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**Official Report
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Wednesday 29 May 2002

**Journal
des débats
(Hansard)**

Mercredi 29 mai 2002

**Standing committee on
general government**

Nutrient Management Act, 2002

**Comité permanent des
affaires gouvernementales**

**Loi de 2002 sur la gestion
des éléments nutritifs**

Chair: Steve Gilchrist
Clerk: Anne Stokes

Président : Steve Gilchrist
Greffière : Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 29 May 2002

Mercredi 29 mai 2002

The committee met at 1540 in committee room 1.

NUTRIENT MANAGEMENT ACT, 2002

**LOI DE 2002 SUR LA GESTION
DES ÉLÉMENTS NUTRITIFS**

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

The Chair (Mr Steve Gilchrist): Good afternoon, everyone, and welcome to the standing committee on general government for the purpose of considering Bill 81, routine proceedings now being over.

I'll ask Ms Churley to start things off very quickly with a motion about what we're actually doing this afternoon.

Ms Marilyn Churley (Toronto-Danforth): I will read the motion into the record, because of changes in our procedure, and then I have a brief point of order.

I move that, notwithstanding the report of the sub-committee on committee business that was moved and adopted by this committee on Monday, May 27, 2002, the standing committee on general government will consider 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, as follows:

1. Public hearings are to be held on Wednesday, May 29, 2002;
2. Witnesses that wish to appear before the committee will be scheduled as they call in. Organizations will be given 20 minutes and individuals 10 minutes to speak;
3. Clause-by-clause consideration is to be held on Monday, June 3, 2002;
4. The deadline for amendments is to be Friday, May 31, 2002, at 12:00 noon;

5. The deadline for written submissions is to be Thursday, May 30, 2002, at 6:00 pm.

The Chair: Any debate?

Mr Toby Barrett (Haldimand-Norfolk-Brant): Mr Chair, I just want to draw to your attention that I am subbing as parliamentary assistant to the Minister of Agriculture. I am also very pleased that the Minister of Agriculture is here for some of the proceedings this afternoon, given her long-standing interest.

The Chair: Thank you very much.

Any further debate on the motion?

Seeing none, I'll put the question. All those in favour of the motion? Opposed? It's carried.

Ms Churley: I just want to raise a brief point of order. We're back here because the NDP has had some problems with this bill. As you know, although we are supportive overall, we have some concerns, and we're coming back to make some amendments, particularly in light of part two of the Walkerton report.

I note that in section 2 in the binder we have just received—and I find this highly unusual; I presume this is from the ministry—there are a couple of pages of quotations supporting passage of Bill 81 and several pages of news releases from people supporting the bill. What is missing from here—and it should be included in the committee, which is supposed to be balanced, as we hear from everybody—are some of the concerns raised by people about the bill.

I just want to point out that I have a problem with that coming to a committee from a minister's office without the balanced approach. We all agree that we heard different sides to some of aspects of this bill, and that is not included in the information that is being provided to the committee. I just wanted to make a note of that.

The Chair: Thank you, Ms Churley. I'll certainly take—

Mr Steve Peters (Elgin-Middlesex-London): On a point of order much along the same lines, Mr Chair: Can we be assured by the minister or possibly the parliamentary assistant that all correspondence that has been sent to the minister's office, either in support or not in support of this legislation, has been included in this binder?

Mr Barrett: Mr Chair, it's my understanding that correspondence, certainly very recent correspondence, has been included. I think you would find this under tab 2. I think the expectation is that certainly any material

that comes in to the clerk would be forwarded to this committee.

Mr Peters: On the same point, Mr Chairman: Are we assured that we have all the correspondence sent to the minister that has been received, say, in the past day or so?

The Chair: Before I ask Mr Barrett to respond, it's not within the purview of this committee to in any way intrude in the normal affairs of a ministry. The instructions to correspond with the clerk are always posted on the parliamentary channel.

I can give you the assurance—you should have some other information before you—and in fairness to you, because you weren't here two days ago, there were some items of correspondence received on Bill 81 that were distributed to the Liberal members on that day. That included both positive and negative observations. So I have complete faith that the clerk has distributed every piece of correspondence that she has received, and that would have been the instructions posted on the parliamentary channel.

Mr Peters: But you can't guarantee that we have everything the minister has received.

The Chair: I don't think anyone has ever suggested that is a protocol that a committee would involve itself in. I would just say to Ms Churley that I don't have a copy of the binder here but I would think, just taking the very high-level approach to this, that when the day comes that you want to talk about your Safe Drinking Water Act, it's not likely you would be standing up and articulating the opposing point of view. Recognizing that if the ministry has prepared an information booklet, it is only appropriate the ministry would be advancing the ministry position. I don't think we can lose sight of the fact that it is the clerk who is the neutral arbiter of items such as this. There is an alternative—and I'm certainly not trying to be cute when I say this—and that would be that the ministry not share its perspective at all with members of the opposition.

Ms Churley: I'm sure we're all anxious to get on with the hearings and I'll just say this: it's my understanding that the clerk was not asked to complete this binder, that she wasn't aware of some of the material in there, and I would still say information provided to a committee, as opposed to the government or an individual member, should be fair and all of the correspondence representing all the different views should be in the binder. This particular binder has only the positive letters, faxes and press releases urging the government to get on with the bill and expressing disappointment it didn't pass, that sort of thing. I find that not useful and not fair to what's supposed to be a committee weighing all of the evidence we've got.

The Chair: Again, Ms Churley, let's not get off on a tangent here. The fact of the matter is, that is the ministry's presentation. The ministry has in fact, and the minister—

Ms Churley: I'm expressing my view on this—

The Chair: I hear your view, but I don't know if it's realistic that you would expect Hudson's Bay to be promoting Wal-Mart.

Ms Churley: I'm expressing my view and I think it's also highly unusual.

The Chair: Duly noted. With that, let's move on to the hearings, if we may.

COUNTY REGIONAL ENVIRONMENTAL EVALUATION KO-ALITION

The Chair: Our first presentation will be from the County Regional Environmental Evaluation Ko-alition. Good afternoon and welcome to the committee. Just to be fair to all the participants this afternoon, because routine proceedings went a few minutes late, we'll shave a few seconds—it will probably be only half a minute—off each presentation. In case folks don't know, committees are not allowed to proceed after a vote is called and we expect there will be a vote at 5:50 this afternoon. Please proceed.

Ms Linda Roberts: Hi. I'm Linda Roberts, the chairperson of CREEK, which, as you have stated, is the County Regional Environmental Evaluation Ko-alition. "County" refers to Prince Edward county. Anybody who lives in Prince Edward county always refers to it as "the county," and hence the name. On behalf of CREEK, I'd like to thank you for the opportunity to be here today, even though I had to really hustle to get here.

The reason CREEK is in existence is that it's a group of residents at the east end of Prince Edward county—I know you probably won't be able to see this map, but it helps me explain things. It is kind of large. Prince Edward County is an island. This is the eastern tip of the island. On the north side is a body of water called Adolphus Reach. On the south side is Lake Ontario. There is a cove called Prinyer's Cove. Immediately southwest of Prinyer's Cove is a large marsh which is designated a provincially significant environmental wetland. Immediately southwest of the provincially significant environmental wetland is an intensive livestock operation. This livestock operation has two barns holding almost 3,000 hogs and an open pit with a capacity of a million gallons of raw manure that is sitting right next to the wetland, which is obviously a matter of concern.

Also in terms of the geology of the region, Elmbrook clay and Solmesville clay is the area where the effluent is spread and these clay formations are described as having imperfect external and internal drainage. The spreading of the raw manure usually occurs between 90-day and 120-day intervals and it is spread in the areas that are marked yellow here, so the fields are just to the west and in part impinging on the wetland and just to the east and impinging on the wetland. When you're dealing with a million gallons of manure going in this kind of area, there are some really very serious concerns.

1550

We are concerned about respiratory problems due to airborne particles, but more particularly we are con-

cerned about the water. There are approximately 180 houses in the area, all of which are dependent upon wells—some drilled and some shore wells. Obviously there's concerned about that. Also in the cove that I pointed out to you is a very popular boat mooring site, and visitors from all over the province and from the United States come and moor to enjoy the beautiful area and stay as long as the smell's not too bad. If they stay, they also tend to swim in the cove. The marsh I showed to you drains into that cove and the marsh is next to the effluent spreading. So it's the water that really concerns us.

CREEK really wanted legislation to regulate this type of industry and we were really pleased when Bill 81 was proposed, but when we actually saw Bill 81, we were very disappointed with the bill as it currently stands.

We made a presentation in September 2001 in Peterborough. I'll just review the concerns we expressed at that time very briefly.

We were concerned that the bill includes traditional farms which are regulated under the Farming and Food Production Protection Act and the Environmental Protection Act, and sewage sludge, septage and paper sludge, which are already managed under waste certificates of approval. We believe the legislation should follow the lead of the United States of America, where the Environmental Protection Agency recently announced that large agricultural operations will be required to have permits under the national pollutant discharge elimination system, as factories already do. We also believe Bill 81 should limit its focus to intensive livestock operations.

Our second concern was that we were dismayed the regulations did not accompany the legislation. Without the regulations this is a hollow piece of paper to us. It doesn't help us in any way.

One of the areas in part II, subsection 5(2) of Bill 81, suggests there be an assessment but it doesn't say "hydrogeological" assessment. We believe it's very important that any assessment of ILOs involve a hydrogeological assessment.

We believe, in terms of places like Prinyer's Cove where there's swimming going on near an ILO, that the Ministry of Health should be involved to test the water and post warnings on a regular basis, as is done in provincial parks. We believe that monitoring, enforcement and mediation should be handled by provincial agents.

The legislation recognizes the possibilities of "danger to the health and safety of any person," "impairment or serious risk of impairment to the quality of the natural environment for any use that can be made of it," "injury or damage or serious risk of injury or damage to any property or to any plant or animal life," yet states that "a provincial officer may exercise the power to enter and inspect land or premises without a warrant." We believe that the wording should be changed to "a provincial officer shall exercise the power conferred by this section to enter and inspect land or premises on a regular, prescribed basis without a warrant."

Without the requirement for detailed records and regular auditing by provincial officials, compliance can be expected to be poor or non-existent.

I've gone on far longer than I intended to.

My main points that I wanted to get to, actually, were that in view of the publication of Walkerton part two from Justice O'Connor—and I won't have to repeat it if you did receive this from me. It was sent to the clerk. I brought out the recommendations that Justice O'Connor made that really address more of CREEK's concerns than Bill 81 does.

I do believe it's incumbent upon the government to take the time to examine the Walkerton report and try to incorporate as many recommendations as it can into Bill 81 and deal with this as a source water issue.

Finally, when it comes time for the regulations to be developed, I would also request that Justice O'Connor's comments be respected where he says, "Consultation should err on the side of inclusion, both regarding which parties are consulted and regarding the level of involvement in the process. Consultation should never be pro forma...." I request that for the development of the regulations. Thank you.

The Chair: Thank you very much for your presentation. We appreciate your taking the time to come before the committee today.

ONTARIO PORK

The Chair: Our next presentation will be from Ontario Pork. Good afternoon and welcome to the committee.

Mr Clare Schlegel: Thank you for this opportunity to make a presentation. I am Clare Schlegel, chair of Ontario Pork. With me today is Dennis Zeckveld, chair of our environment committee.

We would like to thank the members of the committee for giving us this opportunity. However, this is the second standing committee of the Legislature that I have addressed in less than a year on this bill. We are disappointed by the slow progress of the bill to date.

Ontario Pork, as one of the member agricultural organizations in the Ontario Farm Environmental Coalition, is committed to the principles of this legislation and its timely passage.

From the outset I want to emphasize that we do not want any amendments to the proposed Nutrient Management Act. The swift passage of this act is imperative for the continued viability of the agricultural sector to ensure that province-wide standards are in place.

We are looking forward to participating in the public consultations this summer on the regulations committed to by Premier Eves in the House this week. As such, I want to focus my presentation on the concerns I have heard raised with respect to Bill 81, as well as the uncertainty created by the absence of standardized and regulated nutrient management practices across this province.

First I would like to tell you a bit about our organization, Ontario Pork. Ontario Pork represents the province's 4,200 pork producers in many areas, including marketing, environmental issues, research, animal care and quality assurance programs. In 2001, Ontario's pork producers marketed 4.75 million hogs, valued at \$813 million. The total pork industry is estimated to be worth \$5.6 billion and 35,000 jobs to the Ontario economy. We're a large employer.

Ontario Pork was one of the founding members of the Ontario Farm Environmental Coalition. In this capacity, we have been working together with other agricultural organizations for over a decade to address issues related to soil erosion, nutrient management, water quality and environmental farm planning. To date, over 20,000 farms across Ontario have voluntarily put environmental farm plans in place.

Our commitment to the environment extends beyond our work with the coalition. Pork producers of this province already have committed about \$2 million to research on environmental issues to date.

Some of the successful research projects our funding has supported include:

- Compilation of the largest on-line research database on environmental agricultural practices in North America accessible to anyone—farmers, governments, the public. If you go to our Web site, you're certainly welcome and encouraged to view that site.

- A University of Guelph study of community perceptions on livestock and agricultural intensification.

- The Enviropig, and this has made worldwide news—a biotech breakthrough at the University of Guelph in reducing the environmental impact of manure produced by hogs.

- An evaluation of concrete liquid manure storage systems in southwestern Ontario to assess their potential impact on groundwater, by the University of Waterloo.

Now I would like to address some of the concerns raised about Bill 81 in its current format.

Successful farmers in Ontario pride themselves on being stewards of the land. They know that the fundamental building blocks of agriculture are clean water and healthy land.

Since the Walkerton tragedy two years ago, the province, municipalities, environmental organizations, farmers, the public and media have recognized the fundamental need for the consistent application of clean water standards and enforced regulations across the province.

1600

Ontario Pork recognizes that regulated environmental farm plans are a key component of the long-term sustainability of rural communities and the agricultural sector. In his recent release of the report of the Walkerton inquiry, Associate Chief Justice O'Connor states, "there is no binding requirement for farmers to develop or follow nutrient management plans (although this situation may change under the proposed Nutrient Management Act)." That's on page 132. His report recommends

that all large or intensive farms be required to develop binding individual water protection plans consistent with the source protection plan. We believe our environmental farm plan will address this issue.

I have heard comments from members of the opposition that a number of amendments should be made to the Nutrient Management Act to incorporate Justice O'Connor's recommendations. I would like to remind committee members that his report specifies the shared goals between his recommendations and the intent of the Nutrient Management Act. He clearly states, "With respect to nutrient-containing materials, the act, if passed in its present form, would certainly provide the province with the authority to create the tools it would need to develop the farm water protection and planning system that I am recommending." That's on page 138.

Bill 81 is enabling legislation. The regulations will prescribe the enforceable standards. Justice O'Connor recognizes that the act's effectiveness will depend on the development of appropriate regulations. He calls for the province to consult with farm groups, conservation authorities and other affected groups in developing regulations for the protection of drinking water under the act. Ontario Pork agrees with Justice O'Connor that the development of the regulations under Bill 81 are the essential tools to ensure that enforceable standards are in place for nutrient management and water protection on farms across Ontario, and that these regulations be developed in partnership with farm groups.

Farm organizations are actively preparing for their role in the development of the provincial water regulations. Ontario Pork, together with the Ontario Cattle-men's Association and the Ontario Sheep Marketing Agency, are hiring a water specialist to provide scientific advice on water standards. That's happening right now.

As farmers, clean water is not only important for us to feed our livestock and irrigate our crops, but we run our businesses from our homes. We drink from the same local water sources, so the quality of the drinking water is of great concern to our families and our communities. In the wake of the Walkerton report part two, it is now more critical than ever to move forward on this important piece of legislation. Further amendments to the bill will only delay its passage and create instability in our industry across municipalities in Ontario.

I would like to take a few moments to describe what a delay will mean to us. We are pleased that the bill provides for province-wide standards that will identify the requirements and responsibilities for farmers, municipalities and others in the business of managing nutrients. Bill 81 means that Ontario Pork can look to a regulatory environment that provides a province-wide, comprehensive, clear and effective approach to managing nutrients. The implementation of this legislation will eliminate the current inconsistent patchwork of best practices and by-laws. The lack of province-wide standards affects the ability of local farmers to manage their operations, to plan for the future and to compete in a global marketplace. Uncertainty is also stifling reinvest-

ment in hog operations, which is estimated at approximately 10% of the annual revenues from hog sales. An estimate based on 2001 revenues would be over \$80 million.

Justice O'Connor recognized the importance of avoiding situations where there may be local initiatives to create or enhance by-laws. His 14th recommendation is as follows: "Once a farm has in place an individual water protection plan that is consistent with the applicable source protection plan, municipalities should not have the authority to require that farm to meet a higher standard of protection of drinking water sources than that which is laid out in the farm's water protection plan."

In conclusion, Ontario Pork is concerned about protecting the environment and the long-term well-being of Ontario's farms and Ontario's rural communities. We want to be certain we can reinvest in our farms and operate them with confidence and with pride. As a farmer, I not only work on my land, but I live on it. So it is important to me and my family that proper safeguards are put in place for the future of my business, the health of my family and the health of my community.

I want to assure the members of the committee of our commitment to work with legislators and the government to make this legislation a success. I encourage you to move forward on the passage of this bill as quickly and expeditiously as possible. We want to begin to work with all parties to develop the regulations.

We would be pleased to answer any questions you may have at this time. Thank you very much.

The Chair: Thank you very much. Just before I take some questions, you made a comment earlier as to the previous presenter. I wanted to put on the record our thanks to folks for responding very quickly. The government House leader had made an offer to the two opposition parties, and we all agreed not to delay the passage of the bill, but to allow one more opportunity for input at this final stage, the trade-off being more time in committee hearings and one hour of third-reading debate, instead of one day of third-reading debate. That agreement was reached between the three parties, but it does not bode anything other than that we wanted you to have a chance to make your final input here.

We've just encountered another problem. There's actually a group scheduled at 5:15. Let's say that we've got four minutes for questioning. What would the committee prefer: all the time for one and we'll do that rotation, or do you want me to split it into two-minute groups?

Mr Barrett: We'll rotate.

The Chair: Yes, we'll rotate, but do you want to rotate in two minutes, or shall we give all the time to the Liberals this time?

Interjections.

The Chair: OK.

Mr Peters: We're going to split it?

The Chair: No, You've got four minutes.

Mr Peters: OK, thanks. I appreciate you making those comments too, that it was all three parties who got together to ensure the quick passage of this legislation.

You talk about the amendments, Clare. What's your opinion on this amendment: "that in enforcing this act, the minister shall at all times consider the desirability of using economic incentives to encourage compliance"? Is that an amendment you have a problem with?

Mr Schlegel: I'm going to comment in response to Mr Gilchrist. I appreciate the explanation of how much time it will take, and look to Dennis to respond to the question.

Mr Dennis Zeckveld: I think one of the issues we've raised in other consultations and whenever we've met with OMAF staff is that we're very concerned about the cost of implementation of regulations, depending on what the regulations are. If you look at small and medium farms, the impact of this legislation is going to be hardest on them, and our position has been that there has to be an economic impact study done before regulations are put in place to have a clear understanding of what the cost is going to be, and that there be some form of incentives available for producers of agriculture to meet those regulations.

Mr Peters: That's why we made that amendment, so it was clearly defined in the act that economic incentives were important to you, like everybody else.

Subsection 3(1) of the legislation talks about designating individuals responsible for the enforcement of this act. Do you have any concern that these employees be true government employees? What would your opinion be if the services for inspection were contracted out?

Mr Zeckveld: I think our position has been that we would like to see the government involved with this process, at least for a period of time. The important thing for us is that adequate training take place for anyone, that they have a full understanding, a clear understanding, of agricultural issues, and that whoever enforces them understand the biosecurity protocols of farms. Those are the things that are important to us. For us, right now, OMAF has those capabilities.

Mr Peters: That's another amendment that we have put forward, that we want them to be employees of the Ministry of Agriculture and Food or employees of conservation authorities and not be contracted out. We want those same assurances that you want.

On the question of the ability to pay, I have a number of pork producers in my own riding. I have everything from small operations to large, vertically integrated companies. On the question of incentives, are you at all concerned that the potential exists, because of this legislation and the pending regulations, that small operators could be legislated out of business?

Mr Zeckveld: Just rephrase that really quickly.

Mr Peters: Are you concerned that, with this legislation and the regulations, small operators could be potentially legislated out of business?

Mr Zeckveld: Depending on the regulations, we have some concerns that, yes, the impact is going to be hardest on the small- or medium-sized operations.

Mr Peters: Do I have any time, Mr Speaker?

The Chair: No.

Mr Peters: No? OK. Thank you very much gentlemen.

The Chair: Thank you both for coming before us here today.

1610

ASHFIELD-COLBORNE
LAKEFRONT ASSOCIATION

The Chair: Our next presentation will be from the Ashfield-Colborne Lakefront Association. Good afternoon and welcome to the committee.

Mr Mike McElhone: Good afternoon, Mr Chairman, Ms Churley and gentlemen. Thank you for the opportunity to meet with you today and share some final thoughts on Bill 81. My name is Mike McElhone. I am the environmental team leader for the Ashfield-Colborne Lakefront Association. I live in Campbellville and I've owned a cottage on Lake Huron in Huron county for 26 years. My wife and I now spend five months a year there.

My first thought is that there seems to be an inordinate rush to suddenly pass this bill after long delays. One would have hoped that enough time would be taken to make sure we truly understand and consider the advice that we have been given in Walkerton part two. In fact, if this committee merely accepts the Walkerton part two report, this province's drinking water and surface water will eventually recover. Failure to adhere to the Walkerton part two recommendations will condemn this province to generations of pollution.

The regulations necessary to clean up our water supply will eventually be passed. Paper number 6 of the Walkerton inquiry makes it clear that the severity of regulation in any country or jurisdiction is directly proportional to the mess that it must clean up. Your decision is whether to pass the necessary regulations now or when the situation becomes even worse.

Our organization made a submission to this committee only a few days ago. I hope you have read and considered our concerns and recommendations. When we were notified last evening that there would be a public hearing today, the simplest thing would have been not to come. Unfortunately, this morning was our routine biweekly extreme water testing thing. It took some major logistics to even get here. We do a biweekly water testing program—we started last year and it's going on this year—the full results of which are in the packet we gave to you. It was published by the Maitland Valley Conservation Authority. We are attempting to find out why our streams and beaches are loaded with E coli, phosphate and nitrate. Not to come today would have been giving up. Not to come would be allowing this weak bill to pass unopposed. Not to come would be accepting fouled drinking water, closed beaches and a ruined environment.

Let me take you through a quick state of the environment in Ashfield-Colborne-Wawanosh township. In

excess of 30% of all water wells are polluted with E coli. In our water testing project last year, we found the following. Each of the 12 streams tested had averages above the provincial water quality regulations of 100. The average for the total of 173 samples was 1,102, 11 times the water quality regulations. One small stream had reports of 214 times and 170 times the limit. One swiftly running stream averaged 15 times the limit. This stream flows into Lake Huron at the site of a children's camp. This camp is now forced to bus its children to Lucknow to use a community pool.

The largest stream, Nine-Mile River, averaged 6.6 times the PWQR. It empties into the lake at the site of a large cottage community and a public beach. Even though it's not an overly large river by provincial standards, its impact is huge. The water volume from that river in 2001 would fill an area of 55 square kilometres, five metres deep. You can multiply that out any way you want. It can be 55 kilometres wide and a kilometre out, but it is still a humongous amount of water. It equates to about one sixth the volume of Lake St Clair.

What is the effect of all this pollution? The average Huron County Health Unit beach test for our township last year was 275, almost triple the safe level for swimming. No beach averaged below the limits. Each beach had individual readings exceeding 1,500. Amberley, the largest beach, recorded a reading of 5,200; Kintail, the site of the children's camp, recorded 4,400. Fifty-three per cent of all of the Huron County Health Unit beach tests exceeded the limit for safe swimming. Ashfield, Colborne and Wawanosh beaches were closed for a total of 140 days in 2001.

The Walkerton report makes specific comparisons between Ontario and Kentucky due to similar geological conditions. I come from a transportation background; I travel constantly. In the United States, Kentucky is generally regarded as a redneck, backward state. It's renowned for bad schools, poor diets, corrupt government and people who drive motorcycles without helmets.

Yet Kentucky has manure management laws that are much stricter than what you seem to intend to pass. What will it take to get this province to pass laws that will adequately protect our water? The logical first step is to license farms. Every other business in this province requires a licence to operate. Only through licensing will the province get enough control to know who is out there and what is happening. Why should farming be different from other businesses?

Proposed regulations must insist on geological testing and stream sampling before licences for new barn capacity are issued. If nearby streams are polluted beyond provincial water quality regulations, then licences must not be issued. Existing farms must prevent livestock from access to streams. On the 15 stops this morning we saw six farms with animals in the water.

Runoff must be eliminated. Ontario must adopt laws similar to those found in certain states in the United States where the only acceptable runoff is after a 25-year, 24-hour storm. Communities must still have the right to

pass bylaws further restricting agricultural expansion if required by local conditions. The Walkerton paper 6 clearly shows that five counties in southwestern Ontario have reached saturation levels for livestock concentration. There must be legislated ability to control further growth if it will impact on the environment.

In conclusion, you're here to pass a law protecting Ontario's water. You are not here to facilitate intensive livestock growth. This is about water, this is about health, this is about the quality of life and this is about the province that we will turn over to our children. This is not about farm exports, this is not about feed sales and this is not about Ontario pork.

The Chair: Thank you very much. This time I'll give five minutes to Ms Churley.

Mr McElhone: Excuse me for one second. There are two people here who have more knowledge on the management side, Mr Dave Cooper and Mr Heinz Puhlmann. The questions can be addressed to them as well, if you concur.

The Chair: If they would like to join you at the table.

Ms Churley: Thank you very much to everybody for coming on such short notice. I was burning up the phone lines late yesterday afternoon and last night. We appreciate your coming today to give your presentation.

In the Walkerton part two report, which was just released and which we're all studying to try to figure out the best approaches for protecting our water, one of the things, and it was just quoted by the previous submitter, Judge O'Connor said was that once there's a strong provincial standard in place for what I read as existing farms, the municipality then should not be able to reach in and change that. That's my reading of it.

I think what you're saying is something different, that we're hearing a lot about the larger mostly hog farms, which is what I get the most correspondence about. One of the amendments that was not accepted by this committee, and it is different from what Judge O'Connor is talking about, is the ability for municipalities to bring in bylaws to restrict and have a say over allowing large—what's known as intensive—farming, or whatever, to be placed in their municipalities. Is that what you are saying, as opposed to the specific issue that Judge O'Connor raised around existing farms and standards on that farm? Because I see them as two different issues.

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Mr Heinz Puhlmann: Perhaps I can answer that.

The Chair: Excuse me. Could you identify yourself for Hansard.

Mr Puhlmann: Yes. I'm Heinz Puhlmann, and I'm with PROTECT in Ashfield township.

I have not read Justice O'Connor's report in its entirety, but it seems to me that where he says individual farms should not be further restricted once they adhere to certain standards, this is to be read in conjunction with his recommendation that watershed management plans should be in place and once these farms have operated within the parameters of the watershed plans, they should not be further restricted. We don't have any watershed

management plans right now in place; therefore, yes, I believe the municipalities should have powers to restrict and pass bylaws to restrict intensive livestock operations.

Ms Churley: Yes, specifically to have a say in whether there are new ones opened up. There has been controversy, as you know, over that issue, and a few others as well, including should it be the Ministry of the Environment, as Judge O'Connor clearly recommended, that oversees this act, or the Ministry of Agriculture. But the issue around the municipalities having that right to have those bylaws—I know AMO came forward and also expressed concern about having that planning tool taken away from them. So I'm just trying to get at some of the concerns that you raised. I understand that is one of your biggest concerns.

Mr Puhlmann: Yes. We have, for instance, in our township a very large cottage community and tourism community. We're not the same kind of township that is farther inland, for instance in the Brussels area. We have a large tourism component in our area. I cannot see that every county and every township in the province should be treated the same.

Ms Churley: Another question around how you foresee the writing of the regulations, because I am putting forward some more amendments: I don't know if they'll pass or not, but this act will be passed fairly soon. Knowing in the Legislature in December that the Walkerton report part two was coming out in May, I was quite anxious for us to have this opportunity, after seeing the report, to have another kick at the can here.

Do you have any idea at this point, when Judge O'Connor talks about watershed studies and watershed management, how you see that fitting into this kind of legislation, or do you envision a separate, what I call a green planning act or watershed planning act or something like that? Or do you see somehow that this legislation should include that kind of planning?

Mr McElhone: I believe this legislation should include—and I'm not sure whether it's at this level or at the rural level—certainly a clear statement that it is the Ministry of the Environment that will be doing the enforcement of this. There's been considerable concern shown across this province that OMAFRA is just too deeply involved with the farm community; they're promoters of the farm community and would not do a decent job of enforcement.

Ms Churley: So how would you see their role, then? Working directly with the farmers to do some of the training and working in that capacity?

Mr McElhone: Or maybe the training should be done on the OMAFRA side. I came from the trucking industry, and when they introduced hazardous materials legislation across the country, no one asked us whether they wanted us to do it. We were given the manuals, told the names of certified trainers. We hired the trainers at our own cost, and if it didn't work correctly, we went to jail or had high fines. There was no subsidy to do it. We got in line in an awful hurry. I'm aware of no truck lines that went under because of that.

I really think in this case we're more into "I don't want to" than "I can't." I think there have to be strict rules. I do not believe that any farmer who is living up to the rules you have in the legislation should then be further harassed.

The Chair: We've actually gone beyond six minutes. Thank you very much, gentlemen, for taking the time to come all the way down here. We appreciate your comments.

ONTARIO FEDERATION OF AGRICULTURE

The Chair: Our next presentation will be from the Ontario Federation of Agriculture. Good afternoon. Welcome to the committee.

Mr Bill Mailloux: Thank you, Mr Chair. I apologize for not having my suit coat on. My wife said to make sure I wore it, but she's obviously never been in this room before.

Mr Peters: Look around the table.

Mr Mailloux: Yes. Let's put it on record that there are not many here who have their suit coats on.

I'm Bill Mailloux, vice-president of the Ontario Federation of Agriculture. This is David Armitage, a senior policy researcher, and when I use the word "senior," it doesn't reflect anything about his age; it's his expertise.

The Ontario federation is very pleased that we could make comment today. We're pleased to see the Minister of Agriculture here as well to hear all the concerns.

The Ontario Federation of Agriculture represents over 44,000 farm families. We have 28 member organizations that work on a range of agriculture issues. The OFA's commitment to the protection of natural resources has been demonstrated in several ways. The OFA is one of four lead agencies of the Ontario Farm Environmental Coalition and is involved in all of its various working groups and committees, working on such issues as environmental farm planning, nutrient management, water quality and water taking. We have also been involved in the production of a series of publications on best management practices—I believe you have copies of those—and other resources that help farm families to improve the environmental concerns and water quality concerns on their farms.

I'd also like to point out that we were involved in this long before Walkerton. We actually had the expertise hired on our staff, I guess over six years ago—a water expert, a hydrologist. So we've certainly been concerned with these issues for a long time and we continue to work in a positive manner.

We're also providing the committee with a copy of the Ontario Farm Environmental Coalition's submission on Bill 81. It was prepared by Dr John FitzGibbon, chair of the OFA committee. His schedule did not allow him to change and come here today, so we've made copies and presented them to you.

We've got five points we'd like to cover in this presentation.

(1) We believe it's imperative that the most important element of the proposed Nutrient Management Act be recognized as the introduction to the agricultural community of a standardized nutrient management planning process. The OFA held consultations with its members last November and December all across the province and we had overwhelming support on the concept of farmers preparing a nutrient management plan specific to their farm operations, although that was provided that an appropriate level of training is provided and funding assistance is available to offset any capital cost improvements that are necessary to comply with the legislation.

The elements of a standardized nutrient management plan are summarized in figure 1. I'll talk on that a little bit more.

It is the position of the OFA that all farms in Ontario, regardless of size or their location, must develop and implement a nutrient management plan. However, we do see merit in having a phase-in period that requires operations that are considered to be of higher risk—by higher risk I mean more obvious to be able to do a nutrient management plan right away and others that will have to phase in. I think the words "higher risk" are maybe not the right words, but perhaps you start with new facilities, those that are doing expansions and things like that, work in a nutrient management plan—the obvious ones, just for convenience if nothing else. We have a phase-in period for others to comply.

There are quite a few things to consider in a nutrient management plan when you're looking at the farm. When you're looking at a livestock farm, there has to be consideration of the species, the number of animal units on that farm, the type of housing, the feeding system and manure system. Certainly all of those are different on farms, depending on livestock and how you handle manure and things like that. So there are a lot of things to consider on livestock farms.

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Storage of the nutrient at the farmstead has to be considered: the size and location of the storage, referring to compliance with the minimum distance separation and, whether it's manure or inorganic fertilizer, again the size and location of storage. All those have to be considered.

Characteristics of the fields where nutrients are to be applied: you have to consider the soil test results, soil texture, yield of the crop grown in the previous year, the slope of the land. I live on a farm in Essex county. We raise turkeys as well as cash crop. Certainly the landscape in Essex county is quite different from other areas in the province. It's probably the flattest I've ever seen. There are other areas with heavy slopes. All that has to be considered: the types of buffer strips around farms, distance from manure storage and things like that. It's a lot to consider on different characteristics of the farms.

Nutrient requirement of growing crop: crop grown and estimated yields that that crop can produce and the amount of nutrients removed by the crop.

Application of nutrients: when it comes to manure there are certainly different ways that manures are

applied, whether it's liquid or dry, and the livestock class, a whole range of things that have to be considered when we're talking about the nutrient management plan and some elements in that.

(2) What has been brought up a few times already today is the question of a lead ministry for Bill 81. That question has been debated since the bill was introduced. The OFA's position is that the Ministry of Agriculture and Food has the expertise necessary for training farmers in the principles of nutrient management, reviewing nutrient management plans, conducting compliance audits and administering funding programs.

We recognize that Justice O'Connor suggested that the Ministry of the Environment take this lead role. We do respect his opinion and we have had a very good working relationship with Justice O'Connor. However, we're not prepared to change our policy on that. We believe that OMAF should be staffed. They do have the expertise to be the lead ministry. Certainly we would have to go back and consult with our membership if we were to change that, and at this time we're not prepared to do that.

We note that Bill 81 was introduced without a lead ministry named and we suggest that the discussions as to what ministry plays what role can be part of the regulatory development process. It should be sufficient for the bill to simply indicate that the responsibilities for administering the act will be assigned by regulation.

Apart from naming the lead ministry, the OFA strongly endorses, and we have mentioned this in the past, the concept of establishing an interministerial committee comprising the Ministry of Agriculture and Food, the Ministry of the Environment, the Ministry of Natural Resources and the Ministry of Municipal Affairs. We believe this committee could serve to coordinate the activities of these ministries with regard to nutrient management and ensure that consideration is given to local municipalities through municipal affairs, conservation authorities and the Ministry of Natural Resources etc, that they all have input, but we still believe that the lead role would be with the Ministry of Agriculture and Food.

(3) The OFA believes that the scope of the Nutrient Management Act should be limited to materials containing a nutrient that is applied to the land. This is including manures and inorganic fertilizers, biosolids, legume crops etc. It's important that this legislation stick to the fact that it deals with applying nutrients. Regardless of what those nutrients are, we believe they should be handled properly and responsibly and we would like the legislation to stick to that.

I'm referring to this because Justice O'Connor's report made reference to such potential contaminants as fuel and pesticides. We believe that those are captured in other legislation. There are certainly regulations on how we handle fuels on the farms. We have pesticide registration already in place. We've lowered the use of pesticides on farms by some 40% in the last 10 years. I believe that number is fairly accurate. There's other legislation that deals with that. We believe this should focus on nutrients. Certainly there are other ways under

the Pesticides Act and the Environmental Protection Act that those others can be dealt with.

(4) The OFA concurs with the purpose statement that was added to the bill through an amendment by the standing committee on justice and social policy. We believe that was a very important amendment. It put out the purpose of the legislation to have sustainable agriculture while protecting water and the environment, and certainly we're in support of that.

We also appreciate that there's a section dealing with biosecurity. It's clause 58(g). David would have to refer to that for me. It has been added through an amendment as requested in our submission to the standing committee on justice and social policy in September 2001. Biosecurity is an important issue on farms these days. We don't believe it's an excuse to allow polluters to continue to pollute, but it's certainly an issue that has to be considered.

I'm involved in the feather industry and it is very important that we have strong biosecurity on our farms. We don't move things from our farm to other farms for that reason. It's very important not only in the feather industry but in all, and we're glad that's being considered.

Finally, the OFA would like to deliver the message that nutrient management legislation is welcomed by the agricultural community to further assure citizens that farmers operate their businesses responsibly and have a particularly well-developed environmental ethic, given that their livelihood is dependent upon soil and water resources. The sense of urgency to have this legislation in place has been heightened by the recent release of part two of the Walkerton report, which contains several references to the proposed Nutrient Management Act. We believe the importance of this act has been referenced in that and we agree with that. We believe the quicker we can get the legislation in place, the better off we'll all be here in the province, both as general citizens and the agriculture community.

With that, David, if you have anything to add, feel free and I'll open it up to questions.

Mr David Armitage: I have nothing to add, Bill. We'll just take some questions.

The Chair: This time we'll give about four and a half minutes to the government caucus, starting with Mr Barrett.

Mr Barrett: Thank you for that presentation. You made reference to Justice O'Connor's call for individual water protection plans. You see much of the solution to accomplish that through the nutrient management planning process. We had a presentation earlier by Ontario Pork and they put forward a position that the environmental farm plan would go a long way to meeting some of these requirements. I wonder if you could comment on that or comment further on how the nutrient management planning process would meet the recommendations of Justice O'Connor.

Mr Mailloux: We believe nutrient management plans have worked well in Ontario. I may let David comment on that because he's been around environmental farm plans for quite a while.

Mr Armitage: I would concur with Ontario Pork, particularly with reference to the commissioner's comment on expanding the scope to include such things as fuel and pesticides. I think that's exactly what the environmental farm plan does. It's a much more holistic approach to environmental management and is not focused simply on nutrients. I think the water protection plan would actually be a subset to the existing environmental farm plan.

Mr Barrett: We recognize we have a Pesticides Act in existence. We have an Environmental Protection Act that would cover some of that as well.

My knowledge of nutrient management plans, from what I've seen, is that they focus on an individual farm property or land that is being leased, and much of the direction we're seeing is a need for much broader watershed management and concerns of underlying aquifers which don't follow the boundary of a farm property and certainly don't follow municipal boundaries. Do you feel that individual nutrient management plans and long-distance separation are up to the job of covering some of the broader geographic concerns around either aquifers or watersheds?

1640

Mr Armitage: Yes, I do. I think there's certainly merit to having a watershed plan and organizing at that level. I think the nutrient management plan drills it down to the farm level and to the field level and then even to the subfield level. There's nothing but benefit to that, because that's really where the problems start. In the case of nutrient, it would be with an over-application or an improper application on a specific spatial point. The plan is to address those issues and ensure that nutrient is applied correctly. So I think it's absolutely imperative. The smaller the scale, in that case, the more beneficial it is.

At a watershed level, it's pretty hard to get everyone involved. But at the farm level, if you've got operators doing it right, then you know at least that property is complying. Then, of course, it's a cumulative thing, to make sure that adjacent properties are doing it as well, but I think it will always be important at the farm level that the nutrient management plan is being implemented.

Mr Mailloux: To add to that, if you look at figure 1, "Key elements to be considered," you can see how it would deal with your concerns. Depth to groundwater, buffer strips, distance to surface water wells and things like that can all be considered.

Mr Armitage: Those are all very site-specific.

Mr Barrett: Certainly, it is tough to coordinate something like this with an individual farm plan. You made a suggestion of an interministerial committee. I think Justice O'Connor made mention of a role for conservation authorities which are based on watersheds. Do you see farmers, perhaps through the local advisory committees that are proposed by this legislation, being able to work with conservation authorities or broader organizations?

Mr Armitage: Ideally. The truth is I think there's some work to be done there. There are 38 conservation

authorities in the province. Some of them have a very good rapport with the farm community, others don't. So I think if we move to a reliance on involving conservation authorities, there will be some areas where relations will have to improve.

Mr Mailloux: That's why we were supporting the interministerial committee to deal with that concern. There are outside ministries involved, obviously, that have concerns and that's one way to make sure those concerns are all brought together.

The Chair: Thank you both for coming before us here this afternoon.

DAIRY FARMERS OF ONTARIO

The Chair: Our next presentation will be from the Dairy Farmers of Ontario. Good afternoon and welcome to the committee. Please proceed.

Mr Gordon Coukell: I have a copy of the presentation here. My name is Gordon Coukell. I am chairman of the Dairy Farmers of Ontario. We appreciate the opportunity to meet with you this afternoon and present our views on the Nutrient Management Act that's being discussed here.

Dairy Farmers of Ontario has been actively involved with the other farm groups in discussions about the need for provincial standards for nutrient management. Thus we are supportive, in principle, of Bill 81.

There are a few issues and concerns which we raised earlier to the justice and social policy committee that reviewed this last fall and we'll review some of those with you again today.

(1) The area of biosecurity: we had raised the issue of biosecurity and the need for auditors or investigators to follow the farm plans that are in place. We are pleased to see that an amendment has been made prior to second reading and thank the Legislature for that amendment.

(2) As far as municipal jurisdiction, we believe municipalities should not be allowed to supersede or circumvent the Nutrient Management Act in any way. This act must take precedence over all existing bylaws and acts covering this subject. Nutrient management regulations should be consistent across the province.

(3) The ministry responsible for administration: OMAF should be the ministry charged with the responsibility of administering the Nutrient Management Act. This act is about handling crop nutrients safely and therefore should be done by personnel with farm expertise. Any pollution due to spills or faulty practices would be referred to the Ministry of Environment and Energy. That is presently the case and, in our view, we don't see that changing in the future.

(4) Separation of the enforcement and extension and audit roles: I would suggest that there's probably been some confusion around this issue in much of the discussion that's been held to date. OMAF should take on the role of extension provider and auditor. We recognize that this will require additional staff, but feel strongly that government must hire these people as a know-

ledgeable resource for this act. We believe OMAF has a role here and this should not be contracted out at this point in time. An effective audit program will give public assurance that the nutrient management plans developed under the Nutrient Management Act are being followed.

(5) Complaint-handling protocol: provision for a complaint process will be an important part of the legislation to deal with public perception and questions raised regarding nutrient management plans and compliance. Complaints could be handled by municipal clerks and then directed to county environmental response teams, or the Ministry of Environment and Energy if pollution was involved. If enforcement was required it would be handled either by OMAF or MOEE, depending on whether pollution was involved. We feel quite strongly that there is a separation of areas and duties here between the pollution issue and the enforcement of regulations dealing with the administration of nutrients to land.

(6) Privacy of information: verification of compliance and a short summary of nutrient management plans should be public documents. Full plans should not be available to the public in consideration of sensitive and/or protected information. Plans should be audited by the auditor and not audited by public complaint, in our view.

(7) Economic impact studies: economic impact studies must be done prior to setting the regulations in place. Environmental protection and associated costs benefit the public interest and therefore public support is required. Adequate funding of public dollars must be made available so that Ontario agriculture can remain competitive with producers in other provinces in this country and in other countries that we compete with.

(8) Environmental assessment: the environmental farm plan should be the basic environmental assessment tool used on farms in this province. Environmental assessments should only be used in sensitive areas or select soil types. Environmental assessments should not be used as an excuse to stop or hold up agricultural practices in a specific area.

(9) Involvement of commodity groups when creating regulations: as has been stated in the past, the commodity groups have been very involved in the development of the nutrient management plans and discussions leading up to the introduction of this legislation. We also feel strongly that there should continue to be consultation in the creation of the regulations that will be established under this act. We encourage routine reviews and updates to the legislation so that there can be an incorporation of new technologies and new developments in research by the agricultural community.

In conclusion, since we do not have a standard nutrient act for the province, many municipalities are implementing a wide variety of bylaws to deal with individual nutrient management. This situation is making it very difficult for agriculture to operate efficiently across this province. I would encourage the committee to recommend speedy passage of Bill 81. The agricultural community is willing to work under reasonable rules in using

nutrients to produce crops and are committed to doing what we can to maintain the quality of the environment here in Ontario.

1650

The Chair: Thank you very much. You've left so much time that we go back to a more typical rotation. We've got fractionally over three minutes per caucus.

Mr Peters: Thank you, Gord, for your presentation. On your point on the non-agricultural nutrient users, would you define a golf course as being a non-agricultural nutrient user?

Mr Coukell: Yes.

Mr Peters: On the question of the involvement of commodity groups when creating the regulations—and there's no doubt that's a very valid and important point—what's your opinion on the involvement of CREEK? It's an organization that was here earlier, a local environmental organization that is also concerned about the impacts of intensive livestock operations on communities. Do you feel that in the development of the regulations it should be just the commodity organizations or should we be involving the public at large in the development of these regulations?

Mr Coukell: Realistically, everyone should have the opportunity for input into them. I don't think we can be restrictive in that way. Ultimately it will be cabinet that decides. We understand that.

Mr Peters: One of the things we're trying to put forward in one of our amendments is to have it clearly defined in the legislation that the economic impact is of extreme importance. Have you had an opportunity to survey your own members on potentially what kind of economic impact we are looking at? Having seen the legislation, and not knowing the regulations yet, do you have a ballpark idea what the financial impact could be on some of the individuals you represent?

Mr Coukell: No, I don't. Number-wise, Steve, I really don't. There will be some significant impacts on some producers; on other producers it will probably have very little impact. It's very difficult at this point, and almost impossible, until we see the regulations and what they're going to be like, to determine that economic impact. As we develop the regulations and see what kinds of rules are being put in place, then it will be easier for commodities to bring forth some ballpark figures as to what that impact will be.

Ms Churley: I have an amendment, which I put forward the last time as well, on including golf courses in this act. So you would support the committee supporting that amendment?

Mr Coukell: Yes. We weren't insistent that they be included now, but I think we must recognize there are other aspects out there that need to be included at some point in time.

Ms Churley: This is a good opportunity to do that. I think it's only fair that if you have to follow those rules so should others.

I wanted to come back to the whole thorny question, if I may say, around municipal authority in the Nutrient

Management Act overall. I think it's fair to say that members from all sides, including the minister's riding, have received a lot of correspondence, in some cases from some of the smaller family farms, mostly from others who are very concerned about what is referred to as intensive livestock operations. They feel that it's a one-size-fits-all, and no matter how good the regulations might end up being, it really comes down to the Planning Act for any jurisdiction or planning authority, and if you take away—AMO came forward with a concern about that as well, the ability to take everything into account, including tourism, beaches, sensitive headwaters, whatever, and to take that away from a municipality is really problematic.

I heard what you said and I understand your views on it, but I'm just wondering how you might see that legislation working if that's where we end up without my amendment being accepted again. I think you would admit it is a thorny and difficult issue for all of us.

Mr Coukell: My home township goes to the borders of Wasaga Beach so I'm in a tourist region as well. But I don't see that as a detriment here. We have to have consistent rules across the province. Unfortunately, we haven't seen that in the municipal bylaws that have been created. Quite frankly, in my view, a lot of the municipal bylaws were created without adequate input of the agricultural community who are living within those boundaries. So it wasn't a realistic approach to a situation.

Agricultural nutrients can be a pollutant but they don't necessarily have to be. There are many other things in a municipality that can be detrimental to water quality as well. I think a common set of rules for how we manage nutrients in our agricultural areas across this province is doable. For some of the other things, I think the municipalities can still deal with those, but not in this. Certainly, one of the things we see as producers is our operations don't necessarily go with municipal boundaries. When you get half a farm in one municipality and half in another, with different rules depending on which side of the fence you're on, it makes it almost impossible to operate.

Mr John O'Toole (Durham): Thank you very much, Gordon, for your presentation. I follow with some interest this debate because of my riding. Durham is certainly a mixed area. It certainly includes dairy, and it includes livestock generally in all the classes and it's an important component of our economy. We have the same kind of complexion in Durham: there's a complex economy, but agriculture is the quiet engine, with the second-largest gate receipts and all the rest of it. I just want to be on the record as saying that.

I know the local ag advisory committees—Clarington and Port Perry both have one—are all quite active, with commodity people trying to find solutions, I think; they're not trying to find barriers. But they're also very proactive. Most of them have the environmental farm plan mechanism in place and have been a showcase, really, for good stewardship and sensible modern farm practices. I think they're the best-kept secret, really, and that's something.

Mr Coukell: I would agree.

Mr O'Toole: But I have a question on the environmental assessment process, the environmental farm plan. You're saying the Dairy Farmers of Ontario—I just want to clarify this. It says, "The environmental farm plan should be the basic environmental assessment tool used on farms. Environmental assessments should only be used in sensitive areas or select soil types." I think what I'm trying to specify here is that if you're calling for a full environmental assessment here, I hope you know what you're asking for. This is like a 400-years-in-court kind of thing with no outcome at the end of it all.

Mr Coukell: That's exactly the point we're making. The basic environmental assessment tool in Ontario should be the environmental farm plan. If there is some extremely sensitive area or some particular soil type that needs something additional, then that may have to happen in certain areas, but not as a general rule across the province.

Mr O'Toole: Yes, I guess that's the whole thing I've heard consistently, that the soil type has to be a priority. Then the whole definition of "large farm," "intensive farm" or whatever becomes another kind of threshold where we don't by accident put the small farm out of business. If there is a sensible plan in place and they don't have a large, large, large operation then, gee, we don't want to saddle them with a whole series of restrictive measures.

Mr Coukell: That's very true. In our view, size has really nothing to do with this. It's managing the nutrients you apply to the land base under your control. That has nothing to do with whether I have 10, 200 or 500 cows in the basics. I need to manage those nutrients and pay attention to setback distances from watercourses, proper rates of application and those types of things, regardless of size.

Mr O'Toole: I thank you for your input.

The Chair: Thank you very much for coming before us here this afternoon.

1700

CHICKEN FARMERS OF ONTARIO

The Chair: Our next presentation will be from the Chicken Farmers of Ontario. Good afternoon and welcome to the committee.

Mr John Maaskant: Good afternoon, Mr Chairman and members of the committee. I would like to thank you for the opportunity to address this committee on behalf of Chicken Farmers of Ontario. My name is John Maaskant. I am on the board of directors of Chicken Farmers of Ontario. I also serve as chairman of the Ontario Farm Animal Council's environment committee and I am the CFO's representative to the Ontario Farm Environmental Coalition. I have been a chicken farmer all my life and, in fact, my father was one of the founding members of the organization in 1965. I was raised on a chicken farm in the Clinton area and that's where I still farm today. Chicken Farmers of Ontario represents more than 1,100

family-run chicken farms. We're proud of the role we have played and continue to play in areas of environmental stewardship and ethical farm practices.

Last year, chicken production in Ontario had a farm gate value of nearly \$490 million. We produce more than 300 million kilograms of chicken meat, accounting for almost one third of the chicken grown in Canada. Chicken accounts for 6% of the total farm cash receipts for Ontario, and the industry continues to expand each and every year. We fully recognize the importance of effective and ethical environmental farm practices in the Ontario chicken industry.

Now to the issue at hand: the nutrient management legislation. Through OFAC, the Ontario Farm Animal Council, and OFEC, the environmental coalition, Chicken Farmers of Ontario has put considerable time and resources into this issue because we believe that it's important that farmers help advance and develop modern farm practices that respect and protect the environment. We owe this to society.

Chicken Farmers of Ontario is fully supportive of the work the Ontario Farm Environmental Coalition has done in developing a position on nutrient management legislation that reflects the realities of modern-day farming. Our organization fully supports and endorses the position put forward by OFEC.

I want to congratulate the government of Ontario for introducing legislation that reflects the OFEC position. I would also like to thank Minister Johns and former Ministers Coburn and Hardeman for taking the time to get it right. This legislation is far too important to be rushed, but that does not mean that it should not move forward. We believe that Bill 81 reflects the notion that a strong agricultural economy and a clean, safe environment are compatible goals.

CFO encourages all parties to support Bill 81. We need this legislation and we need to start developing the regulations that will make it effective. Farmers need a more predictable environment with respect to the environment. We need to know where we stand with respect to standards.

It's important for the committee to understand that no one has a more direct interest in keeping water clean than farmers. We often get our drinking water directly from private wells on our own property. If our water is affected, it's our families who suffer, not to mention our livestock or poultry. We do not condone polluting, and we would expect the government to deal quickly and harshly with any farmer who pollutes. The legislation before us today is a good framework for the prevention of pollution and it allows for stiff penalties.

I would now like to share some thoughts regarding the important subject of consultation and regulations. CFO recognizes the importance of regulations and we encourage the government to actively consult with the agricultural community before cabinet passes regulations. We want to make sure that the government understands specific issues that need to be addressed through regulations. I would also like to emphasize that CFO and

animal agriculture in general have done their homework and we're prepared for consultation at any time.

I'd like to also talk a little bit about a very specific issue of great significance to CFO. Chicken Farmers of Ontario has had long-standing concerns about using livestock units as a basis for measuring the size of farms. A more accurate unit of measurement has been the animal manure nutrient unit, or AMNU. It's important that the method of determining how many birds make up an animal unit is based on science. While this legislation does not specifically set out a number of chickens in an animal manure nutrient unit, it does allow the government to implement it through regulations that will come after the passage of this legislation.

Chicken Farmers of Ontario needs to be consulted on any regulation that attempts to set the number of chickens that comprise an animal unit. Getting the number right is critical. A number that's too low will only cost farmers money, and also mean lost production, lack of competitiveness and higher costs. A number that's too high could put the environment at risk.

Another issue I want to talk about is the consistency of regulations. One problem that exists today is that municipal governments have different rules when it comes to nutrient management planning. It's a hodgepodge assortment of rules that make running a farm business difficult.

The provincial government has attempted to address the fact that municipal governments and farmers have been asking for clear and consistent rules for nutrient management planning that are uniform across the province. We would hope that the rules that come out of this legislation become the final rules by which municipalities and farmers must abide. These should not be considered minimum standards that can then be built on. If that were allowed to happen, we would quickly find ourselves dealing with different rules in different municipalities. Chicken farmers, and the agricultural community at large, need to be assured that municipal governments won't use other tools such as the Planning Act to circumvent the Nutrient Management Act.

The third area deals with inspection and monitoring. As we have stated before, allowing government inspectors to go in and out of our barns could pose a significant biosecurity threat. Government has listened to our biosecurity concerns and, in fact, has amended the bill to reflect our concerns. We certainly thank you for that because it is imperative that any biosecurity protocol for inspectors must be compatible with the on-farm food safety assurance program for chicken.

This does raise the point, though, about who sets the standards and who enforces the rules. CFO believes that the Ontario Ministry of Agriculture and Food should be the lead ministry. We think OMAF should set the standards and monitor implementation. We believe that OMAF should also create a special unit of properly trained people who would be responsible for enforcing the rules.

The reason for choosing OMAF over the Ministry of the Environment is that Bill 81 is largely about educating

farmers on matters involving proper storing, handling and applying nutrients to the appropriate land base. This bill is about planning and prevention and about helping farmers develop their own nutrient management plans. We think that OMAF is the right ministry to work with farmers, to educate farmers, to set standards and to ensure that they are met.

Clearly, the goal of nutrient management planning is to prevent the contamination of groundwater. If an accident such as a spill occurs, then the Ministry of the Environment should definitely be in charge. However, we think that OMAF should be responsible for developing standards, monitoring compliance and enforcement. Otherwise, we run the serious risk of putting someone who does not understand agriculture in the position of telling farmers how to run their farms.

There are other issues raised by this legislation that will prompt the agricultural community to seek direction from government. One of those issues is the need for capital funding so farmers can meet the new standards. Farmers are committed to meeting environmental standards but, at the same time, it could become expensive. We are asking for economic impact studies to assess costs to farmers and the benefits to society of new regulations and standards.

In closing, I would like to reiterate to the committee that the Chicken Farmers of Ontario endorses the direction the government is taking regarding this very important issue. We certainly urge all political parties to support Bill 81, so that Ontario can get on with the job of setting and enforcing fair, equitable and uniform environmental standards for all Ontario farmers, no matter where they live and farm. On behalf of Chicken Farmers of Ontario, I thank you again for the opportunity to make this presentation.

The Chair: Thank you very much. That affords us just fractionally over two minutes per caucus, so one or two quick questions. We'll start this time with Ms Churley.

Ms Churley: Actually, I think I can pass.

The Chair: Mr Barrett?

Mr Barrett: We raised broilers before 1965. We should have stayed with it, I think. I've forked enough chicken manure and I've never been aware of a spill or the kinds of problems that we sometimes see with liquid manure. Do you make any distinction at all between what I refer to as dry manure and liquid manure systems? I understand that if you're spreading dry manure and you get a downpour or heavy rain, obviously you've got liquid manure. Do you make any distinction between the two basic systems?

1710

Mr Maaskant: Definitely we know that we have an easier time dealing with dry chicken manure, broader chicken manure, than with liquid manure. We have a lot fewer problems, and of course, as you said, it's very rare that we hear of spills or problems. Our view is that this nutrient management legislation deals with all nutrients from all sources, and although we may have an easier

time, we are affected and we also have to make sure we're doing a proper job.

Mr Barrett: Much of the Nutrient Management Act hinges on the value of nutrient management: individual farm nutrient management plans and nutrient management planning. We've heard a proposal this afternoon with respect to environmental farm plans; perhaps a bit of a broader perspective has been proposed. Environmental farm plans could provide the structure for, say, an environmental assessment with respect to agricultural operations on certain soil types or in sensitive areas. What weight do you put on the environmental farm plan—it's also voluntary and, until recently, federally funded. What weight do you put on that as an answer, perhaps in conjunction with nutrient management plans and everything that goes with them?

Mr Maaskant: We fully support the use of environmental farm plans for risk assessment. We've always recommended that it's a good practice for farmers to voluntarily take part in that program and do an environmental farm plan. It's a great way of assessing all the risks on your farm in all areas. A nutrient management plan would really become a sort of subset of an environmental farm plan, along with all the other parts.

Mr Peters: Thanks, John, for the presentation. You made reference to protecting the water, and you made the point that this legislation should deal with all nutrients from all sources. What is your opinion on golf courses being included in this legislation? We know that a lot of fertilizer is used on a golf course. Should golf courses be following the same rules that the agricultural community is being asked to follow?

Mr Maaskant: I'm not sure how that's going to work out, but as far as I'm concerned, we believe that all nutrients should be covered under this legislation, wherever they're applied to land.

Mr Peters: The issue of livestock units—I know it's not in the legislation, and you made some valid points that we've got to get it right on the livestock units. How should we get it right? What are you advising this committee—and the minister who is going to be embarking on the consultations is here today. Your livestock units are based on odours. How are you advocating that we make sure we get it right so we do not cause harm to your industry?

Mr Maaskant: I think there's work being done by OMAFRA people on that subject at the moment. The livestock unit is outdated; it's based on smell. When we're dealing with nutrient management, we're dealing with the application of nutrients to land. That should be the basis. It should be scientifically developed to deal with the output and the usage. The animal manure nutrient unit was much more justifiable, because it was based on nutrients that were produced by livestock or poultry. That's it generally. Specifically, I think they should be encouraged to find a new unit that's more accurate, more scientifically based and more justifiable to replace the livestock unit as quickly as possible.

The Chair: Thank you for coming before us this afternoon.

Our next presentation will be from the Canadian Environmental Law Association. Seeing no one springing to attention, do we have anyone from the Sierra Legal Defence Fund?

Actually, we were bang on schedule, recognizing that we really have to rise at 5:50 for the vote. We'll take a recess for the lesser of 10 minutes or the arrival of one of the groups.

The committee recessed from 1715 to 1725.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

The Chair: If I can call the committee back to order, I'll ask folks to settle in their chairs. I'm advised we now have a representative of the Sierra Legal Defence Fund with us—

Clerk of the Committee (Ms Anne Stokes): It's the environmental law association.

The Chair: —I beg your pardon, with the Canadian Environmental Law Association. I would ask them to come forward to the table. Good afternoon and welcome to the committee. Please proceed.

Mr Paul Muldoon: My name is Paul Muldoon. I'm the executive director of the Canadian Environmental Law Association. To my left is Theresa McClenaghan, a managing lawyer at the association. We'd like to thank the committee for the invitation to speak to you on Bill 81, the Nutrient Management Act. We'd like to just put on record how important we think nutrient management is and the issues related to it.

I should mention that the Canadian Environmental Law Association represented the Concerned Walkerton Citizens at the Walkerton inquiry. We heard about many issues relating to nutrient management and the need to protect the environment and drinking water with respect to nutrient management issues.

I'd like to mention that CELA is a legal aid clinic in the province. We represent low-income and disadvantaged communities. Many of these communities and our clients relate to farmers and we deal with many farming issues. Thus we have consistently expressed concern for the protection of agricultural land in Ontario. We feel that our submissions on the Nutrient Management Act reflect these historical concerns and today's concerns.

We have provided the clerk with our submission on Bill 81. We've also provided the clerk with speaking notes, which we'll get into right now.

With that introduction, I now hand the microphone over to Ms McClenaghan, who will speak on a number of points and our concerns with Bill 81.

Ms Theresa McClenaghan: There are certain themes that we'll address today. The first is the necessity for Bill 81 to be consistent with Mr Justice O'Connor's reports from the Walkerton inquiry. The second theme is the need for the standards under the act to be in place as soon as possible. The third theme is to give municipalities the

tools they need for source protection. The fourth theme is the need for clear legislative objectives and clear standards, and I'll speak to a couple of other amendments.

First, with respect to Mr Justice O'Connor's report which of course we received just days ago in terms of part two, the Honourable Mr Eves has stated the government's intention to implement every one of Justice O'Connor's recommendations from both parts one and two. Thus it is critical in our submission to ensure that Bill 81 is consistent with Mr Justice O'Connor's recommendations. They deal with many of the subjects that he did address in that report.

His report calls for development and provincial approval of watershed-based source protection plans. This is a key critical component of his report on which much else that he recommended rests. Conservation authorities and municipalities would be central to the development of those plans, and then he envisages that the Ministry of Environment would approve those plans.

In our submission, certificates of approval, for example for biosolids application, must be provided to be consistent with those watershed source protection plans. In the handout that we gave you today I've noted the recommendation number or the page number of the part two Walkerton report for reference. In this section consistency with his report is sometimes taken verbatim from his report. In addition to that, approvals must not be given to biosolids unless they are consistent with the watershed source protection plans.

Bill 81 should be amended to provide that the Minister of Environment is the responsible minister for regulating potential impacts of farm activities on drinking water sources and that OMAFRA should provide technical support. That's a specific recommendation of Mr Justice O'Connor. We made the same submission to him at the inquiry because of the Ministry of Environment's expertise in water protection.

Bill 81 should be amended to include purposes or objectives which it at present lacks. Among those should be the necessity to regulate nutrients, specifically to protect drinking water sources and to protect them from agricultural sources. That is not provided in the act at the moment.

Bill 81 should be amended to provide powers to make regulations, according to Mr Justice O'Connor. He specifically looked at Bill 81 in his comments and said it should be amended to provide for regulations concerning other aspects of agriculture that could have impacts on drinking water sources in addition to nutrients. For example, he listed pesticide handling and fuel handling, and there would be other aspects of agriculture. I think Mr Justice O'Connor was taking an approach in his report to advocate some efficiency. In other words, rather than too many additional pieces of legislation, why not just amend that one to provide for these additional impacts?

1730

He also made the recommendation that it should be amended to include a preamble providing that the bill is

intended to regulate the potential impacts of agriculture on drinking water sources, or at least he noted that it lacked such a preamble, and we would suggest it should be amended to include that preamble.

As well, Bill 81 should be amended to require that all—and this is from his report—large or intensive farms and all farms in designated sensitive or high-risk areas in the applicable watershed source protection plans be required to develop binding individual water protection plans, and that those be consistent with the source protection plan.

As well, once a farm has in place an individual water protection plan that is consistent with the relevant source protection plan, municipalities should not have the authority to require the farm to do more—or to meet a higher standard, rather. He noted in his report that that was to address the need for a balance between protecting water sources and having certainty and clarity for farmers as to what they should be required to do. We would note that we think Mr Justice O'Connor arrived at a fairly elegant solution by providing for watershed source protection plans and then noting the array of approvals that should then be consistent with those plans.

Mr Justice O'Connor talked about the need for the Ministry of Environment to work with the Ministry of Agriculture, Food and Rural Affairs, agricultural groups, conservation authorities, municipalities and others to develop a provincial framework for guidelines for individual farm protection plans dealing with a number of things—and I've listed the things he listed in the report: manure management practices, biosolids and septage spreading, chemical fertilizers, storm water runoff, tile drainage, pesticide use and fuel management.

The first set of suggestions we make is ways that Bill 81 in particular would be the appropriate legislation to deal with those elements of Mr Justice O'Connor's report. If it is intended that all of those recommendations be implemented, really it should be done in that bill. Otherwise, that would be a missed opportunity, and also there's the problem of later making it consistent with the recommendations.

Second, and briefly, we suggest that the standards that are contemplated under the bill as presently drafted need to be in place as soon as possible, and we specifically suggest that timelines for the development of those standards be established in the bill. At present there's nothing saying when the standards would be in place, so even if the bill was passed there's no requirement that they be in place in a reasonable time, or even ever. Of course, those standards are proposed to address essential issues like containment of biosolids and manure, quantities of materials to be applied to land, minimum separation guidelines, transportation, much else that's quite important, and at the moment we suggest that the cost to municipalities, farmers and the environment of not having certainty in this area is quite large. So we would suggest that specific timelines be put in place to say that standards would be developed within a certain time frame.

Of course, there should be meaningful public comment opportunities on those standards, because at the moment the bill is enabling legislation but it doesn't provide the specific standards that are contemplated, so there needs to be, for farmers, for environmentalists, for conservation authorities, for municipalities, for everyone concerned about water protection in particular, opportunity to comment on the adequacy of the standards and the workability of the standards.

The third theme is the need to give municipalities the tools required for source water protection. We've been asked to provide summary advice at CELA to certain municipalities and conservation authorities under our law reform mandate about what tools they have available to protect their water sources, given that they are concerned about making sure that no tragedy happens in their community. They're struggling to meet those challenges and at the moment they feel they're in a grey area regarding nutrient management bylaws, despite the proposed directive from the Minister of Agriculture, which I believe at last check was still proposed and not actually issued, and as to biosolids application, meaning, for example, application of treated sludge from municipal sewage treatment plants. Many municipalities have no say in whether those materials are applied on lands in their community, even if they're close to an important well field, for example, in their community, so they feel quite powerless in that respect. We suggest that Bill 81 must strengthen and clarify these municipal powers.

The need for clear legislative objectives and standards: at the moment, the bill does not include a purpose statement. We suggest it should include a purpose statement, including protecting environment and public health, broadly stated. It should include a couple of the items specifically noted by Justice O'Connor in terms of consideration of the presence of microbes and other constituents of manure and their impact on drinking water sources and requiring consistency of nutrient management plans with watershed-specific information.

Finally, we made other suggestions in our original brief that I want to mention. Bill 81 should be amended to prohibit delegation of powers and duties to non-crown employees. It should bring the Nutrient Management Act approvals under the Environmental Bill of Rights to allow for public participation, increased offence provisions and removal of certain exemptions and exceptions that the agricultural sector enjoys from environmental laws at present and repeal of the Farming and Food Production Protection Act, which in our submission would no longer be needed after Bill 81 and Mr Justice O'Connor's recommendations.

The Chair: Thank you very much. That affords us about four minutes for questioning. Actually, do we have anyone from the Sierra Legal Defence Fund here? Oh, we do. OK. Then we'll have time for one quick question. I'll give the three minutes to Ms Churley, but it's a strict three minutes.

Ms Churley: Thank you. I will share it with you if you'll be really quick. You seem to have a question.

Mr Peters: No problem.

Ms Churley: Thank you very much for appearing on such short notice. Mr Muldoon, you were very intimately involved in the Walkerton inquiry so, you probably have more awareness of the report than we do at this point, given that we still haven't read it all. You talk, and others are talking, about being consistent with source protection plans. How do you envision that being developed by the government in terms of this and other legislation that Judge O'Connor recommended? He recommended four pieces of legislation to encompass all of his recommendations.

Ms McClenaghan: If I could deal with that.

Mr Muldoon: Sure.

Ms McClenaghan: His recommendation did envisage four pieces of legislation, one of which would have to provide for the requirement for municipalities and CAs to develop watershed-based source protection plans. That could, for example, be under an amended Environmental Protection Act, as he mentioned. It would have to go into one piece of legislation somewhere, and then the other kinds of legislation that would have to be consistent include the nutrient management plan and also other Environmental Protection Act approvals like sewage treatment plant certificates of approval, which he specifically mentioned, and water-taking permit approvals under the Ontario Water Resources Act, which he also mentioned. He's suggesting the watershed plans should be broader than drinking water sources but at a minimum should provide for the protection of drinking water sources on a watershed basis.

Mr Muldoon: The important thing is that, as mentioned, you're at a crossroads here. You can implement an important feature of part two of the Walkerton Inquiry report through this legislation, and it would be a shame if that opportunity wasn't seized upon. Your question really points to the fact that we've got a novel opportunity here to make real progress implementing the report through Bill 81.

The Chair: Thank you both for coming before us here this afternoon. We appreciate your comments.

1740

SIERRA LEGAL DEFENCE FUND

The Chair: Our final presentation of the afternoon will be the Sierra Legal Defence Fund. Good afternoon and welcome to the committee. Please proceed.

Dr Anastasia Lintner: First, I'll just apologize for coming in so late, and I will thank you for permitting me the opportunity to speak today to the committee on general government.

My name is Anastasia Lintner. I have a PhD in natural resource and environmental economics from the University of Guelph. I'm speaking today on behalf of the Sierra Legal Defence Fund primarily because I was involved last summer in developing the comments that the Sierra Legal Defence Fund submitted to the Environmental Bill of Rights process, and I also made some previous

statements last fall. I'm here today to speak on behalf of the Sierra Legal Defence Fund. Jerry DeMarco, our managing lawyer, requested that I come by, and I didn't actually get that request till this morning, so I apologize if I seem a bit scattered.

I hope you have in front of you a cover letter from Mr DeMarco and an attachment that is our proposals as of last summer when we submitted them to the EBR process. The Sierra Legal Defence Fund continues to rely on these comments. Our general concern is that Bill 81, as it stands, does not provide the appropriate mechanism for environmental protection that we would very much like to see.

Since we submitted the EBR comments last summer, of course you are well aware from the presentation that just came before me that the second Walkerton report has been issued. There are several recommendations, particularly within chapter 4 of that report, that the Sierra Legal Defence Fund also agrees should be incorporated into this particular legislation before it goes forward, with the exception regarding the recommendation that municipalities have no authority once the process is put in place. We believe municipalities should have the ability to provide protection for water concerns of a stronger or more stringent measurement that would reflect local circumstances and source protection. With that exception, we would put forward the recommendations of Justice O'Connor.

I don't want to spend a whole lot of time going through every individual recommendation, but I would just point out that the Sierra Legal Defence Fund believes the legislation would be strengthened if some of the substantive issues were brought into this legislation, making it something more than just enabling legislation, things like the requirement for approvals of prepared nutrient management plans and nutrient management strategies, that there would be requirements right in this act that the farmers would not be able to apply nutrients without those plans being in place and approved. I think that would then make the legislation focus more on not only the efficient use of nutrients but also on the watershed protections or the water source protections that would benefit water quality.

With that, I'd like to not take up any more of your time talking about what our specific recommendations are but would entertain particular questions, if you had them.

The Chair: Thank you. We have about three and a half to four minutes. This time we'll give it to the government caucus.

Mr Barrett: You indicate the position that municipalities should have more authority than is proposed in Bill 81. I understand that runs counter to Justice O'Connor's approach. In my view, this is all about water. Water does not follow municipal boundaries, whether we're talking about surface water or something we often forget about, underlying groundwater or aquifers, which certainly cover a number of township boundaries or even upper-tier municipalities.

How can we square that? Provincially the problem has been identified as what's described as a bit of a hodgepodge of municipal bylaws, oftentimes not based on scientific evidence or based on knowledge of an underlying aquifer or perhaps having little relevance for the watershed. Many municipalities may be part of a single watershed. Could you comment on that? Do you agree this is all about water?

Dr Lintner: The Sierra Legal Defence Fund is interested in environmental protection. We're interested in protecting water quality. I appreciate your comment that the water doesn't follow our municipal political boundaries. The concern I have is that a municipality that did act in a manner that reflects good science and local water quality issues may be found to have an inoperative law under the prohibition that's in Bill 81. I agree that having good standards that are applied across the province and reflect appropriate science and watershed features is what we would be aiming for.

Taking away the power of a local municipality to address those exact issues in the interim while the regulations are being put together and promulgated would not be in the best interests of protecting water quality.

Mr Barrett: I see. In the interim, yes, OK.

Dr Lintner: What Justice O'Connor envisions I think is that the watershed source protection plans would have been developed with a great deal of municipal-conservation authority participation and they would reflect their concerns and reflect the good science and then once they're in place, perhaps that would be the situation where you would say that the municipalities need not have their own bylaws in that area. We don't need to have more than one law in the same area. But in the meantime, as we've seen in the case in Hudson with pesticides, a local community that is thinking about these issues should have the power to do so.

Mr Barrett: I'm not a lawyer, but it certainly looks like there is the potential for a municipality to perhaps overthrow provincial jurisdiction like that Hudson situation. I'm not suggesting that water strictly follows the boundaries of Ontario. For example, I think virtually

all of the city of Winnipeg's drinking water comes from a lake that is 90% located not in their province but in Ontario.

There has been considerable discussion of a role for conservation authorities which are based on watersheds and other than maybe the state of Tennessee I think it's perhaps the only set-up like that in North America. I assume many conservation authorities don't follow aquifers because aquifers, I'm assuming, can flow in different directions than, say, the surface watershed. As I understand it, Justice O'Connor feels that this bill in its present form will accomplish the goals as far as nutrient-containing materials. Do you feel there is an enhanced role for conservation authorities?

Dr Lintner: That's something that I haven't had the opportunity to think about. If there were additional comments that the Sierra Legal Defence Fund wanted to put in on that issue, I could talk to the staff about that specifically. We hadn't envisioned that when we submitted our—

Mr Barrett: We certainly recognize the importance of local input. Not all of these decisions are to be transferred and made at Queen's Park. Within this legislation there is mention of local advisory committees, albeit advisory committees would be representative. I guess I'm suggesting local input certainly from local advisory committees which may well be based on municipalities, perhaps on conservation authorities.

The Chair: Thank you very much.

Ms Churley: Can I say one quick thing? I started off this meeting being somewhat critical of the minister in terms of what's in our binder. I want to end it on a high note and note that Minister Johns was here for the entire hearings this afternoon, and that's much appreciated.

The Chair: Nice to see that balance, Ms Churley. Thank you, Minister, for joining us today. Thank you to everyone who reacted very quickly and responded to the call for presenters.

The committee stands adjourned until 3:30 on Monday afternoon.

The committee adjourned at 1751.

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