer consequences, such as licensing, available to ensure compliance with safety and quality standards.

The goat milk producers have told us that they feel more comfortable remaining in the Milk Act. Sheep milk, as I said earlier, is currently unregulated. A major goat milk processor in Ontario has expressed support of the inclusion of goat milk in Bill 87.

I know that change rarely comes easily, but we feel that goat and sheep milk need to be addressed in the proposed Food Safety and Quality Act. Because these newer industries do not have the marketing organization of the cow milk industry, Bill 87 provides for licensing and other enforcement measures necessary to ensure safety and quality of the milk and milk products of goat, sheep and possibly other species in the future.

Consumers generally are not aware of which act regulates a specific commodity. The fact that the goat and sheep dairy sectors would be regulated under the proposed Food Safety and Quality Act could actually enhance the food safety image of niche market milk products because of better enforcement tools under Bill 87. Retailers both in Canada and internationally are watching Bill 87 with interest and are aware of these new tools.

During the committee hearings and during discussions with ministry staff, the goat and sheep dairy industries have been assured that all the work done to date on developing regulations for their industries will be used as a base for new regulation under Bill 87. I want to reaffirm that commitment and assure goat and sheep dairy producers that they will be consulted fully as regulations are developed under Bill 87.

Some stakeholders have expressed concern that Bill 87 will mean a duplication of efforts, that it will lead to inspections by different levels of government or requirements for more than one licence. Mr Speaker, let me assure them and you that nothing could be further from the truth. We are fully committed to minimizing red tape and duplication of services and will absolutely be keeping this in mind as regulations are developed under Bill 87 in consultation with the relevant stakeholders.

Let me give you an example. There are currently five regulations with provisions establishing requirements at retail stores. One falls under the Edible Oil Products Act and four come under the Farm Products Grades and Sales Act. The provisions deal with matters such as standards for mandatory grading, marking and labelling, marketing, selling and advertising, as well as display signs and product placement. Inspectors representing my ministry enforce these regulations. This does not conflict with the role of the public health inspectors in food retail outlets, which is to check premise sanitation and employee hygiene for compliance with health standards. In fact, regulations that would be developed under Bill 87 would complement public health standards and help contribute to our field-to-fork food safety system.

In addition to Bill 87, there is one other significant OMAFRA initiative linked to improving Ontario's food safety system. Bill 81, the proposed Nutrient Management Act, and Bill 87 have the common goal of improving the competitiveness and the economic activity of the agricultural sector. The proposed Nutrient Management Act addresses the management of materials containing nutrients and other farm practices, including the management of dead stock on the farm. Bill 87 includes the off-farm disposal of dead animals. These two bills are being coordinated to ensure that the appropriate management of dead stock is continued.

The proposed Food Safety and Quality Act would allow us to broaden the scope of Ontario's food safety system to cover more foods, starting at production and ensuring coverage throughout the whole food chain. We must take advantage of recent scientific advances to keep us competitive with the rest of the world. We need to

strengthen enforcement measures to ensure the safety of all people in Ontario.

A number of amendments were made to the bill before it was passed by the committee on justice and social policy. The proposed Food Safety and Quality Act is a very complex and comprehensive bill. Its drafting was a complicated, time-intensive process that involved a dedicated staff working above and beyond the call of duty.

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In reviewing the bill after its introduction in June, it became clear that some of the intentions of the bill were not clearly reflected in it. Many of these issues could have had serious implications regarding the effectiveness of this very important piece of legislation. It is imperative that we get it right. With the amendments passed by the committee, I believe we have done just that.

In the end, our overall goal is to move in a step-wise fashion to a modernized, science-based food safety system founded on the principles of risk analysis and risk management, a seamless system that covers the food chain from field to fork, and a market-friendly system consistent with Ontario's trade responsibilities and industry needs.

I was listening intently to some of the debate that came earlier this evening. I heard the member for Elgin-Middlesex-London criticizing our government for saving money. Some of the farmers who are sitting in the members' gallery this evening I'm sure would not criticize a government for saving money. Every time I hear a Liberal open their mouth about a solution to something, it's always about spending money. We saw what happened during the lost decade, from 1985 to 1995, as they spent and they spent this province into a tremendous debt, a debt that our children are probably going to have to pay off.

He criticized our government about everything from safety nets on. I would point out to him and to his party, which government came through last spring? Was it the federal government? Did they come through, leading? No, not at all. The federal Liberals didn't. It was our Minister of Agriculture. It was the provincial Conservatives who came through with \$90 million to assist the farmers because of hard times. Those dollars within a week or so were in the farmers' pockets from the day it was announced here at the Legislature. That's what the Honourable Brian Coburn was able to do with his cabinet and with his government.

I have the greatest respect for the Honourable Lyle Vanclief, an excellent individual, but obviously he does not have the support of his government behind him. It's very, very obvious when it comes to assisting the farmers.

I also heard him talking about assisting and standing behind dairy farmers. It's pretty obvious; he talked about his distant cousins in Ottawa. I can understand why he'd refer to them as distant cousins. I would disown them if I was in the Liberal Party, heaven forbid.

He talked about puppets voting. I was really quite entertained by that because they have stood up in this

House and voted against every tax cut that has gone through. They've voted against every measure that has come up in finance to spend dollars, to increase health care, for example. There was a point where we went ahead by \$6 billion. Actually, we've increased spending here by \$6.8 billion, \$6 billion of that for health care, while the federal Liberals went behind. But they were prepared to stand up and vote against that increase of \$6 billion, just like a group of puppets standing up to vote against each and every one of those bills as they came forward. I think that's a crying shame. If they'd only been supporting them, imagine where we might have gone with some of those tax cuts. Our revenue has increased, as you're quite aware, by over \$15 billion since we took office. That revenue—I'm referring to tax revenue—is actually a 50% increase. We were sitting at about \$30 billion in tax revenues prior to taking office in 1995, and that has now increased to \$45 billion. As the member mentioned, they have stood up like puppets and voted against each and every one of these. I think that indeed is very unfortunate.

He spent a lot of time talking about misrepresentation, about the buttery popcorn, and the cheese made out of soybean. I think it was unfortunate that he really got on to that because of course this is labelling, and content is a federal issue. Again, he referred to his very, very distant relatives down in Ottawa when he really should have been talking about his very close friends, because whom do they have to come to their fundraisers to speak? They get ministers from the federal government to come to their fundraisers to speak because it's a great image. That's when the family relationships get very close.

Then I was a little horrified to hear him make the statement that he didn't have any confidence in the private sector. I'm sure the dairy farmers sitting here in the members' gallery were a little taken aback by the fact that this individual doesn't have any confidence in the private sector. I have a lot of confidence in the private sector. I'm certainly very pleased that we've been able to move a lot of government activities out into the private sector and to see the advantage and what has been happening there.

He also mentioned 18 charges in one year having to do with food safety. I was sitting here, listening to it and thinking, "Well, if we had 18 charges for murder in the province or a given municipality and if we doubled that, would that mean we're living in a safer province or a safer city?" I don't think so. But they seem to relate many charges to safer food.

I say, working with the milk processing plants or working with the slaughterhouses to improve the conditions, that laying charges is a very poor way of going about measuring whether there's quality there, measuring whether there's safety, but it's an indication of the direction and the lengths they'll go to pull those kinds of things in.

They talked about money. He forgot to mention things like healthy futures, the \$2.7-million support that's been given to dairy farmers of Ontario to work with the

HACCP program, and also the fact that that's going to work up to about \$20 million in actual expense; healthy futures helping in this general area of food safety, some \$6 million in total into various projects.

I think it was interesting and I have to comment on the member from Niagara Centre's not going to stand by and see this kind of thing happening. I thought it was quite interesting that he was trying to pose himself and their party as a friend of the farmers, when I remember back in 1994 they were talking about unionizing the family farm. I don't think there were too many farmers in Ontario who really believed that the NDP government was their friend. Certainly in my riding of Northumberland it didn't matter whether you were in Cramahe township or Murray township or Brighton or Seymour, it was the same story: they did not want to have their staff unionized by the NDP government in Ontario. They just couldn't wait until there was an election to make sure there was no longer an NDP in this province to unionize the family farm. They tried to talk about what a friend they are to the family farm. I don't think the farmers in the members' gallery this evening were buying that one little bit.

This is about Bill 87, food quality and safety. It's an excellent bill that has been brought forward by our minister. I look forward to a speedy passage. I don't think there's any question that we're going to be better off in Ontario. We've certainly had tremendous food products, very safe products, and this is only going to ensure that those products continue in the province to look after our people.

Thanks very much, Mr Speaker. I look forward to the immediate passage of this bill.

Mr Marchese: God bless the member, the good doctor from Northumberland. He's a real trooper, he is, a trooper for this government and for that ministry and for every other minister.

I want to thank my friend from Niagara Centre for giving me some time, because I know how tight we are with time in this place. With this government strangulating debate with one bill after the other in terms of moving closure motions, we have no time to debate anything. So I appreciate the time you gave me.

I do want to correct the record, because the member from Niagara Centre suggests there are no farmers in the riding of Trinity-Spadina, and I suspect that there are many. I want to tell him that there is one person in particular whom he may or may not know, a former Ontario dairy princess who lives in my riding, Sheryl Pollock, for the member of Niagara Centre to know that we have a lot of farmers in our riding.

Mr Kormos: I don't meet them on College Avenue with you.

Mr Marchese: You should go there more often.

But here's what I want to say in response to the good doctor from Northumberland, because he's a real trooper.

Mr Kormos: Are you being sarcastic?

Mr Marchese: Was it detectable?

The Acting Speaker: Order.

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Mr Marchese: The auditor is a person I trust. They're supposed to be neutral, and in my thinking and my experience I have nothing but respect for the auditor in terms of how he treated us and how he treated the Liberals.

Most auditors are there for the express purpose of giving a fair account of what it is that they—he or she; in this case he—see with respect to an accounting of everything they review. So I trust the auditor. I know the government doesn't as much. I know that they hide around this problem and they don't want to talk about it. And yes, they manufacture all sorts of reasons as to why they were or were not doing things with respect to what the auditor said they were or were not doing, and I understand the government would do that.

But this report is damning of this government with respect to food safety, good doctor from Northumberland. You failed to mention once what he talked about. He's damning of you, good doctor—not personally, but of you and all the other members of your government. The auditor says that you are endangering the safety of our food. He says that. The slaughterhouses are not meeting health and safety rules. The auditor says that. It's not the opposition saying these things. I can understand the good citizens watching saying, "It's the opposition, and if the opposition says it, it must be—who knows?—a fabrication possibly, because they are there to oppose." I'm not saying this. It's the auditor who says these things.

What else does he say? He says that in these slaughterhouses there's rusty equipment that's used. We're talking about rusty equipment cutting up that meat that ends up on your plate? We're talking about unsanitary food. We're talking about transporting meat in non-refrigerated vehicles. Can you picture this, those of you who watch this political forum? Can you picture meat being transported in vehicles that are not refrigerated? It ends up on your plate and you may be gobbling it up—not gobbling it up, but eating it in a refined manner, or not. But however you eat it, it ends up in here. Rusty equipment being made to cut up that meat, non-refrigerated vehicles—picture that—and it ends up in your house, on your plate.

This is the government that the good doctor from Northumberland leads us to believe is protecting us all, members and non-members alike, all Ontarians. To hear him speak, they are a model. To hear the auditor, however, we are in serious trouble. The evidence is compelling that our food safety is in jeopardy, and when it comes to trust, I trust him and not the good doctor from Northumberland or the minister or this government.

The auditor says more: the government is failing to inspect milk producers. Everyone drinks milk, with the exception of a couple of people or those who may be allergic, but the majority of people drink milk. The auditor says the government is failing to inspect milk producers. The member from Northumberland, God bless you, you lead us to believe that you're doing a great job. You gotta read it. Take a couple home with you.

Mr Galt: I have a copy.

Mr Marchese: Oh, you do. You haven't had a chance to read it yet, perhaps. The good doctor hasn't had an opportunity perhaps to read the document. The auditor says there is insufficient inspection, lack of proper equipment to detect bacterial contamination, no standards to enforce levels of bacteria. The good member from Northumberland, in talking to the farmers up there—I hope the farmers tell him he should read this auditor's report.

I have to tell you, Minister, we used to have 120 inspectors. We now have eight. It's nothing to boast about. I think you said you're adding another 10—

Interjection.

Mr Marchese: Oh, wait a minute. The minister says it's not true. Is that—

Mr Kormos: It's less than eight. It's worse.

Mr Marchese: Is it less than eight? Was I wrong? From 120 we go to eight inspectors. How can the member for Northumberland or the minister of this important ministry do that? What is the role of government except and no less than to protect Ontarians? What are you doing? What is your job? How is it that you're escaping scrutiny from the majority of people? You should tell Ontarians that we have a problem with food safety, quality, inspections—the whole lot.

They say, "Oh, don't worry. We're going to add 10 more inspectors, and that will do it." And by the way, he says the bill will give greater penalties to those who are violating food safety laws. Well, if you've got eight inspectors and maybe you're adding a couple more—because we went from 120—what does it mean? You can fine them up to a million bucks. So what? If you don't have any inspectors, what are they going to inspect?

Mr Kormos: Is that eight for the whole province?

Mr Marchese: Eight. And you understand that where our leader is from, it's bigger than France. Ontario is a big province. Ontario is three times bigger than Italy. It's a big province. Eight inspectors. How do these people get away with it? What is the role of government except and unless—

Mr Kormos: It's criminal. It's a crime.

Mr Marchese: It is a crime.

He says they're going to allow for alternative levels of delivery, inspection and other services. What this means is that it's opening the door to privatization. This is touted by the government, saying not only, "We're modernizing the safety system," but they're going to bring it to world-class. World-class my—you know what I mean. The auditor has told us how world-class the system of food safety and quality is in this province, and you have trust that these people are going to take us to some world-class levels of food safety in this province? If we're in such a mess now, it's going to get better because of this? Who do you trust, Ontarians? We have a serious problem.

These people said that they saved money by privatizing maintenance service in this province. The auditor said that this was not true. They hired a lot of consultants to give us an opinion saying that they made a 5% sav-

ings, and the auditor says it's not true. They're going to privatize road tests, no less. They're on a road to destroy Ontario. I hope you Ontarians will not allow that.

The Acting Speaker: Mr Coburn has moved third reading of Bill 87. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Pursuant to standing order 28(h), the Honourable R. Gary Stewart would like to request that the vote on Bill 87, An Act to regulate food quality and safety and to make complementary amendments and repeals to other Acts, be deferred until December 5, 2001. So be it.

2020

NUTRIENT MANAGEMENT ACT, 2001

LOI DE 2001 SUR LA GESTION DES ÉLÉMENTS NUTRITIFS

Mr Coburn moved second reading of the following bill:

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

The Acting Speaker (Mr Bert Johnson): We will start debate in clockwise fashion, and we'll start with the government caucus.

Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs): I'll be sharing my time with the member from Northumberland and the member from Haldimand-Norfolk-Brant.

It's my privilege today to introduce Bill 81, the Nutrient Management Act, 2001, to the Legislature for second reading. This bill was first introduced on June 13, 2001, after extensive consultation, probably more public consultation in preparation of this bill than any other bill that has been introduced in this House. The work began long before that, when we were meeting with farmers, environmental groups, municipal officials and rural residents during the winter of 2000 to gather input for this proposed legislation. We were working with our colleagues at the Ministries of Environment and Municipal Affairs and Housing, and we worked extensively, before that, with my colleagues Dr Galt from Northumberland and Toby Barrett from Haldimand-Norfolk-Brant, who had done extensive consultation with stakeholders across this province.

Throughout that period of more than a year, a co-operative spirit prevailed. I want to acknowledge all of

those who worked with us to develop this proposed legislation and to thank them for moving us a step closer to that goal of ensuring that we protect our environment and the future of our agri-food industry and our rural communities.

In the months since Bill 81 was introduced, the standing committee on justice and social policy has held a series of public hearings regarding this bill and it has been through a clause-by-clause reading. Those public hearings reaffirmed what this government knew when it first introduced the proposed legislation: there is a province-wide need for clear, consistent and enforceable standards and regulations for all nutrients applied to the land, to ensure that our agri-food industry and our rural communities continue to thrive together and that our natural resources of land and water are protected. In fact, one of the motions brought forward by the government and passed by the standing committee on justice and social policy was designed to more clearly articulate that purpose. I'm quite confident that this proposed legislation would, if passed, further the government of Ontario's ability to provide that protection.

As part of this government's Operation Clean Water initiative, Bill 81 would put in place preventive measures to address the effects of agricultural practices, especially as they relate to land-applied materials containing nutrients. It would protect the environment and quality of life for all residents of this great province. And it would provide the clear and consistent rules so necessary for farmers, like all businesses, to make sound investment decisions.

Because it would do all this, we believe that the proposed Nutrient Management Act would also provide a strategy to guarantee the future of agriculture and rural development. This strategy would be based upon the best practices that many farmers already use. It would make those voluntary practices mandatory standards. Nutrient management plans, for instance, currently in place on many farms in Ontario, would be required on all new large livestock farms and be phased in over time on all farms. We would require that commercial applicators of these materials be certified. We would phase in a ban of the land application of untreated septage. We would develop the required education, training and certification programs, and work with our partners to deliver these programs efficiently. We would put in place highly trained provincial inspectors who are knowledgeable in agriculture and the environment to enforce the new standards. Finally, because we realize just how complex this issue is, we will involve our stakeholders in the agriculture industry and environmental organizations, in municipal government and with our colleagues in the provincial government in the development of the strategy's framework and its standards, and then phase it in over time.

Taking these steps will ensure the sustainable growth of our agri-food industry, safeguard the environment and enhance rural Ontario's ability to attract new investment. That's because this proposed legislation would give us an

integrated and comprehensive approach to nutrient management in all parts of Ontario.

The proposed legislation would not supersede any of the acts that currently govern our relationship to the natural environment, legislation such as the Environmental Protection Act or the Ontario Water Resources Act. It would, however, supersede municipal bylaws related to nutrient management, ensuring a consistent approach and a clearly articulated set of common goals right across Ontario.

Having said that, I want to make it very clear that the province does not want to be in conflict with the wishes of local municipalities. In fact, municipalities are encouraged to help develop the standards, so that the standard for a given category that is put in place is the right standard.

As I have already said, Bill 81 would build on the successes and best practices of our farmers. Bill 81 would also focus the efforts of the agriculture industry, municipalities, the Ministries of Agriculture, Food and Rural Affairs, the environment and other partners in government and the community. That is a key point, because the best way to achieve a common goal is to work together.

We have learned, through the Managing the Environment report, that to properly manage our environment we need a new, concerted approach that recognizes the responsibilities, the expertise and the resources of all those involved in this issue, whether they be provincial ministries, municipalities, industry stakeholders or members of the scientific community. That report also tells us that legislation by itself is not enough to protect our environment, that we need a broader approach, including education, certification and research. That is indeed the type of approach that we are taking with Bill 81.

We also know that different types and scales of farm operations pose different risks. This proposed legislation would recognize those differences by supporting an innovative approach and an interdisciplinary and multi-sector framework.

As you know, most Ontario farmers are good environmental stewards and good neighbours. But farming practices, like everything else, have changed dramatically in recent years, as economics demand and technology encourages ever larger farming operations. And as with any business, there are risks associated with farming that must be managed. For instance, nutrients are needed to grow our crops. Manure, biosolids and other materials have beneficial properties but, if mismanaged, they can also pose risks. These materials must therefore be properly managed. The pressure is on from our agricultural community to do just that. People everywhere are increasingly interested in and concerned about the environment, seeing it as a key element in the quality of all our lives.

The proposed Nutrient Management Act would address those concerns by ensuring strict controls around the land application of materials containing nutrients, requiring mandatory nutrient management plans and setting

seasonal and timing restrictions, setback requirements from drains, waterways, wells and buildings and quality criteria and testing requirements, and ensuring that they're adhered to.

The bill would establish provisions for alternate service delivery of activities such as the review and approval of nutrient management plans and the operation of a registry for those plans to ensure that we act in the most effective and efficient way possible for the benefit of all residents of Ontario.

Mr Speaker, just bear with me for a moment so I can reiterate what I have just said: this proposed legislation would provide the government of Ontario with the option of pursuing alternative service delivery if that is deemed to be the most efficient and cost-effective way of providing that service. It is, I believe, the responsible thing to do, given that the economy is beginning to slow. The only other restriction on that is with respect to the enforcement portion of this bill, and it is written into the bill that that enforcement will be done by the government.

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I have already mentioned that when we spoke to our stakeholders, they told us they wanted this type of legislation. They also told us time and time again that they wanted strong provincial enforcement of this legislation, and that's why the proposed legislation would provide for provincial officers, highly trained in agricultural and environmental issues. It would give those officers powers of inspection and investigation powers consistent with those given to provincial officers under other provincial environmental legislation.

That combination of awareness and authority would ensure that the regulations are enforced fairly, for the good of the industry and for the good of the environment. At the same time, Bill 81 would establish the right to appeal. Lastly, the proposed Nutrient Management Act would have provisions for a local advisory committee to be created to promote awareness of the new standards and mediate local conflicts as required.

To this point, I have been speaking only about what the proposed legislation would accomplish here in Ontario. But it will also realize benefits outside this province, in the global marketplace. All around the world, consumers want assurance that the foods they are eating are not just of high quality, are not only safe, but also that these foods have been produced with environmentally sustainable practices.

The proposed legislation would provide consumers with the certain knowledge that the agri-food products from Ontario are safe, are of high quality and that our production practices are sustainable. That knowledge would come from having clear, consistent standards and regular audits and on-farm inspections. Ontario's farmers would have, once again, raised the bar.

There are, of course, costs associated with reaching that next level of quality and safety, but Ontario's farmers know that every sound investment yields a return. That's why so many producers have already

voluntarily invested their money in environmental stewardship. Farmers know that by adopting this proactive approach, they are ensuring that valuable resources are being well managed and that every farmer is on the same page. Ontario's reputation as a producer of outstanding agri-food products will be greatly enhanced.

That means a better business climate in which to operate. That means farmers would have an enhanced ability to make sound investment decisions and would reap the benefits of those decisions. I have to point out that when farmers prosper, rural communities prosper. In fact, given the size of our agri-food industry, the province's third-largest, when farmers prosper, all of Ontario prospers. The government of Ontario is very much aware of that, and that is why we are so firmly committed to Bill 81.

The proposed Nutrient Management Act, 2001, would without a doubt safeguard our environment, boost our agricultural competitiveness, enhance the existing business climate in rural Ontario and allow each and every one of us who lives in this great province to enjoy a quality of life that is second to none.

The Deputy Speaker (Mr David Christopherson): The member for Northumberland.

Mr Doug Galt (Northumberland): Thank you very much, Mr Speaker, for the opportunity to speak on this most important bill, the proposed Nutrient Management Act, 2001. I have been spending considerable time, well over two years now, being involved in consultations and working our way to this point. I certainly look forward to having this passed before the House adjourns in this session.

My colleague the Honourable Brian Coburn has already explained why the government of Ontario introduced this proposed legislation and the benefits it would bring, both in terms of agricultural sustainability and environmental protection.

I'd like to take a moment or two to explain why we are so sure that this is the right thing to do, the right way to do it and the right time to do it. First of all, the government of Ontario recognized that some pretty dramatic changes were taking place in rural Ontario. For the first time in decades, more people were moving to the country than were moving to the city. In fact, as it now stands, fully 25% of Ontario's population lives outside its urban areas.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: Can you have the Clerk check, as there doesn't appear to be a quorum?

The Deputy Speaker: I'm hearing a call for a quorum check. Would the Clerk see if there is a quorum, please.

Acting Clerk at the Table (Mr Douglas Arnott): Quorum is not present.

The Deputy Speaker ordered the bells rung.

Acting Clerk at the Table: Quorum is now present, Speaker.

The Deputy Speaker: The member for Northumberland may continue.

Mr Galt: Farming itself has changed as well. It is intensifying and individual operations are getting larger. Municipalities have tried to deal with the growing pressures on rural Ontario through bylaws, which have unfortunately created a piecemeal approach and have in some cases resulted in conflicts. It creates a real dilemma for our municipalities. Bill 81 would solve that dilemma by putting in place clear and consistent rules that must be adhered to, rules, by the way, that work with existing environmental legislation. Farmers, like everyone else in this province, must follow the dictates of the Environmental Protection Act.

Should Bill 81 be passed by this House, farmers will still have to follow the dictates of the Environmental Protection Act. In fact, the passage of Bill 81, the proposed Nutrient Management Act, 2001, would ensure that all farmers in Ontario, no matter where or what they farm, would be subject to standards and regulations when it comes to managing the nutrients, including manure, that are applied to agricultural lands. It was in fact the farmers themselves who asked for this legislation. Farmers, their commodity leaders, their organizational leaders, all of them asked the government of Ontario to take the lead on this very difficult issue.

But they were not the only ones making this particular request. Municipal officials and leaders, rural residents and environmental groups all turned to the government of Ontario for the leadership required to turn a piecemeal patchwork of bylaws into a clear, consistent and province-wide approach to nutrient management. Before we could lead, however, we had to be sure of where all these people wanted to go. It was my privilege to co-chair, along with my colleague Toby Barrett, province-wide public consultations regarding the issues surrounding nutrient management.

Prior to getting on the road, we produced a green paper—it's two years ago now that that green paper was produced—to give farmers, environmentalists and other stakeholders some idea of the problems, the need and what was happening out there. Then we went on the road to some four communities in western Ontario and two in the east, and also had telephone conference calls with several farmers in the north. We heard some 140 oral presentations from delegations representing farm organizations, environmental groups, individuals, municipalities, planners, medical officers of health and provincial stakeholder groups. I can tell you, at some of those sessions it was a bit like a powder keg, because we had people in the room who were on both sides: those who were concerned about how the nutrients were being applied and the odours that went with them, and of course the farmers—at least some of the farmers—saying, "You're going to interfere with our ability to farm and spread the manure produced by our animals."

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We also received some 200 written submissions from individual farmers, farm organizations, municipal officials, environmental organizations, citizens and agribusinesses.

We studied other jurisdictions in Canada and the United States, as well as in Europe.

In September 2000, we brought together the Ministers of Environment, Municipal Affairs and Housing, and Agriculture, Food and Rural Affairs, along with farm and commodity leaders, representatives of environmental and rural groups and municipal officials for an intensive day-long meeting. The purpose was to ensure that the ministers most involved with the issues heard first-hand from those most affected. I might add that not only were the consultations going on with the politicians, but also staff in the ministry made several rounds around Ontario to consult and discuss aspects of this particular bill. Time and time again, the message we received was that the time had come for nutrient management legislation, that it was needed and that to be successful, any approach to nutrient management would have to be province-wide, based on clearly articulated standards, cost-effective and enforced by the province.

That is the approach we took when we drafted this proposed legislation. As the House knows, immediately after first reading of this proposed legislation, additional input from the public was sought through the Environmental Bill of Rights registry and the standing committee on justice and social policy. Nine days of public hearings were held in nine different locations: Toronto, Caledonia, St Thomas, Chatham, Clinton, Owen Sound, Kemptville, Peterborough and North Bay. Again, the public delivered the same message. Those who took the time to address the standing committee are highly supportive of this proposed legislation. They are pleased by the fact that Bill 81 would allow for the creation of local advisory committees. They agree with the government's intention to develop education, training and certification programs. Above all, they agree that they want to be very involved in the development of standards and regulations under this proposed legislation. In short, this legislation is timely; this legislation is needed.

The same committee also went through Bill 81 clause by clause. Twenty motions were brought forward; five were passed. The Minister of Agriculture, Food and Rural Affairs has already spoken to the first of these motions. The purpose of the proposed legislation is now more clearly articulated, and reads as follows:

"The purpose of this act is to provide for the management of materials containing nutrients in ways that will enhance protection of the natural environment and provide a sustainable future for agricultural operations and rural development."

The first clause, referring to geophysical studies, was reworded to provide a clearer listing of the kinds of scientific studies landowners would need to do on their soil and water: what might be included in such a study, the qualifications of the people carrying out the studies, and the requirement to follow the recommendations from those studies. The government wanted to make this change to ensure that everyone will know what would be needed to ensure compliance with the law.

Second, another section was amended to better reflect the realities of rural mail delivery, allowing five days for delivery rather than three. This change also brings Bill 81 into alignment with the requirements under the Environmental Protection Act.

Third, we amended the bill to include a specific requirement for inspectors to follow procedures with respect to biosecurity on farms. We heard repetitively, particularly from livestock owners—in my background as a veterinarian, I certainly empathize with their concerns about biosecurity and what kinds of conditions or diseases, particularly infectious conditions, might be carried from one farm to another. As a good government would, we responded to those concerns and brought that into amendments for this legislation. Our government recognizes that as much as we must take steps to protect our environment, we must also, and at the same time, take steps to protect the livelihood of our farmers by making sure that anyone entering a farmer's property does not inadvertently spread diseases.

All this says to me that the proposed Nutrient Management Act, 2001, reflects the will of the people of Ontario, because it would enable us to draft standards and regulations governing the application of materials containing nutrients on agricultural land and because it would not only ensure the continued success of our agri-food industry but also protect the quality of our natural environment.

When it comes to the drafting of the new regulations, that too will be done in consultation with those people most affected by them. We will seek input from farmers and their organizations, from environmental groups, from rural residents and from municipal officials. In fact, we will listen and give consideration to every individual who wishes to comment on the regulations.

It is important to remember that this proposed legislation is risk-based and will focus a greater level of attention and resources where the risk to the environment is the greatest. That's why this legislation would provide a framework to phase in standards over time, according, for example, to the size or location of the agricultural operations or according to the types of practices carried out. While all farms would eventually be governed by new regulated farm practice standards, the first category to comply with those standards will be newly constructed or expanding large livestock operations. This is simply common sense. What better time to incorporate new technologies around manure storage and handling facilities, for instance, than during the original construction?

But as I have already said, our first step following the passage of this proposed legislation is to go back to the farmers, the environmentalists, the municipalities and the rural residents to develop the standards and the regulations that will make this bill effective in consultation with those who would be most affected by them. We recognize that this proposed legislation would have implications for farmers, municipalities and others, and we are committed to fully understanding those implications.

When I began my remarks, I said that I would like to explain why the government of Ontario is so confident

that the proposed Nutrient Management Act, 2001, is the right piece of legislation for this province and that this is the right time to introduce this legislation. We set out to do the right thing in the right way, and I believe we have done, and will continue to do, just that.

I've often heard the member from Elgin-Middlesex-London comment about lack of consultation. Nothing could be further from the truth, particularly on this piece of legislation. There has been extensive consultation over two-plus years. It's time for the legislation to be passed. The consultation has been very thorough and I'm very confident that we do indeed have a piece of legislation that our government will be very proud of. I'm sure the farmers, once they get working with it and see the regulations, will see how practical it is and will look forward to working within those regulations.

Thank you for the opportunity to speak. I look forward to Bill 81 being passed prior to the Christmas break.

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Mr Toby Barrett (Haldimand-Norfolk-Brant): I wish to debate Bill 81, the Nutrient Management Act, in the context that life in rural Ontario has changed significantly over the years, and agriculture and agricultural operations have changed as well.

I grew up on a truly mixed farm, with a variety of crops. We had dairy, beef, broilers, I had a laying hen flock, and we had a few hogs—a six-sow barn, with six or seven piglets and, by the end of the year, maybe 100 piglets. Actually, as a youngster I wasn't counting; my job was to shovel, in those days. But at that time we had six sows and we were running 600 acres. Today, just to use this by way of example, we're now seeing operations of 2,500 or 4,500 hogs, perhaps on 600 acres; sometimes on less, sometimes on more.

There have been concerns, and in some cases there have been conflicts between farming and non-farming interests. Our government has made it a priority to find a way to address these concerns and determine balanced solutions that would recognize both the required economies of scale and the productivity that's so necessary in agriculture today, while at the same time meeting the needs of rural and small-town Ontario.

In the fall of 1999, I became involved in the Huron county hog farm debates as parliamentary assistant to the Minister of the Environment. As recently as just last Friday in my constituency office, I continue to hear from both sides of that debate, in this case with respect to a large hog operation planned in Norfolk county.

For the last three years, I've been meeting stakeholders and chairing the meetings across the province that we've heard about this evening, meetings originally on intensive farming and, subsequent to the Walkerton situation, nutrient management in general and its effect on the quality of our water in the province.

Farmers and non-farmers alike have concern about the environmental effects of intensive agricultural operations, most notably the effects on water. Farmers, municipalities and environmentalists have also been telling us for quite some time that provincial legislation is needed.

Again, people have raised other environmental and quality-of-life issues. Questions come up. For example, "Will my property values be affected by odour or dust emanating from some of the larger operations?" What came up at these meetings in many cases was, "As a society, what role do we want agriculture to have in our community?" Another question that came up: "Does agriculture receive special treatment when its impact on the environment is measured?" With respect to that question, by the way, I can answer that one right now: most definitely not. Over the course of these consultations, I took the opportunity to address that question when it was raised. Very clearly, no one in Ontario has the right to pollute, and this of course includes farmers.

No matter where we live in the province and no matter how we earn our living or where we spend our leisure time, each and every one of us is subject to the same regulations and the same laws that prescribe penalties for polluting. However, farms, in order to remain competitive, continue to get bigger. Fifteen years ago, there were close to 13,000 hog farms in the province; today, about 3,500.

Just as the typical farm is changing, so too is the public's long-standing perception that views the farmer as steward of the land. A more commonly held community view these days is that some of the more corporate farms make management decisions with less concern for the environment or the community than would a family farmer. This is an issue that needs to be debated; it needs resolution. A bit of public information is certainly required. This is part of our goal. That goal can partly be achieved through the development of comprehensive legislation and regulations that balance the rights and needs of the farmer with those of rural residents, rules and regulations that also safeguard our water, our air and our land.

Last year I co-chaired the task force that was mentioned this evening. I co-chaired with the member for Northumberland, Doug Galt. We held meetings with more than 700 people, we listened to 140 presentations, 200 written submissions came in and 400 completed questionnaires were submitted. We heard from people on all sides of the issue. The hearings were kicked off in Burford, down in my riding. We travelled on to Glencoe, Clinton, Orangeville, Chesterville and Hastings. Delegations were also received at both the Rural Ontario Municipal Association and the Association of Municipalities of Ontario. We have heard from municipalities at every stop along the way because, to date, municipalities are on the front lines. Municipalities are grappling with these issues through building permits, minimum distance separation guidelines, official plans and, in many cases, nutrient management bylaws.

More recently, we saw another round of hearings across the province of Ontario. This September I was asked to chair provincial consultations, an all-party tour by the standing committee on justice and social policy. We first went to Caledonia, on to St Thomas, Chatham, Holmesville—down in Huron county—Owen Sound,

Kemptville, Peterborough, North Bay, and hearings were also held in Toronto. We heard submissions from 150 different groups and individuals. Again, I travelled with the member for Northumberland, as well as the member across the way from Elgin-Middlesex-London, as well as MPPs from all three parties.

What we hear from Ontario farm organizations is that they support the need for provincial legislation that would enforce standards for all agricultural operations. We all know that farmers traditionally have been good stewards of the land and are viewed as caretakers of our air, water and soil resources by voluntarily employing environmentally sustainable practices. For example, more than 16,000 farmers have developed and implemented environmental farm plans to enhance their stewardship, and where there were costs associated with those enhancements, farmers met them. Farmers do care about the environment and take care of their land, and they agree that provincial legislation is required, in particular to deal with those who perhaps choose not to operate in an environmentally sustainable fashion.

Our government has been working with stakeholders for some time to limit any of the negative effects on the environment from agricultural operations. The process began in many ways with these voluntary undertakings, such as environmental farm planning and the adoption of best management practices. In the meantime, interim control bylaws regarding nutrient management have been developed and are in use in many municipalities. However, the need for provincial legislation is key to ensuring not only clarity but also consistency across our province.

Currently, the land application of materials is governed by an array of legislative and regulatory provisions, guidelines, voluntary best management practices and what essentially is a patchwork of municipal bylaws and official plans. One thing I noticed throughout the extensive consultation sessions was that although there was a tremendous variety of solutions and approaches, there really was no single approach that addressed everyone's concerns.

Economics, technology and demand are certainly encouraging ever-larger farming operations.

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As I stated before, there is a community view held in many areas that some of the more corporate farms make management decisions with less consideration for the environment or the community than would a family farmer. As well, a large number of animals in one place raises concerns about the ability of certain soil types or topography to absorb and retain nutrients. For example, down my way in Norfolk county, county council is meeting late tonight, as we are, to deal with a couple of large hog operations that have been approved municipally on the Norfolk sand plain, operations that are in the process of being built near the town of Simcoe's source of drinking water.

As well, when you get a proposal like the one we're dealing with in Norfolk county, it gives rise to a number of myths and half-truths that are out there relating to

nutrient management. For example, it should be pointed out that hog operations do not lead to the type of E coli problems that we saw in Walkerton. My office certainly has received a number of calls concerning E coli. We take the opportunity to set the record straight that while dangerous E coli has been found in some cattle, it is not found in hogs.

Resolutions to conflicts surrounding intensive farming and other environmental concerns are needed. That's why I feel very strongly about the implementation of this act. This legislation will not only safeguard our water supply but will also ensure the continued sustainable prosperity of our agri-food sector, which, as was mentioned earlier, is a key contributor to Ontario's economy.

Research has been conducted as to how other provinces, American states and European jurisdictions have dealt with these issues. Other areas are following a variety of approaches, depending on the state of the environment, the planning and regulatory framework, and the diversity of their agricultural industry. For example, the Netherlands, Denmark and Quebec have all developed legislation that includes strict limits on the number of animals per farm and requires remedial plans. In both the provinces of Manitoba and New Brunswick, their framework requires proactive management by farmers and government to address concerns about intensive operations.

The difference in environmental rules from jurisdiction to jurisdiction can have unexpected consequences. For example, a Guelph study last year found that 88% of Dutch dairy farmers who recently moved to western Ontario cited Dutch environmental rules as being a major reason for their decision to move here.

The Nutrient Management Act does respond to the consultations that Dr Galt and I held last year and the consultations through the standing committee hearings that I chaired this fall. In addition, last winter I had the opportunity to attend many, many farm meetings down in my rural riding of Haldimand-Norfolk-Brant. The issue of nutrient management was front and foremost at many of those meetings. Many of the concerns that I heard centred around the idea of everyone being treated equally. Of course, I heard about the costs associated with conforming to new standards. This is a concern, for example, with cow-calf operators running a herd out of a barn. Some are the kind of barns I have on my land, an existing hundred-year-old barn, and there are concerns to upgrade those facilities to new standards. I know that last winter this was of particular concern to the Haldimand County Cattlemen's Association. More recently, in our hearings, that concern locally came forward from the Haldimand Federation of Agriculture when we held meetings in Caledonia.

While farmers agree that provincial legislation is needed with regard to nutrient management, many fear the costs associated with complying. There is a concern that new standards will force many out of business. It's my understanding that our government will work with stakeholders to examine all the implications to farmers,

as well as the implications for municipalities and others, as the regulations are developed.

The Nutrient Management Act will set clear new standards for all land-applied materials—materials relating to agriculture, of course, such as livestock manure and commercial fertilizers, but in addition, standards will apply to municipal sludge, the issue of septage, and industrial pulp and paper biosolids. Under this legislation, municipal responsibilities would be clarified and new standards would replace the patchwork that I made reference to before.

It would also allow for the creation of local advisory committees. This is something that I advocate for and feel very strongly about. Local advisory committees can also promote the awareness that is required with respect to the new rules and mediate local nutrient management non-compliance-related issues. This is important. We have also done a great deal of consulting on this issue, but it is vital that we continue to maintain these strong contacts with stakeholders, for example, as regulations are created, so that we can be kept apprised of any changes or issues that may arise in the future from this legislation.

We must also allow the public to continue to be a part of the process. In doing so, farmers, environmentalists, municipalities and the general public will support this legislation. No matter where we live or how we spend our leisure time, I think we all realize that clean air and clean water are things we all cherish.

As our government moves forward with the implementation of this bill, we must continue to research, study and understand new technologies and new approaches to nutrient management to ensure we don't fall behind. I think of a lot of the groundbreaking work that's being done with composting, by way of example. Time and again, I have certainly explained to my constituents that this is a complex issue. It does have far-reaching impacts. I continue to consult with stakeholders in order to get this piece of legislation in place. As I mentioned, I began meetings three years ago, and as recently as last Friday I continue meetings.

While we await passage of this legislation, our government continues to introduce measures aimed at ensuring environmentally sound decisions for all of Ontario's farm operations. In my riding, Haldimand-Norfolk-Brant, very recently I was pleased to join the member for Oxford, Ernie Hardeman, to announce funding for a detailed groundwater study. This money will flow to Norfolk county to conduct a groundwater study on the Norfolk sand plain, a sand plain that bridges the counties of Norfolk, Haldimand and Oxford. The study will help map wellhead protection, an issue that is certainly of great concern to people in the town of Simcoe: to map areas where municipal wells are located and to identify other sensitive groundwater areas and catalogue potential risks. Contaminants will be inventoried and surveys will record how water is used. Aquifer recharge and discharge areas will also be mapped. This information will help the municipalities down our way develop and implement protection strategies at source.

I will add as well that this money is part of the largest single investment in groundwater source protection in the province's history. In fact, Environment Minister Elizabeth Witmer, who is here this evening, announced \$10 million in funding for municipal groundwater studies this past August.

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I mentioned the large operations being planned in Norfolk, outside of Simcoe. In the absence of a Nutrient Management Act, some residents of Norfolk and recently the Norfolk county council have requested environmental assessments. As these assessments are usually reserved for larger industrial operations, I have taken it upon myself to request from our Ministry of the Environment that a special designation be in place so that the numerous requests for environmental assessments could be considered. Again, this is a measure, perhaps a desperate measure, on behalf of people because they feel the municipality and municipal jurisdiction is not enabled to deal with some of the serious problems that are perceived in that area; hence the need for the passage of this particular provincial legislation.

As I chaired committee hearings to consider amendments for this legislation, I was very pleased to see an amendment—

Mr Steve Peters (Elgin-Middlesex-London): What happened to the Liberal and NDP amendments?

Mr Barrett: I'll make reference to—it's a government amendment, actually, not an amendment from the other side.

Interjection.

The Acting Speaker (Mr Bert Johnson): Member for Elgin-Middlesex-London, come to order.

Mr Barrett: I hear the concerns from the member from Elgin-Middlesex-London. In fact, the member and I did travel the province recently on these hearings. I do wish to focus on, albeit a government amendment, an amendment that was passed. I wish to quote this amendment. I think the wording will allay some of the fears that people have, and the concern for the unknown with respect to what's under the ground and what our water is doing:

“(r) [requiring] that studies be conducted in relation to the use of materials containing nutrients on lands, including topographical studies and studies to determine soil types on those lands and studies to determine the depth, volume, direction of flow and risk of contamination of water located on, in and under those lands.”

Further, this amendment says:

“(r.1) requiring that the studies mentioned in clause (r) be conducted by a person who has the prescribed qualifications;

“(r.2) requiring that the recommendations, if any, contained in the studies mentioned in clause (r) be followed in the use of materials containing nutrients on the lands being studied.”

It's a lot of legalese, I admit, but however it is worded, this amendment is an important part of the legislation, again ensuring that we can make decisions on the impact

of any farming operation or any operation that, for example, is spreading municipal sludge on land, spreading pulp and paper biosolids, or spreading septage. Studies can be in place to explain to residents where the water is under the surface of the land, where the water is flowing, and to what extent the spreading of nutrients may have a detrimental environmental impact on that water.

I am eager to see Ontario aggressively protect the quality of life that we all enjoy, and I'm just as eager to see our province continue in its leadership capacity when it comes to environmental stewardship. Bill 81, this Nutrient Management Act, responds to the concerns of stakeholders. The response is in keeping with what I have heard, what Dr Galt has heard, and what Steve Peters has heard over the last few months. We feel, certainly on the government side, that this legislation ensures that Ontario's future will include a competitive agri-food industry that provides us with safe, high-quality food, food that is produced in a clean and healthy environment.

I thank you for the opportunity to address this legislation.

The Acting Speaker: Comments and questions?

Mrs Lyn McLeod (Thunder Bay-Atikokan): I listened with considerable attention to the presentation of the two government members on this nutrient management bill. I guess one of the concerns I had is that as they addressed the number of issues of concern that had been raised during the course of the hearings, they neglected to mention that members of our caucus had put forward amendments which they felt would address a number of those concerns, and all those amendments were voted down.

One of the issues raised by the last speaker was the fact that Bill 81 says the government may introduce regulations. Members of our caucus felt it was very important that farmers, as well as all those who are concerned about the environmental impact of nutrient management, understand what those regulations would be before the bill is passed into law. There are a significant number of unanswered questions that should be addressed before this bill is passed as basically a blank slate for government regulatory activity.

One very crucial example of a regulation that needs greater clarification is the question of whether or not there are going to be different regulations for different-sized farms. This is a one-size-fits-all bill as it stands now, and one-size-fits-all policies are not going to do justice either to the environmental needs of nutrient management or to the realities that face farmers.

The member for Haldimand-Norfolk-Brant spoke about his recognition of the fact that this bill could entail some hardships for farmers but that he was assured his government would work with farmers in order to manage those hardships. We are less confident about that, because we've seen too many situations—the other one being earlier this evening, the food safety bill—where the expectation is that the farmers themselves are going to pick up the added costs of the government's new-found environmental consciousness.

Lastly, we're very concerned about the openness to privatization that this bill, amongst so many other bills presented by this government, presents.

Mr Bisson: I listened very intently to the minister, the parliamentary assistant and the honourable member from Haldimand-Norfolk-Brant, and I still have some of the concerns I had at the beginning of the entire process of developing this bill.

First of all, I think most of us in this Legislature, if not all, agree with the concept of what the government is trying to do with the bill. I don't think anybody argues. The difficulty, however, is that if you take a look at the bill, much of what this bill is going to do is by way of regulation. Part of the difficulty I have is that like many of the bills that have come through this House in the time of this government, they leave most of it, as far as the guts of the bill, to the decisions of cabinet by way of regulation.

We're being asked, as members of the assembly, to vote on a piece of legislation that we can support in principle, but when you look at the details of the bill, much of the teeth of what could be in the legislation and how it's going to operate is going to be done by regulation. I as a legislator often worry when the government does that. It really puts us in an awkward position. I would call on the government to clarify much of what should be covered off in the bill away from regulation into legislation.

The second point I want to make is on the issue of privatization. The bill in itself, I think, gives an ability, if you read it the way it's intended, to give an increasing role to the government to privatize much of what is currently done by way of inspection. I worry about that, because I read the auditor's report, as government members read the auditor's report. What the auditor has said, quite frankly, is that the privatization route hasn't worked for this government. The government has done it under the guise that we're going to save money. We haven't saved money, says the auditor; there's no proof of that. In fact, it's costing us more and we're not any safer. If you look at the whole issue of food management, water etc where we have privatized, we're at higher risk. So I say to the government, I'm nervous about that particular part of the bill, and they should clarify that in their comments.

Mr Steve Gilchrist (Scarborough East): I just want to say very briefly to the member from Haldimand-Norfolk-Brant, once again, that I'm extraordinarily impressed at his grasp of all things agricultural. I'm indeed privileged to serve in a caucus that represents interests, not just in the big cities and medium-sized cities and towns in Ontario, but has, without a doubt, the broadest grasp of the issues that affect farmers and rural communities.

I think the member has clearly laid out the reasons to vote in favour of this bill. I appreciate his comments, and I'm certainly going to be supporting this bill strongly.

Mr Michael Gravelle (Thunder Bay-Superior North): I think that, indeed, this is a very important piece

of legislation. The management of farm waste and other nutrients obviously is something of extreme importance.

The concern we have, and I think it's a very legitimate one, is that ultimately we have a piece of legislation that is somewhat an empty shell. We know, and the government will acknowledge, that all the vital aspects of this legislation will be determined through regulations which will be set down months after the legislation has passed. I do think the people of this province, who I presume are also very concerned about this whole issue, would like to have more details and understand better how the legislation is going to work.

2120

There is also a phase-in period of up to five years for some very vital aspects of the bill. I think that's also a great concern. Certainly the possibility of the privatization of some aspects of this legislation, in terms of training, granting permits, keeping records and setting fees, gives us a little bit of concern as well, because we also believe this is something that should be handled very much by the public service.

We have a piece of legislation that I think we all acknowledge is important. I know that all members of the House worked very diligently on this piece of legislation, and my own colleagues will shortly be addressing some of their concerns. But we think it's absolutely crucial that we understand exactly what is in the legislation before we are asked to support a piece of legislation that's so important.

I trust that the government members who have just spoken would also acknowledge those shortcomings. Legislation in this regard is something the farming community and municipalities and others have been calling for, and I would like to think they would also want to understand better what they are going to see before this is passed into law. Those are concerns we have and concerns we intend to continue to express.

The Acting Speaker: The member for Northumberland has two minutes to respond.

Mr Galt: I was interested in the comments of the member from Scarborough East and his brilliant insight into the comments made by the member from Haldimand-Norfolk-Brant. It was very thoughtful on his part.

I was extremely disappointed in the member from Thunder Bay-Superior North referring to manure as waste. This is a resource. It just indicates his lack of understanding and lack of knowledge of what we're really dealing with.

Then I was listening to the ongoing rhetoric from the member from Thunder Bay-Atikokan, the member from Timmins-James Bay and the member from Thunder Bay-Superior North talking about no regulations. I would challenge them as to which bills they brought forward in their governments that had the regulations in them in advance of the bills being passed. They understand that the bill has to be passed to give the authority to write the regulations. They're trying to get the cart before the

horse. I know what the object is; it's to embarrass the government. But they're not being very successful at it.

I listened to this "one-size-fits-all" from the member from Thunder Bay-Atikokan, talking about the nutrient management plan. That's why it is a nutrient management plan and that's why we're passing this, so it can be a plan brought forward by the farmer and approved by an engineer with the Ministry of Agriculture, Food and Rural Affairs. That's the design of it, so there is some flexibility in it, the ranges from New Liskeard to Chatham to Kemptville, because they're different. Temperatures are different; soil types are different. The kind of sensitive areas and how those sensitive areas are protected or not protected are all taken into consideration. So there's a real lack of understanding on their part of the legislation that's being passed.

The Acting Speaker: Further debate?

Mr Peters: I'll be sharing my time this evening with my colleague from Hastings-Frontenac-Lennox and Addington.

Generally I'm pleased to stand up and speak to a bill. I honestly thought that what we were going to see in front of us tonight was a good piece of legislation. I thought that through the debate and through the opportunity we had at committee, it would be a good piece of legislation. But I look back to September 2000, when I was appointed as critic. We called on the Minister of Agriculture at the time, Ernie Hardeman, to introduce this legislation. We called on the current minister, Mr Coburn, to introduce this legislation. Finally, we saw it. Do you know, I honestly believe we've got to do everything we can to support the agricultural industry in this province. We need to ensure that the agricultural industry in this province is playing on a level playing field, be it from Windsor to New Liskeard to Ottawa to Kingston to St Thomas. We need province-wide rules to govern the operations of agriculture in this province.

I've watched agriculture under siege in this province, agriculture being attacked in an unprecedented way, like it never has been before. We've got business people all across this province, from the number two industry in this province, that are willing to invest money, invest in the agricultural operations in this province and make substantial investments into our economy. Yet time and time again they're challenged, be it at the local level, or challenged in court, as west Perth, like in your own riding. We've got a hodgepodge of bylaws across this province. We've got municipalities that have implemented interim control bylaws, and extended those bylaws. Those bylaws are running out.

Our leader, Dalton McGuinty, our party, and myself as critic have called on the government to come forward with this legislation. We've asked for tough and stringent legislation that's going to protect the groundwater, protect the surface water, but most importantly, protect the environment of this province. At the same time, as we call for this legislation, we need to ensure that we're going to protect the viability and the sustainability of the number two industry in this province.

This legislation has been a long time in coming. We watched the Galt-Barrett travelling road show go around this province and finally come out with a report. We watched Minister Hardeman talk about the introduction of legislation and we watched the minister not introduce legislation, and finally we did see some legislation. The government, though, took an unusual move with this legislation in the spring of 2001 by not going to second reading. They went right out on province-wide consultation.

In a lot of ways I think the government was spooked. They were spooked by Walkerton, and rightfully so, because Walkerton is the defining moment of this government. Walkerton is where we saw the cause and effect of the cuts all across this province and of privatization measures by this government. We saw a government that stood up and said in 1995, "No cuts to agriculture." What happened in July 1995: \$14 million cut out of the budget, and continuous cuts to that budget. We saw a government stand up and say that they were pledged and committed to the environment. What did we see? We saw privatization of lab testing facilities. You know what it led to? It led to the horrible disaster at Walkerton. What happened is that this government allowed the agricultural community to take the fall, to take the blame for what happened in Walkerton. It's truly sad, and to those families, our heartfelt condolences. To those individuals, our sympathies. But you know where the blame lies? The blame lies with this government. Do you know where else the blame lies? It's that this government let agriculture be the fall guy for Walkerton.

2130

What this government fails to recognize—and I see somebody shaking their head on the other side—is that we have a collective responsibility for what we've done to the environment in this province. You can't say that it was agriculture's fault, that it's a municipality's fault, that it's the boaters' fault, that it's the cottagers in northern Ontario's fault. We've all got a collective responsibility. But no, this government has let agriculture be the fall guy, and you should be ashamed of yourselves because you haven't stood up for the agricultural industry.

Look what happened as recently as last week. There was an article in the Belleville Intelligencer about flooding, two blocks of Belleville flooding with raw sewage. But did it make the national news? No, it didn't. If it had been an agricultural operation, you know darned well it would have. But have you stood up to defend agriculture? No, you haven't. You've abandoned them, as you've consistently abandoned the agricultural community since you were elected in 1995.

As we talk about defining moments, I guess this is one of those for me. As agriculture critic, on the introduction of this legislation I called, I spent time, I visited and toured with all parties all nine cities, and I listened to the agricultural community, I listened to municipalities, I listened to farm organizations, I listened to individuals and I listened to environmental groups as we toured

around. There's no doubt that people wanted to see this legislation. But you know, I can't support this legislation and I won't support this legislation. This legislation has the potential to be some of the toughest legislation and some of the most important legislation ever introduced in this province on the agricultural community, the number two industry in this province, or it can be a joke.

There are a lot of parts of this legislation that are no doubt very well intentioned, but there are unfortunately many parts of it, and many parts of the regulations yet to be announced, that are a joke and that aren't going to be in the best interests of the agricultural community in this province. You talk about it and you stand up and say, "Trust us. Trust us. You know we're going to do the right thing." We've seen the way that you've stood up and told the people of this province to trust you, and do you know what? The public's faith in the Mike Harris government is shaken. The public's faith and trust in the Mike Harris government are gone. You said, "Trust us," and we thought, when we were giving you the benefit of the doubt and trusted you, that you were maybe semi-well-intentioned. Well, do you know what? You weren't. You can't trust this government, because this government says one thing and does another. You've demonstrated it over and over again, and my concern is that you're going to demonstrate it again with this legislation that's in front of us tonight.

You've talked about how you want to do the right thing. I've got some serious and grave concerns that you're not going to do the right thing. Once again you're going to break that trust with the people of this province. You're going to break that trust with the agricultural community, you're going to break that trust with the municipalities; but most importantly, you're going to break that trust with the citizens of this province.

I think every one of us, and I can tell you that I personally, wanted this to be good legislation. We wanted this to be legislation that first and foremost was going to be good for the environment; second, that was not going to be detrimental to the agricultural industry in this province. Most importantly, we wanted this to be legislation that is going to be in the best interests of the people of Ontario. But there are so many holes in this legislation, this empty shell of legislation, and it's kind of hard for us to put our trust in you. I can honestly say, and I think I can speak for the New Democrats—maybe I won't; I'll let them speak for themselves—we wanted to play ball with this legislation and we did. You can ask any one of the members. We all tried to work together as we travelled around this province to make sure that this was good legislation. We all listened with open ears to see what was best and to do what was best. We took the blinders off. We tried to see what was going to be best for the agricultural community in this province.

We heard the presentations, we went province-wide. There are a lot of positive initiatives in this legislation, there's no doubt about it. But do you know what? There are a lot of holes in this legislation. We heard the parliamentary assistant to the Minister of Agriculture

stand up this evening and talk about how there were 15 amendments put forward and five of them were accepted. But you know what he didn't say? He didn't say that 10 of those amendments were put forth by the opposition and turned down by the government majority on the other side—amendments that we truly believed would make this legislation better and make this a piece of legislation that would be good for everybody in this province. But the government didn't listen. They closed their ears, they shut their eyes and they didn't listen.

I think the public needs to know why we're not supporting this legislation and why, had some of these amendments passed, we probably would be supporting this legislation. I think every one of you knows. Pull out your dictionary and look up the word "may" and look up the word "shall." Do you know what word appears over and over in this legislation? It is not the word "shall," which means you will do something; it is the word "may," which means you might do something. That is consistently through this legislation, that word "may."

I want to talk about some of those issues, that the government turned down our amendments. One was a very simple amendment: change the word "may" and insert the word "shall" because then the public would have confidence that this was going to be good legislation. We're seeing the public's confidence shaken as a result of the auditor's report last week. The public's confidence is going to be, once again, shaken when they start to understand the ramifications of this legislation, because one of the things is that the minister may delegate other persons or other members or other classes of persons that the minister may deem necessary to enforce this legislation. The Lieutenant Governor "may" make regulations, not "shall" make regulations. What kind of confidence does that leave people with?

2140

I was extremely pleased to hear the minister consistently say throughout the discussions on this legislation that they will consult on the regulations. But it doesn't say they "shall" consult. It doesn't say the Lieutenant Governor "shall" consult. It doesn't say that the Lieutenant Governor "shall" make regulations. It says the Lieutenant Governor "may" make regulations. The Lieutenant Governor may also—"may" again—make regulations in a wide variety of areas—and we heard the parliamentary assistant make reference to this this evening—that "may" provide for the establishment and operation of local committees to assist in doing any prescribed matters. "May" isn't appropriate. The appropriate word is "shall," because every municipality in this province should have these local committees. It shouldn't be, "Well, we might have a little committee." That's irresponsible on the part of this government, totally irresponsible. The word should be "shall."

Again, the delegation of powers: this is a very scary one, and it comes back to Walkerton, how Walkerton is going to come back and bite you and haunt you for ever and ever, because you privatized lab services. You didn't keep control. You didn't keep your finger on the pulse,

on what was going on in this province. You didn't do that. Do you know what's scary about this legislation that we have in front of us here tonight? It is that the same thing might happen, because this legislation, under section 55, delegation of powers, will allow the minister to enter into agreements to deal with the issuing, amending, suspending, revoking of certificates, licensing, approvals and other prescribed work. Do you know what that means? It doesn't mean that government employees are going to be dealing with this legislation; it means that you can contract it out to the private sector. Again, it shows the irresponsibility of this government.

The minister stands up over and over again and talks about food safety and how we've got the best food in the world and that we can virtually feed ourselves, we can be self-sufficient as a province. Do you know what is lacking in this? It's important to instill that confidence in the public sector, but I'll tell you, delegating authority and alternative delivery services do not instill confidence in the public sector. That's a very serious mistake on your part.

The government wants this legislation through by Christmas. It will get through before Christmas. We've certainly worked with the government. We haven't in any way tried to block this bill. We certainly co-operated at the hearing level. We took part in the amendments. But the government didn't play ball themselves. They want us to play ball, but they didn't play ball, because they didn't listen to our amendments, amendments that I think would have strengthened this bill and made this bill better. But no, they didn't play ball. The government will get its way. This legislation will go through by Christmas, no doubt about it.

We talk about trust and the faith we're placing in the Minister of Agriculture. Minister of Agriculture, there's a big weight on your shoulders right now. Every farmer in this province has put his faith in you, that you're going to consult on these regulations. But even some of the agricultural groups are starting to question that right now, that the government's commitment to consultation on these regulations isn't really as clear as they said it was going to be. Part of that is because of those words again, "may" and "shall." This government uses the word "may" over and over again, but they don't use the word "shall." If this legislation said that the minister "shall" consult, it would be much more palatable, but that word doesn't exist in this legislation.

You ask us to trust you. Well, Mike Harris stood up in 1995 and said, "Trust me, elect me, no cuts to agriculture." What a joke. You want us to trust you. Look what has happened with food inspection. You cut the number of inspectors. You cut the budget. Look at what has happened in the animal health lab at the University of Guelph and the University of Guelph agreement. You cut it and you cut it again, and you're going to cut it again this year. We know the minister has to find another 5% in his budget. It's probably not 5%. It's going to be substantially more, because we know the sacred cows that health and education are, and if those budgets are going

to remain intact, which are actually not nearly as sufficient as they should be, then ministers like the Minister of Agriculture are going to have to dig deeper. That means more cuts to agriculture, and you'd break that promise. You ask us to trust you; you told the people of Ontario in 1995 to trust you. Well, we've seen over and over again how you've broken that trust with the people of this province.

Another aspect of this legislation that is blatantly absent—for those individuals who toured around, virtually 99% of the presentations made to us talked about funding. We've got in excess of 50,000 farm businesses in this province, the number two industry in this province, but we have yet to see any comment from the ministry regarding financial assistance. We see no reference in this legislation to financial assistance. We heard no comments at the committee stage dealing with the amendments on financial assistance, nothing—blatantly silent. We know this legislation is going to cost a lot of money to implement, but we know farmers in this province are hurting right now. Be it crops or subsidies from the US or the European Union or Quebec or Alberta, farmers are hurting. You can't put this on the backs of the farmers. It would be totally irresponsible for you to put this on the backs of the farmers of this province. You're telling the farmers, "Trust us," but at the same time we've seen nothing at all when it comes to financial assurances about this legislation.

What are we talking about here? We want to see a viable, vibrant, sustainable industry, but this legislation has the potential to very much stifle that industry. What do we and what do farmers want to see? They want to see long-term capital investment and long-term support from this government, but to date we haven't seen that. I wonder when we're going to see that.

We heard the member from Northumberland earlier talk about the wonderful things the government did last year with their \$90 million, but that just doesn't cut it. Farmers all across this province don't want to see year-after-year bailouts. They don't want to see one-time, knee-jerk reactions. They want to see a long-term plan, a long-term safety net plan. We wait and we wait and we wait for this government and this ministry.

I'll stand up today and assure the farmers of this province that the Liberal Party will have a policy that's going to kick. It will be a policy that's innovative, a policy that recognizes the number two industry in this province. It will be a policy with a long-term vision for agriculture. It will be a policy that recognizes the importance of this industry to the province and does not treat them like second-rate citizens, like some country bumpkins, the way you treat them, because they're not. This is the number two industry in this province. These are individuals who contribute a great deal to the economy of this province, and we're not going to treat them the way you did. So look out, Tories, we're coming at you. We're going to show you what an agricultural policy looks like. We're going to show you a policy that's going to stand up for the farmers of this province and not abandon the farmers, like you have.

2150

We know who's pulling the strings on the other side. Jim Flaherty doesn't care about agriculture. Jim Flaherty makes a financial statement in this Legislature and doesn't even use the word "agriculture," doesn't use the word "farmer." He doesn't care about agriculture. We know he doesn't, you know he doesn't, and the agricultural community knows that Jim Flaherty doesn't care about agriculture, that the Conservative Party doesn't care about agriculture.

You want to talk about Ernie Eves being resurrected like a mighty phoenix coming back from the dead. Well, Ernie Eves didn't care about agriculture either. Ernie Eves is not going to be any different or any kinder to anybody in this province. He's going to put on that kinder, gentler face, but you know what? Ernie Eves is the architect of the slash-and-burn mentality of this government. Ernie Eves is going to be no better. We've yet to hear from some of the other leadership contenders what they think about agriculture, Mr Clement, Mrs Witmer and Mr Stockwell. We don't hear from them on agriculture, no commitment at all. I think that's sad.

We went around the province and toured these nine municipalities, and there are other aspects of this legislation. Septage: within five years, we're going to ban the spreading of septage, which is the spreading of raw sewage, for those of you at home if you want to know. They're going to ban it, but at the same time the government hasn't made any provisions as to what we're going to do with it. We have cottages in northern Ontario, we've got farms and homes all across this province on septic systems that are pumping septage out. The government's going to ban it, but you didn't say what you're going to do with it. What are we going to do, create new pollution control plants across the province? Well, we haven't seen the OSTAR applications being approved. What are you going to do, compost it? Well, where are your composting initiatives?

The question of biosolids, waste that has been treated already at a pollution control plant, wasn't adequately addressed. Again the government doesn't come forward and say, "If we're not spreading on the fields, what are we doing with it?" What are you doing with it? Tell us.

Another aspect of this legislation that we're supposed to deal with is pulp and paper sludge. We heard very little in our hearings across this province about the question of pulp and paper sludge. What are you going to do with it? Are you going to continue to treat it like you are right now with this product called SoundSorb and build berms for gun clubs all across this province? We've got problems in Madoc. We've got problems in Oshawa. We've got 14 gun clubs in this province using this SoundSorb because the irresponsible Ministry of the Environment says it's not a waste. But it is a waste. This is supposed to be addressed in this legislation and it is not adequately addressed.

There are a lot of faults with this legislation. As I said in my opening comments, we need a level playing field across this province. We can't have a patchwork of local

bylaws. But if we're going to have legislation that is province-wide and have province-wide standards and regulations and province-wide enforcement, we need a piece of legislation that is strong and effective. This legislation isn't that. I thank you for your time.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): It's very important that I have the opportunity to speak to this piece of legislation on nutrient management. As we all know, it has significant impact for the province but most particularly for rural Ontario. The part of the province that I represent is rural Ontario. I've always been very proud of my rural roots and really am very privileged to have an opportunity to speak to rural interests in this Legislative Assembly, so I will do my very best to relate, on behalf of the people I represent, the reasons I am not able to support the legislation as it has been presented in this Legislature this evening.

When I was first elected to the Legislative Assembly, one of the first constituency groups I heard from was the agricultural community. There were many issues they brought to my attention, and certainly among them were issues related to nutrient management. What the representatives of the agriculture community were saying to me was that across the province of Ontario there was basically a patchwork quilt of standards. Some communities had standards, some had only a few and some had none at all.

Of course, that was problematic for the farming community. As farmers perhaps moved from one community to another or owned farming operations in more than one municipality, they came to understand that there was not one standard to which they were accountable, that different municipalities had their own.

When I spoke with municipal representatives about this problem, they would indicate to me that there was no direction from the provincial government to assist them, to have them understand what they should have in place that would be fair and reasonable and would enable them to protect the community they represented and ensure that the residents in their communities were safe.

It was obvious to me at a very early stage that the management of waste from farming operations particularly, but not exclusively, was an issue that needed to be addressed in legislation. As my colleague the member from Elgin-Middlesex indicated earlier in his remarks, the Ontario Liberals have advocated for this legislation for years—since the last election—so it was with some hope when the government said they were bringing it forward. We'd been waiting for many, many months—I think it was upwards of two years—for the government to bring in this legislation. The government had done some consultation across the province and kept promising that legislation would come, but we waited some significant length of time before that happened in the spring of 2001.

What Liberals had advocated prior to the introduction of the legislation was that the government had a responsibility to assist municipalities and those involved

in agricultural operations to set a standard for the province so that all participants would understand what the expectations were in terms of managing the waste. There was also the issue that we thought was very important and must be addressed: that whatever the legislation would look like, it should not come at an additional cost to the farmers or to the municipalities.

At one point I heard from a number of municipalities that had a great concern that whatever standards were implemented, there was going to be some financial burden placed on municipalities to ensure that farming operations within that jurisdiction were in compliance. Farmers also did not believe it would be appropriate that any new legislation would penalize them financially. So the Ontario Liberals advocated that whatever legislation would come in, it should be sensitive to those issues.

Finally, we have advocated, even prior to the introduction of the legislation, that it had to be enforceable and that the enforcement was the responsibility of the government, that it was not something that should be downloaded to municipalities or privatized but that because of the significance of the legislation within communities, the government most definitely had a role in the enforcement.

Those were some of the guiding principles that we as Liberals had commented on, either by way of letters to the minister—I personally had written a letter to Dr Galt when he was doing some consultations around the province. I know that in this Legislature Liberal critics had repeatedly pressed the government for action, with a very clear indication that these were standards and principles we were hearing about within our ridings and we were hopeful that the government would recognize they were worthy of consideration when legislation was being written.

2200

Last spring Bill 81 was introduced, and for a short period of time we were happy. We said, “Finally. We have something here that our communities have been calling for that’s going to assist the agricultural community, the municipalities, and provide safer communities for all Ontarians.” Sadly, though—you know the phrase “the devil’s in the details”—when we began to read the legislation, it became clear to us that “My gosh, this isn’t really what we’ve been asking for at all.”

We had also very regularly advocated that because of the significance of the legislation and the broad impact it would have within communities, there should be considerable public consultation on the bill. Over the course of the summer, that did happen. You heard earlier my colleague the Liberal critic for agriculture talk about the many locations he visited, along with the committee, to listen to the hundreds of people who took time to comment on the legislation. I think it’s a fair comment for me to say that of the hundreds who came forward, who were able to say they were very happy that finally they had something to talk about, they did come forward with objections, concerns, ideas, notions and proposals for the government to consider to make it better legisla-

tion. Hundreds of people came forward, and I would say there were very few of those hundreds who suggested that the legislation is just fine the way it is.

We heard earlier this evening from the member for Haldimand-Norfolk-Brant, who indicated that after that exercise, after all that input was received—the hundreds of people who took the time to make the presentation at the committee, the hundreds of people who provided written submissions—after all of that, the government made five amendments to the bill. The Liberal Party offered more than that, and every amendment this party offered the government for consideration to make this bill a better piece of law was dismissed out of hand—dismissed out of hand.

That is why I’m here this evening, ladies and gentlemen, as a rural member, a voice of rural Ontario, trying to explain—

Mr John Gerretsen (Kingston and the Islands): You are a strong voice.

Mrs Dombrowsky: Thank you. I’m so proud to be a voice of rural Ontario. I’m trying to have the people of rural Ontario understand how a rural member can stand in the Legislature this evening and speak against this bill, because we believe it’s very flawed. We’ve offered a number of amendments that indeed must be considered before it is enacted as law.

I wanted to offer, just for the purposes of this discussion, some examples of amendments that we believe are absolutely essential to make this piece of legislation work well—not just work well, but amendments that are integral to it working at all. It was proposed by the Ontario Liberal caucus that they must remove provisions in the bill that will allow the government to privatize vital nutrient management inspection, administration services and training services. We have seen, in so many other bills by the government, with regard to health and safety and so on, that the privatization agenda of the Tory government threatens the well-being of our communities. That’s not just “Liberal rhetoric,” that so regularly gets thrown back at us. That is confirmed as recently as last Thursday in the auditor’s report. The safety of Ontarians is being compromised because of the privatization of services.

Here we have another piece of legislation that is going to enable a ministry of the government to privatize services that are essential in our communities. We, as Liberals, are saying, “No, we have to learn the lessons of society. We have to listen to those arm’s-length agencies that are providing some pretty sobering facts to us and saying, ‘Pay attention to this, ladies and gentlemen. You have an obligation, a responsibility to the people you represent to pay attention to these facts.’” That’s what the auditor told us last week and that’s the point the Liberals were trying to make with that particular amendment.

We also recommended that the government be forced to implement regulations to protect our water. Instead, Bill 81 essentially still states that the government “may” introduce this legislation. You heard my colleague the member for Elgin-Middlesex-London speak repeatedly to

that very point, that in the body of the legislation there is nothing prescriptive that says the government “will” or “must” in order to ensure the safety of our communities, but simply that the government “may.” I think we all know that legally that is the word they need to get them off the hook. That was another amendment the Ontario Liberals put forward.

It happens to be the case that the standing orders of this assembly do not permit amendments that will include spending by the government. That’s part of the standing orders and I’m sure it’s there for a very good reason. But that has prevented the Liberals from addressing the concern we’ve had, the concern we’ve heard from our constituents about a very serious issue, and that is the financial impact it will have on our communities.

I’ve heard from farmers in my community who say that the bill, if passed and enacted as written, will essentially put them out of business. As a matter of fact, I attended the hearings this summer when they were in Kemptonville and this is a matter of public record if you would care to review it. I don’t have the Hansard in front of me, but a very good friend of mine and the president of the Ontario Federation of Agriculture for Frontenac county, Mr John Williamson, made a very effective presentation. He tried to explain and have the members of the committee understand how and why the bill, if passed as written, would present significant hardship for many of the membership he represented, and not just the membership but also him personally. He said it would basically be the end of his family farm. This is a man who had a career and retired and returned to his family farm. He’s there with his family. I’m sure he would have the hope of perhaps one day passing it along to his son. However, he very clearly stated at those hearings that this probably wouldn’t happen if this becomes law, because he will be out of business.

Without the kind of financial support Ontario Liberals have recommended the government should consider when considering this legislation, providing something in the legislation that addresses that issue of providing resources for farmers, or enabling them to enter into some program of discussion or debate or dialogue about how they can manage to phase in their operation—there’s nothing of that in the bill. I think I have a responsibility to reiterate what my friend and constituent shared at the hearings and with me personally. So this is another example of where this bill has some serious shortcomings.

2210

We heard earlier as well from my colleague, who is so very committed to being an effective advocate and voice for the farming community in Ontario, that while there are many in the agriculture industry and among municipal representatives who are calling for legislation around nutrient management, there are many in those folds who have very serious concerns about what they don’t see in the bill. We’ve heard other members talk about the fact that so much is being left to be written in regulations. I think that with very good reason we on this side of the House are very fearful when we hear those

kinds of qualifiers about, “It’s not there but it’s going to be written in the regulations.” I thought it was interesting that the member for Northumberland talked about the farming community, that they might not be too sure about it but, I think his statement was, “Once they get working with it and see the regulations, they’ll warm up to it.”

That really, in my opinion, shows a lack of respect for the people you hope to assist with this: “We want to help you and we’re putting this blanket law out now. There are going to be more details and you’re just going to have to trust us on the details.” I find it very hard to understand how you could offer that to the agriculture community, particularly from a government that closed all the OMAFRA offices, which sort of brings me to another part of my discussion. They’ve closed all the OMAFRA offices. Then they say, “But trust us. We don’t think you need or deserve those important resources that were in your communities and helped you right on the front line,” where it made a lot of sense to have them. You’ve replaced them with a few centres and you’ve provided them with a toll-free 1-800 number. But a farmer comes to me and says, “I have this 800 number but I’ve got this problem with my grain. I need to know what’s the matter with it.” How can you explain it over the phone? He used to get that service at the OMAFRA office in his community that’s been closed by your government. These are the people you’re now asking to trust you with the regulations.

This is a government that has cut the Ontario Ministry of Agriculture, Food and Rural Affairs. This is a government that has privatized many services that impact on our communities. We’ve heard the auditor talk about food inspection and the very serious situations that could arise from that. Also, the management of this legislation is not clear in terms of responsibility or jurisdiction. Will it be left to agents with the Ministry of the Environment or the Ministry of Agriculture, Food and Rural Affairs? I would suggest that the Ministry of the Environment, which this government cut by 46%, fired 900 employees out the door—

Interjection: Nine hundred?

Mrs Dombrowsky: Nine hundred, as my colleague from St Catharines regularly reminds us. Shamefully, they did that. There are fewer people now to carry out this very important work. Who is going to do that?

While it would be very nice to be able to stand up, certainly as a rural member, and talk about a bill that we could support because of all the things it was going to do for the farmers in our community—I very much would like to do that. But unfortunately I don’t see that in this legislation and it prevents me from standing up and supporting it at all. That disappoints me, because I told my constituents that that’s what I was going to be advocating for. It is very difficult to say to them, “Well, there’s a bill; there will be a law, but it really doesn’t mean a whole lot. What’s it going to do for you? We really don’t know, because do you know what? We haven’t seen the regulations.” That’s a shame, because

this is a community that is a significant contributor to our society.

I drive from my home in Tweed to Toronto along the 401. There was a great billboard on that highway. It said, "If you ate today, thank a farmer." I thought that was a pretty important and accurate message. While many of us here perhaps are not directly related with the farming industry, I am, in my community, happily. I know many farmers, and our son is studying agriculture science, so I am keenly aware of the significance of that industry. I think it is a sign of disrespect that we have these key contributors to our society who have called, who have literally begged for some good legislation to help them do their job better and safer within their communities. This is what they have. It really is disappointing, particularly after the fact that the government went to nine different locations across the province and talked to hundreds of people who gave them a myriad of ideas of ways to improve the legislation, and it didn't happen.

We have here before us tonight for consideration a shell of a bill, a bill that has, as all government bills have, a pretty catchy title and one that the average person, upon reading it, would think, "How could you oppose it?" Very simply, when you read the bill, you come to understand that there isn't anything here to support, other than a great big, "Trust me." I'm sorry, I don't think that's fair to the people who this bill is intended to help. I don't think that's responsible government, to say, "Oh well, we're going to say that this will happen, the details of which—stay tuned. Just trust us; it will happen."

I also wanted to speak about the fact that when I make some comment about the "Trust us," there are a lot of things that we don't know about yet. These are things I've been hearing about from my constituents. Here are some of the questions that this bill doesn't answer. Members of the government think, "How can you not trust us? You're silly not to." Here are some of the things that the bill is silent on, that many members of my riding, many constituents of mine, have asked me particularly, "Will it address this issue?"

For example: what does or doesn't constitute waste? Not in the bill. The title of the bill is nutrient management, but what is a nutrient? Not in the bill. What can be spread on fields? Not outlined in this bill. What does that tell the farmers? What is required as part of a nutrient management plan? I have a number of farmers in my riding who have them. I have many who don't, many who would like to have. What does it look like? What does this bill say it should include? We don't know. It is not in the bill. "Trust us, we're going to tell you that." Should there be different standards for different size farms? Not in the bill. It is not outlined here. When should these farms in categories have to meet the requirements? What kind of storage will be required? How should that storage be built?

These are, for people in the industry, very important questions. For many people in my riding who are considering an investment—that's the other thing: we're not talking about spending \$20, \$100 or \$1,000; we're

talking about tens of thousands of dollars of investment in their operation. They're very hesitant to make that investment until they know what is required. Is it in the bill? No, it is not. It's going to be in the regulations. When are we going to hear about the regulations? We don't know when the regulations are going to follow. How much manure can be spread? When? What kind of soils?

2220

Another issue that has come to me from constituents relates to minimum distance separation. Not in the bill. There are many communities in my riding in rural Ontario where subdivisions have sprung up in our rural municipalities. The people have bought in these subdivisions and then suddenly they come to understand that, gosh, in a farming community at a particular time of year, the odours can be quite unpleasant. Now municipalities in my riding are wrestling with and struggling with the issue of minimum distance separation. It's not addressed in the bill.

What training or certification will be required to both store and spread nutrients? What will be the fees? Who is going to administer and enforce the bill? Is it going to be the Ontario Ministry of Agriculture, Food and Rural Affairs? Is it going to be the Ministry of the Environment? Is it going to be a local advisory committee, as has been suggested? Is it going to be the private sector?

I would suggest the member has his back turned and perhaps isn't even listening. I don't think the members of the government have listened, sadly, to either this debate or the debate that has taken place in the nine locations where there were hearings. It is really unfortunate that the government had an opportunity to do something right and they chose not to. I'm particularly disappointed for the people in my riding, my constituents, who were really depending, were counting, on some direction, some assistance and some support on an issue that's very important, not just to them but, I would suggest, to all of us, because it relates directly to the safety of our community.

Those would be all the points that I would have to make on this bill this evening. At this time, I would like to move adjournment of the House.

The Acting Speaker (Mr Michael A. Brown): Mrs Dombrowsky has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it. Call in the members; this will be a 30-minute bell.

The division bells rang from 2223 to 2253.

The Acting Speaker: Mrs Dombrowsky has moved adjournment of the House. All those in favour will please stand and remain standing until counted by the clerk. Thank you.

Those opposed will stand and remain standing until counted by the clerk.

Clerk at the Table (Ms Lisa Freedman): The ayes are 12; the nays are 26.

The Acting Speaker: The ayes are 12; the nays are 26.

The member for Hastings-Frontenac-Lennox and Addington.

Mrs Dombrowsky: It's important that we've had an opportunity to talk about this. I'm very disappointed that we lost the vote, because I don't think they're really here to listen to what we have to say anyway, so we might as well spare everyone that experience. But it's very important that people understand why we are opposed to it.

The Acting Speaker: Questions and comments?

Mr Peter Kormos (Niagara Centre): Here we are at five to 11, but in around four or five minutes' time the folks out there are going to be able to hear from the NDP environment critic in this matter, Marilyn Churley, who's going to be addressing Bill 81. She was one of the people who, on behalf of the New Democratic Party, was very active in the committee. She, if you look at the record of that committee, made every effort to fix what ends up being an incredibly flawed bill as a result of the government's refusal to accept the motions put forward by Ms Churley on behalf of the New Democratic Party.

That has left this House with the need to debate a seriously flawed bill, one which appears to serve nobody's interests, neither the agricultural community's interests—the government has once again abandoned them—nor those, and this is not exclusive from the agricultural community in this province, who are environmental advocates or anybody who has concern about the environment, and among those I include farmers, people in the agricultural industry, especially family farmers who have been on the land for generation after generation more often than not and have a far more intimate understanding of the need for environmental maintenance and environmental protection than indeed most people do.

Ms Churley will be speaking for an hour to this bill. I commend that people please stay tuned. She'll have the floor in around five minutes' time. I urge and exhort people to stay tuned to this legislative channel. Ms Churley is going to be presenting a thorough analysis of Bill 81. Her caucus is going to be listening carefully to her. I hope, more importantly, that the government is going to be listening carefully to her. That's the market she's addressing. It's you who have to listen and understand what's—

The Acting Speaker: Thank you. Questions, comments?

Hon Mr Coburn: It's really disappointing. We have a serious bill here and we have a serious issue in this province in dealing with our environment and our second-largest industry in this province in that we're trying to set some clear, concise standards that they can work with. They've endorsed and supported that. It is really disappointing that we have the opposition and the members opposite playing games with this.

This is a bill that we consulted on extensively, probably more than any other bill. We've gone out and spent

a lot of time consulting with stakeholders on this bill. A total of 182 organizations and individuals submitted comments and made presentations. There is tremendous interest in this bill going forward.

I heard the member on the other side complaining that this wasn't in the bill and that wasn't in the bill. It's enabling legislation. That's the big, positive part of this, working with our stakeholders, whom we continue to work with to develop the regulations around this, so that we can work to develop a good, solid piece that will carry this industry so that farmers can make an investment and have some confidence in making that investment in moving their business along.

This is no different from some other decision points farmers have had to make during the course of their business lives where new technology has come in. This is enabling legislation, but it also has a clause in there that embraces new technology. Technology, as we all know in this House, has outstripped government's ability to respond and take advantage of some of those new technologies. This bill enables us to do that. This is a bill for the future of agriculture and environmental sustainability.

2300

Mr Richard Patten (Ottawa Centre): I listened very carefully to my friend the member from Hastings-Frontenac-Lennox and Addington. She spoke quite eloquently, in my opinion, about the concerns and worries of things.

I would like to say this to my good friend from Ottawa-Orléans, who I truly believe is a good person and has a heart.

Mr Barrett: He's a nice guy.

Mr Patten: He is a nice guy. I think he tries to do his very best.

This bill attempts to address the implications related to groundwater, the runoff to streams and rivers and one thing or another, which are extremely important. The one thing it does not do is that with all of the stuff that is dumped on our lands to grow food, there's nothing in this bill that talks about what goes into the fruits and vegetables that are grown on this land—nothing. We have all this waste.

The government is saying maybe they will talk about a moratorium for five years to talk about not dumping human waste on our farmlands. I say to you and to every single member, listen to this, as you well know why I would research this on a personal basis. There is a transposing element that goes through from waste. People have diseases, they take drugs, they take antibodies, and it goes into human waste. That human waste is dumped on our farmlands to grow our food. What is going into our food? There is no research at all that goes into this.

Mr Bisson: I want to echo some of the things the previous member just said. I would agree that a number of problems we have are that we really don't have the kinds of safeguards to assure ourselves that the foods we eat in the end are not foods that are carcinogenic or carry a multiple of other diseases. This is not something that's

this government's fault or previous governments' fault. The issue is that we have developed the technologies in agriculture and the technologies of food processing so much that I don't think we really understand at the end some of the implications for the health of human beings when it comes to the consumption of those foods. I think that was a point well made.

I want to say to the minister on another point—I think this was raised by Mrs Dombrowsky in her comments—that on the one hand the minister is telling us, "I'm providing, by way of this legislation, clear and concise rules," but in the next sentence he is going out and saying, "This is enabling legislation." Those two comments are inconsistent with each other. If there were clear and concise rules in this legislation, you wouldn't be putting everything off to the regulations later. That's the point the members were making earlier.

The difficulty we, as an opposition, have is that we agree with the general direction of the bill. All of us were looking forward to being able to work with the government to actually do what would be clear and concise rules when it comes to these issues. Unfortunately, the government didn't accept the amendments that were put forward by my colleague Marilyn Churley, who headed our party on this particular committee, as well as by the Liberal members from the other side. So I say, don't come into the House and tell me that this is going to provide clear and concise rules, because the minister has let the cat out of the bag. It's what we've been saying all along: this is enabling legislation, which means everything is put off to the regulations. There's nothing clear and concise in this legislation. It's really, "Trust me. I'll tell you what will happen later when we pass a regulations."

The Acting Speaker: Response?

Mrs Dombrowsky: I would like to thank the members from Timmins-James Bay, Ottawa Centre, Niagara Centre and the Minister of Agriculture for the comments they've offered. In conclusion, though, Ontario Liberals are very disappointed that we are not able to support this bill. This is a piece of legislation we have consistently called for. The Minister of Agriculture talked about the fact that they had consulted so broadly. But what is most unfortunate is, they have not listened and they have not brought forward legislation that is clear and that provides the kind of clear standard we've been asking for, and that our constituents have been asking for, these many years.

After promising a bill in the spring of 2000, the government has tabled legislation that includes phase-in periods of five years for many of the vital elements of the bill. Furthermore, the bill completely relies on standards to be determined at some time in the future. These are not conditions that we in the Liberal Party think are sound. It's not good business management, and it's not going to make our communities especially safer. If this bill is going to be effective, it must include financial resources. That was another component the Liberals have very regularly and consistently advocated for on behalf of our constituents, the stakeholder groups, the agricultural

representatives and municipalities. It must include financial resources. This bill doesn't. In fact, the government has been totally silent. There's no indication it is prepared to consider any of those resources.

The Acting Speaker: Further debate?

Ms Marilyn Churley (Toronto-Danforth): It's my pleasure to be in the House for the second night in a row, late in the evening, discussing what I believe to be critical environmental legislation. We were here last night, and many of you were here to listen very carefully to all my concerns expressed about the recycling bill, on which I went to committee and made a number of recommendations and amendments, none of which were accepted by the government. I expressed my concern last night that it's a weak bill that's not going to achieve its stated objectives.

We have before us here tonight—surprise, surprise—another important bill, which I and my caucus view as an environmental bill. Even though it doesn't strictly come under my, I suppose you could say, jurisdiction as the environment critic, we have always looked at this issue as an environmental protection issue. That is why I have followed it and went to the committee hearings and went to clause-by-clause and presented my amendments, which were all turned down.

Before I get into the meat of the bill and give the government my analysis of the bill, I have to put on the record the gall of the government. This bill was introduced before the latest auditor's report. The bill before us tonight is a prayer and a promise; it's a framework for down the road. The minister and the government are saying, "Trust us. We'll take care of everything. We're going to make sure this happens." They're still saying this after the auditor's report came out a couple of days ago with a scathing indictment of their ability to protect the food we eat in this province. The auditor pointed out that we are down from 100-plus inspectors in 1995, when the NDP was in government, to eight. That's all we have out there now inspecting our food.

I watched the minister in perhaps his first really difficult scrum with the press outside having to deal with these questions. It is difficult the first time, isn't it? I watched him squirm and have to deal with a very aggressive press around, "Is our food safe?" The government in that case said, "Trust us. We're going to fix these things. Everything is OK." It isn't OK when you read some of the problems that are happening and what we don't know about our food.

This is the food our children eat. This is the food their little bodies take in as they're growing and developing, all those chemicals and pesticides in the food they eat, up to I forget how many more times than is considered acceptable—I even disagree with that level—way above acceptable levels. We know that the food we are eating has not been properly inspected. The government said, "Trust us. We're going to fix it." How are they going to do that unless they take back the money they're about to put into yet another huge corporate tax break at a time when we've gone into a recession and are trying to avoid

a deficit? Where are they going to find the money to fix this problem?

2310

So here we are debating this bill tonight that is totally inadequate, and the government stands up and says, "It's OK, don't worry. This is a framework, but we're going to consult some more and we're going to develop regulations," as opposed to a bill that spells it out so we all understand what is being done here to protect the water that we drink; it's going to come later through regulation.

This bill that we have before us today is about a year and a half later, a year and a half down the road since Walkerton, and we'll all recall why a year and a half ago the government was pushed into coming forward with a nutrient management strategy. They talked about it at that time. I remember that the member for Northumberland, who at the time I believe was the parliamentary assistant to the Minister of the Environment, or maybe he was by then PA to the Minister of Agriculture, went out and consulted, and then nothing happened, and the NDP protested and asked questions in the House. My leader and I asked questions in the House: "What's happening with this? Nothing's happening."

Then they went out and did more consulting and came back, finally, with this very weak bill before us today, which is not going to be able to do the job that we need to protect our water. We believe it's a bill whose purpose is supposed to be to protect our water and our ground-water from farm runoff. That's what the bill is supposed to be about. It's proposed as a mechanism to protect the environment from environmental degradation that results from the use of what we refer to as nutrient-enriched substances that go into our ground on farmland. The establishment of the procedural and enforcement mechanisms for the administration of any regulations or standards developed under Bill 81 is close to or similar to legislation or environmental protection in other areas in Canada. But if you look at it from the point of view of being put there to protect the environment, Bill 81 falls far short of being able to do that.

I'm going to point out to you some of the reasons why. There are no teeth to Bill 81 itself. It is, as I said, a framework to set it up, but all of the teeth come later in regulation. The development of the standards and the regulations is discretionary. That is alarming in itself. That is totally discretionary. The regulations and standards that will be passed have absolutely no timelines attached to them. So even though here we are now, a year and a half after the terrible tragedy in Walkerton which caused this bill to come forward in the first place, there is no time frame to when these regulations and standards are about to be developed.

I started off talking about the fiscal restraint that we're under now here in Ontario. Let's face it. We've been under fiscal restraint in this province for a long time. We were under fiscal restraint when the NDP was in government, even though we at that time chose to protect the environment and continue, for instance, over 100 inspectors inspecting our food and all kinds of other things.

We chose to borrow money to keep people afloat and to protect our environment and the health of the people, to make sure there were homes for people to live in, rent control. All those things were in place, and we were under fiscal restraint. We were borrowing money to keep these people afloat, to keep our food safe, our water safe, doing all these things and trying to create that balance between fiscal restraint, borrowing money to keep people afloat, creating jobs and doing all these things.

One of our major concerns in that was to protect the environment. Under the NDP, the Ministry of the Environment, despite the recession—and I confess, yes, we made the decision to not cut it, as this government did during very good economic times, but to increase the funding of the Ministry of the Environment, to create OCWA, the water board that we created to take care of our water. We moved staff directly from the Ministry of the Environment—I believe it was about 2,000—right into that organization, to that body, to protect our water. We had a very specific fund that went just to municipalities that wanted to improve their water and sewer systems. It was a very large fund.

Part of OCWA's mandate was to work with municipalities that wanted to bring forward plans to upgrade their sewer and water systems, because we saw it as a priority in our government. We recognized that there were problems out there that had to be fixed, and we made a massive effort to begin that process. Interestingly enough, part of that dedicated fund that went to clean, safe water also had a component that required municipalities that were requesting funding to upgrade sewer and water systems, particularly if they were building new systems, expanding systems, to build a conservation system into that new system they were building. I believe it was Collingwood—maybe it was Barrie; I don't have my notes here and it has been a while. Barrie, I believe, got a fair amount of money from the fund and did build a new system and did build water conservation into that system and down the road saved millions of dollars. So it was a win-win for everybody.

But now we're in a climate of fiscal restraint for different reasons. The government came into power in 1995; the economy started to pick up again a bit in 1994. This government came in and promised not only to balance the books, to get rid of the deficit, but also to give massive tax cuts, which we've talked about many times in this Legislature, which mainly benefited the rich, the wealthy and huge corporations. As a result of that, many of our services were privatized and many of our public servants were cut, including the Ministry of the Environment and the very people who were there to protect our water. All these cuts were made across the Ministry of the Environment, if you combine the capital and operating cuts made to the ministry, and I'm not even talking about the Ministry of Natural Resources, which, as you know, has a huge environmental component to it. But 60% combined operating and capital funds were cut from the Ministry of the Environment; massive layoffs. The ability to protect the environment, and therefore our health, disappeared under this government.

Of course now, after all of these massive cuts, we were thinking that finally the government, even though they're borrowing lots of money—you don't hear a lot about that, borrowing money; so there is a debt—to give out these massive tax cuts, the deficit was gotten rid of and people got their tax cuts, although user fees went up dramatically, including tuition and all of these things. The reality is, when we thought the government took care of some of the promises they made around tax cuts and that they would start reinvesting in, for instance, areas like the environment, now we've hit—I believe it started last March some time. We knew that a recession was coming for a while, and September 11 happened to even further complicate the things that were already beginning to happen, the downturn in the economy. Now we're under yet another fiscal restraint where we have a government that is now in a position where it does not want to have a deficit and refuses to raise taxes in any way, so the only thing they can do is to cut services again.

So at a time when a bill like this has been brought before this House, we know when the regulations come forward—the farmers and the farm organizations that came to speak to us all made it very clear, every one of them—and the minister knows this—even those who fully support the bill, that they cannot do this without investment from the government. Perhaps the large farms can because they're more like a big industry. They have higher incomes. But even they said that this is a problem, that the kind of plan the government wants to bring into being would require financial assistance from the government. That money is not going to be there. That's very clear and that's a big problem.

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So it's really uncertain. I would say it's pretty clear to me, particularly given the fiscal restraints that we find ourselves in now, and more massive tax cuts, that these resources aren't going to be there to implement and enforce Bill 81, whatever Bill 81 turns out to be when they bring forward the regulations.

I want to talk a bit about why we need this bill and why the New Democratic Party was pushing the government to come forward with the bill. Everybody knows that there are many substances applied to agricultural land in Ontario and we use what we call nutrients to improve the crop production. The sources of nutrients, the beneficial ones, include livestock manure. Basically what we're talking about here tonight we call nutrient management. That is the main focus, particularly after what happened in Walkerton. But we're also talking about biosolids like sewage sludge, pulp and paper sludge, seepage and haul sewage and chemicals. These can vary dramatically; they can also include heavy metals, organic contaminants and pathogens. This legislation before us—and this is important for people to understand—does not deal with those pathogens. It does not deal very specifically with the very issue that we're trying to grapple with here. Putting these kinds of substances on the land, as we well know, impacts our soil, our air and our water. The heavy metals and organic

compounds accumulate in the soil and eventually end up in our food stock and in our livestock.

I just want people to understand that the control of some of these substances that I'm talking about already falls under the Environmental Protection Act and the Ontario Water Resources Act, but some of the substances we're talking about are not regulated at all. It's hard to believe, but some of them aren't. Even the nutrients that we're talking about here tonight, if not managed properly—and we know that's a problem; that's why we're here discussing it—can become very serious pollutants if they're not applied properly, and we know that's happening. That's why we need a very comprehensive bill to protect our water and our land in this province.

Some of the vital elements of the bill, the most important being the nutrient management strategies and nutrient management plans, as I said are not in this bill, so I can't talk about them. I could talk about what I'd like to see and I'll talk about some of the amendments I made to try to deal with that, but they are going to be developed through regulations. I wanted to see, and the New Democratic Party wanted to see, some of those components right in the legislation. The nutrient management plans and the nutrient management strategies at the core of this legislation are phantoms. They're not here. The government keeps saying that that they're finally bringing forward this nutrient management bill, but it's a phantom. There's nothing to it. It's a framework. The nutrient management plans and the nutrient management strategies are something that I believe should be before us so that we all know them and will have the ability to discuss and vote on them in this Legislature. Instead, that's going to be developed behind closed doors. We don't know what those plans and strategies will look like or what they will do, because so much of it is being done by regulation.

I think we're seeing more and more that this is a problem, this kind of framework legislation coming before us with so much of the meat, so much of the heart and soul of what the legislation is going to be doing, left out, to come later. This matters. This matters significantly, because those matters should be the subject of public scrutiny and should be subject to debate in this House, and we're not having the ability to do this.

As I said at the beginning, this is very much a "Trust me" bill. I'm sorry, but that is not acceptable to this party nor, I believe, to most of the people out there, particularly after what happened in Walkerton and after the latest auditor's report made it very clear that we have some very serious problems in food safety and the safety of our water. The very government that brought you Walkerton is now saying "Trust me" when it comes to dealing with farm runoff in a way that will protect our groundwater and our surface water.

Some people in the agricultural community have raised concerns that the bill appears to divide its administrative and enforcement responsibilities between the Ministry of Agriculture and the Ministry of the Environment. I made this clear and I believe the Minister of the Environment—who I'm happy to see is here tonight; I had

the opportunity to ask her about this and I'm sure she'll correct me if I'm wrong. I believe she said that she agrees with me on this, that it should be the Ministry of the Environment enforcing these regulations.

There are some people who are worried about that. Perhaps the fear is that they don't understand—and I heard this on the committee level—the way agriculture works and that therefore they might require things of them that they don't understand and that are unnecessary. Of course I have no problem supporting the idea of having the Ministry of Agriculture being the ones who are out there working with the farmers, doing the educational components and doing the kind of work that helps them establish the practices that they need to establish, but it's very important that the Ministry of the Environment be the enforcers in this.

Having said that, I would say that's what happens. The minister knows what's coming here. Given that the ministry doesn't have the capacity right now to do what it should be doing, what's already in its mandate, because of the massive cuts I spoke to earlier, because of more and more of the privatizing of services—they cannot even keep up. That leaked draft cabinet document, that was leaked to me actually—my leader raised questions about it in the House—talked about the need to possibly hire back up to 500 new staff to do the job properly. What we have is what's called a small SWAT team that was put together quickly, and that was one of the recommendations in this draft cabinet document. But the document talked about such a high percentage of point source pollution in this province that the Ministry of the Environment can't cope with it as things stand now. So adding something new without a special team put in place to deal with this new legislation—I could say to people out there, “Hey, if that's the way it turns out, I don't know who, at the end of the day, the cabinet is going to listen to on this.” I know there's pressure on both sides, but my concern is, at the end of the day there won't be anybody really capable of enforcing these rules and keeping our water safe.

When we consider the purpose of the bill—which I did. I looked very carefully, I read carefully, I was at most of the hearings of the submissions that came before us, and based on those submissions and on my perspective of seeing this bill as an environmental protection bill—which is what it is; that is what this bill is all about—I made amendments based on that fact. I made amendments to try to strengthen the bill, beef it up, so to speak, so that at least, even within this framework, there was more clarity around what the bill should be achieving. One of the amendments that I put forward said very clearly that its aim should be “to protect the health of the natural ecosystem by maintaining the interaction of the dynamic complex of plant, animal and micro-organism communities and their non-living environment as a functional unit and in a manner characteristic of the natural region.”

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I suppose that might sound like complicated language, as we often come up with for these bills, but the reason

it's phrased in that way is because it was very carefully thought through. It has a very particular and important meaning. It means that while we look at how we're going to deal with this big problem of how we protect our water and agricultural land, we recognize and respect the extreme to which, we now understand all too well, human and animal and the natural environment interact with each other. We can no longer say they don't. We know they do, and sometimes in a very dramatic and tragic way. We have to take an ecosystem approach to the protection of our natural environment.

The purpose of this should be protecting the health of the ecosystem. That's what this was all about. The government brought forward an amendment which gave a purpose for the act, which wasn't there, but it was very minor. That's what they voted for and did not support my amendment, which made it very clear. If you have that overarching, particularly in a bill that is just a framework, to have a very clear definition of the purpose of the bill helps frame the regulations and what comes after in terms of protecting the environment.

The New Democratic Party also sought to incorporate into Bill 81 something I'm sure you've all heard about before—sometimes it's controversial but very important—and that's the precautionary principle. If you want to talk about common sense—I don't use that phrase very much any more, because the whole meaning of common sense has been turned on its ear, turned upside-down. But if you want to hear a good definition of what common sense is all about, it is this precautionary principle. I put forward an amendment to ensure that the act was applied and enforced in a manner such that the absence of full scientific certainty—and I'm talking about full scientific certainty—should not be used as an excuse to justify non-action when every other indicator, including common sense, tells us there's a threat to the natural environment.

That's a very important point that I want to make here, and I want to use an example. I believe one of the government members said “What? Don't you believe in science? Are you trying to say we should do things if the science isn't there to back it up?” We can use all kinds of examples of things that have happened, and I used this example at the committee level. The one we all are most familiar with is tobacco, where there are still those today who will say you can't make the direct link between lung cancer and other illnesses from tobacco. We all know now, beyond a shadow of a doubt, that there is a link, but at the same time it can in some cases be very, very difficult to actually prove beyond a shadow of a doubt the link between some chemicals and their impact on human health.

That's why I made this amendment. It didn't pass, but this is what the amendment said: “To ensure that, in making decisions about carrying out the powers and duties of this act where there are threats of serious or irreversible damage to the environment, the persons making the decisions do not use the lack of full scientific certainty as a reason for postponing measures to prevent environmental degradation.”

I would think everybody would agree that if we're talking about protecting the environment, that actually is common sense. What it means is that the health of the people in Ontario is our topmost priority. It has to be. There are so many pressures on governments of all stripes at all times, and I understand that. I've been in government. Even here in opposition there are so many pressures to put other priorities before things like the most basic thing, the most important thing to all of us. If we don't have our health, then in a way nothing else matters.

I guess people in Walkerton can still speak to that. We know that people died and the tragedy of that, and many people got ill. We must not forget that there are people still ill as a result of the tainted water there, and there are parents raising children whom they know are going to have health problems for the rest of their lives; some of them are going to need kidney transplants. This is the legacy of that tragedy in Walkerton. I don't think we need any other examples to argue why we should support a precautionary amendment like this, yet it wasn't accepted. You could say, I suppose, that if Stan Koebel or somebody in Walkerton had acted on the precautionary principle, had acted on the basis of common sense rather than waiting for the 100% scientific certainty, we might not have had the tragedy that we sadly had and that so many people are living with now.

The NDP also wanted to amend the bill—and this came up from many of the deputants who came before us—to make sure it covered golf courses as well. I don't know if people here have any idea how much material is spread on golf courses that may find its unwelcome way—and it does—into our water table. Shouldn't that be a consideration? When I raised it, the government said they did not support it, because, why pick just golf courses; there would be land uses other than agricultural land and golf courses that this should be applied to, so why just pick on them? I suppose I can see their point. Therefore, there should be a list of all the other land uses that should be considered under this act. But I chose golf courses because it was the one raised most frequently and it's becoming such a huge, huge activity in this province. There are golf courses everywhere. Tons and tons of chemicals and pesticides and other nutrients go on that land, and it's a serious concern.

One of the great accomplishments made by this Legislature in protecting the environment was the passing of the Environmental Bill of Rights in 1993. That was when the NDP was in government in Ontario. Some of the members who are in the House, yes, were here then. That was a bill that I'm glad to say passed in this House. It's one of the few things, I believe, that the NDP brought in that the Tory government didn't almost immediately throw out. It was such a good bill and there would have been such a public outcry that the government kept the Environmental Bill of Rights and the Environmental Commissioner in place.

One of the things that happens now, and it still happens to this day because of that law, is that when

projects come forward that have significant environmental impacts, either from the government or the private sector, they have to get posted on the EBR registry so there's an opportunity for public comment. That was fundamentally why we brought forward the Environmental Bill of Rights and why, to this day, the public is able to have a look at all the changes—not as many as we'd like to see posted.

I see we have a new Speaker in the chair. Welcome.

Bill 81 provides for the government to pass regulations without requiring nutrient management strategies and nutrient management plans. That's what we're doing here. These things could very well have an incredible environmental impact. In the interests of putting safety first and protecting the environment and respecting the rights of communities to know what may be happening to the land and especially to the water and the groundwater in their communities, it would be of great value to have nutrient management plans and strategies posted on the EBR registry for public comment before they could be approved. I moved an amendment hoping that might happen. What I suggested was that we classify nutrient management plans and strategies as class II instruments, for the purposes of the EBR act. The government would not agree to that.

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To be fair, one of the things the parliamentary assistant said in response to this was that there will be thousands of these plans, all the way from small farms to the larger ones, and that you couldn't possibly put all those plans on the EBR. That may well be true, but I am sure there can be a way to post some of the more significant ones. I don't think we need all the tiny, little or smaller farms, some of the minor plans, but some of the more significant farms, especially the big farms—what some people refer to as factory farms, intensive livestock, industrial farms, whatever.

Those huge farms in particular are the ones we're hearing the most concerns about, although, let me be clear, and we learned this from Walkerton, it is not just the large farms that can cause these catastrophic situations we saw in Walkerton and that we've seen in other parts of the world. But we also know that the potential for the damage that could be done by runoff from the large farms would be just beyond our imagination, although it has happened in other jurisdictions.

God forbid that the public should be able to have information about this and be able to comment on it. So that was rejected as well.

Section 55 of the Nutrient Management Act is about privatization. It's about privatizing the "establishment, maintenance and operation of a registry" of nutrient management plans and strategies. Section 55 of Bill 81 is about privatizing the role of reviewing these nutrient management plans and strategies. Section 55 of Bill 81 is also about privatizing the "issuing, amending, suspending or revoking of certificates, licences and approvals." That's right: even approvals could be privatized.

I don't know if the Minister of the Environment, who's listening very carefully over there, was aware that

all these activities could be privatized. That would let the private sector approve the nutrient management plans. Why would they put that in there? I just took it for granted that this is so important to the health and well-being of Ontarians that the Ministry of Agriculture would do that. Is it perhaps because, as I said earlier, the funds are not going to be there to do it? So you allow the private sector to do it. They can set the fees however they want to set them, charge as much as they like, and the government doesn't have to worry about it. But where's the accountability?

The New Democratic Party proposed that the privatization clause should be removed from the bill. What's important to point out here is that it is not just the New Democratic Party speaking here. Speaker, you're from the Liberal caucus. Your party did not support all my amendments, didn't agree with all of them. We shared some of the amendments. But this is one we both put. Both the Liberal Party and the New Democratic Party put an amendment. The government defeated both of those amendments.

What it is important to understand here is that we aren't the only ones who made a very clear statement in the hearings as to their views about going the privatization route on this. The Ontario Federation of Agriculture, which generally supports this bill—they and I have some disagreements. That's very clear. I've been straight about that regarding some of the components of this bill. But this is one of the areas we agreed on, perhaps for different reasons. We agree on this. They said the same thing, but the government refused to listen to them as well. So did the Ontario Farm Environmental Coalition. That's an organization that includes the Ontario Federation of Agriculture and 39 other provincial farm organizations in Ontario.

I wanted to read to you precisely what they had to say about it. Sometimes we just have too much paper from preparing to speak to these bills, and I think this is it. I wanted to read specifically what the Ontario Farm Environmental Coalition said about this. Again, they and I do not agree on every component of this bill, we have some disagreements, but they said very clearly:

"OFEC objects to provisions within the bill that will allow the province to delegate several responsibilities to agencies or persons outside of government. This could very well result in a situation where standards may be deemed provincial but will in fact be administered unevenly across the province. To avoid such a situation it is recommended that the Nutrient Management Act be administered by OMAFRA with no outsourcing of tasks, be that as a director ... a provincial officer ... or an analyst.... Similarly, OFEC believes that the government of Ontario should not delegate power for the establishment, maintenance and operation of a registry..., the review of NMPs ... or the issuing, amending, suspending or revoking of certificates, licences and approvals....

"OFEC recommends"—and this is a major group representing farms all across Ontario—"that none of the powers associated with the proposed nutrient manage-

ment be delegated to anyone outside of the government of Ontario."

They feel very strongly about that for obvious reasons. I was surprised that I was not given a very clear answer as to why the government would allow this clause to remain in there when even those who are very supportive of the direction this bill is taking made it very clear that they do not support that aspect of it. Perhaps the government thought we would get this section of the bill passed, the privatization clause passed, and out of the way before the auditor's report hit the street. Perhaps that's what they were hoping, but the auditor's report is before us now. We have so many examples of what happens when you give away these kinds of responsibilities to the private sector.

Again I want to talk briefly about what happened in Walkerton, the privatization of the labs there and all the reporting mechanisms that had been in place between the Ministry of the Environment, medical officers of health and the local people. That fell apart. It was done quickly, without proper consultation, without requiring them to be accredited. However, in this case the whole operation can be given over to the private sector. Who knows who it will be, what kinds of fees they will be charging people? The concern quite rightly expressed by the farmers in this case is something the government should take into account and reconsider, even though our amendment was not accepted.

Section 56 says that the crown is not liable "for any act done in the execution or intended execution of a power or duty by a person appointed under" this act "who is not a crown employee...." What does that mean? First of all we deal with a section that says all aspects of this can be privatized and then we have a section that says the crown is completely removed from any liability. That's the government thinking forward to problems that could happen and removing themselves from any liability. I think it is outrageous that the government, in a situation like this where we're talking about the protection of the environment, the water we drink, our people's health, is wanting to privatize the service and at the same time remove themselves from any liability, any accountability.

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It means that a person in the private sector approves a nutrient management plan. If that happens—and it could happen. We're talking about a lot of nutrient management plans across the province. Some will do wonderful jobs. That's clear. We always see that in the private sector there are good players, good apples, and there are bad apples. But, no doubt, in a situation where the enforcement is not there and not being done properly—and I've already spoken about the fiscal restraints and the problems with that and the cuts that have already happened—what happens if there is an unsound or reckless nutrient management plan? It won't be the fault of the government who appointed them, will it?

That's the philosophy of this government in all cases: point the finger and say, "It wasn't me; it was somebody

else. We contracted these people to do it and they've made a mess of it. It's not our fault." That is the philosophy of sections 55 and 56 of the act: turn the decision-making over to the private sector and then sit back, and if they make a mess of it and something goes terribly wrong, then say, "The crown isn't liable here because we're protected by section 56 of the Nutrient Management Act." There's no public accountability here. That is the philosophy overall of this government, and we're seeing it again in this act before us. Those are some, not all, of the amendments the NDP made, and they were all turned down.

Another concern that the NDP holds, and anybody who paid attention and was watching what happened in Walkerton and worried that we might face another Walkerton one day, is about the timing on this. The timing is really critical. The clock is ticking. We have a bill before us a year and a half too late, and now we have no idea how long—there are no time frames in the bill. Look at how long it took before the bill came before us, and now we have no idea how long it's going to take for the regulations to be completed. You've got to wonder if these regulations will ever even see the light of day. But one thing we do know is that they will not be subject to the light of public scrutiny.

That's why we proposed an amendment to the act to ensure that these regulations must be in place within six months to protect our surface water and our groundwater. Given how much time we've been waiting, how much time the government has been working on this, and the absolute necessity, even though the nutrient management plan as being recommended here is not going to deal with a lot of the problems we're facing, we want to have time frames in the bill. It's the same problem as the recycling bill that we were talking about last night, to which I made an amendment to make sure that the money flowed to the municipalities in a timely fashion and that there are time frames for when things had to be done. That wasn't accepted either. We wanted a time frame, and I would have been agreeable to changing that to a little bit longer if necessary to at least have some time frame in there so we could just take action here and make this a priority and make it happen.

Another part of the bill has raised some big concerns and is quite controversial. There were a couple of themes that ran throughout the public hearings on this and there were a couple on which there was no agreement. One of them was about democracy and the government's respect for local democracy and local communities. That is in section 60. What section 60 says is very simple. It says that if a local community has municipal bylaws that may set a standard higher than something produced through this bill, then it is overruled by this bill. What section 60 does is it disempowers the hundreds of municipalities across Ontario that have been having problems particularly in environmentally sensitive areas. We've all heard about them—Huron county, for one—what many people and municipal bodies consider to be too many of these huge what are called megafarms being built in

those locations, and municipalities, although it's a headache for them because they are having to make these very difficult decisions, need to maintain that power to do so. That's been taken away from them in this bill.

The decision in fact goes against what happened recently in Quebec. I don't know if you recall at this late hour, but you might remember recently in Quebec what's called the Hudson decision. It was a Supreme Court decision around a municipality being able to make its own bylaws around pesticide use. The municipality of Hudson made that decision and put in a bylaw. It was challenged, it went to the Supreme Court, and the court said very clearly that the municipality had the right to do that. The decision was challenged at the Supreme Court and it was upheld in the courts.

There was another decision made here in Ontario, certainly not a court decision, but it was a bylaw developed by a municipality and it was brought before the OMB. The OMB affirmed that municipalities could in fact put in laws that did not go along completely with the right-to-farm act, that they could make their own bylaws. The OMB upheld that ruling, when this government actually spent millions of dollars to object and try to stop the municipality from having some control of its own land. So the OMB ruling confirmed what municipalities had been saying all along. The Conservative government—what time is it? I guess I'm not going to finish tonight. We've got five minutes. Stay tuned.

The OMB ruling made it very clear that the municipalities should be able to bring in their own laws to allow or disallow megafarms to be sited in their municipality. This was a west Perth bylaw and it said this: "No livestock operation or manure storage facility shall be established or enlarged until a nutrient management plan is completed where required by the municipality's nutrient management bylaw." It goes on to say, "All of the land base required for the handling of the manure produced from the intensive farm operation, as determined by the nutrient management plan, shall be located within eight kilometres of the intensive livestock operation." So the OMB ordered the municipality to remove the paragraph in italics, citing that the township exceeded its legal boundaries by limiting manure hauling distances. But that's the only one they disagreed with. Everything else remained as it is, according to the OMB.

The government is ignoring both of those rulings: the OMB ruling right here in Ontario and a Supreme Court decision. On one hand, the government said it supports municipalities to determine their own future, to have a say over their own land use and what happens in their own jurisdictions, but it's taking that away in this bill.

There was controversy over this. Many of the farmers wanted very much for the government—and this is what's the government has done—for the province, to be able to supersede their own bylaws. Some of the smaller farm groups and many people in the areas, and in particular AMO, came before the committee. Although, again, AMO was pleased to see this legislation at last coming forward, they made it very clear that they were

not supportive of this element and were very concerned about the implications.

I'll just finish this sentence, Mr Speaker, because it's important. AMO made it very clear that they were concerned about this element in the bill. They did not want that right and that responsibility taken away from them.

Mr Speaker, it being almost 12 of the clock, I will stop for the moment and continue on another day.

The Acting Speaker: Thank you. It being 12 of the clock, this House stands adjourned until later today at 1:30.

The House adjourned at 2400.

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