



ISSN 1488-9080

Legislative Assembly
of Ontario
Second Session, 37th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 37^e législature

Official Report of Debates (Hansard)

Friday 21 September 2001

Journal des débats (Hansard)

Vendredi 21 septembre 2001

**Standing committee on
justice and social policy**

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

Nutrient Management Act, 2001

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

Chair: Toby Barrett
Clerk: Tom Prins

Président : Toby Barrett
Greffier : Tom Prins

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Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
3330 Édifice Whitney ; 99, rue Wellesley ouest
Toronto ON M7A 1A2
Téléphone, 416-325-7400 ; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY

Friday 21 September 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE LA JUSTICE
ET DES AFFAIRES SOCIALES

Vendredi 21 septembre 2001

The committee met at 0914 in Best Western, North Bay.

NUTRIENT MANAGEMENT ACT, 2001

LOI DE 2001 SUR LA GESTION
DES ÉLÉMENTS NUTRITIFS

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

The Chair (Mr Toby Barrett): Good morning everyone. Welcome to yet another meeting of this tour of the standing committee on justice and social policy for today, Friday, September 21, 2001. This is the last day of summer, if I'm not mistaken. This committee has been on the road since the end of August with both Bill 51 and now Bill 81. I certainly want to thank the members. We are a little thin on the ground today. I should explain this. It is very difficult to get volunteers, MPPs in particular, to be away from their riding on a Friday. We did this last Friday. Friday is the day that you're in the riding and there's an expectation that you are working in your riding with your constituents. North Bay is the last stop on this tour. All three parties were very pleased and had requested that we focus on small-town and rural Ontario. As a committee, I guess we've visited Ottawa twice now. We've visited downtown Toronto twice. None of us are from downtown Toronto, but it was a pleasure to be in towns like Holmesville down in Huron county, Owen Sound, Caledonia and St Thomas.

We are meeting today at the Best Western in North Bay. Again it goes without saying, there are three flags in front of this hotel that are at half mast. I noticed coming into the city of North Bay yesterday a number of signs out on the highway stating, "God Bless America." This committee has certainly observed that as we've travelled Ontario since a week ago last Tuesday. It has been ever-present on people's minds. Ontario just concluded a by-

election last night and I understand that in that by-election, door-to-door discussion was dominated by what happened in the United States.

Our agenda for today continues with consultation on Bill 81, An Act to provide standards with respect to the management of materials containing nutrients used on lands, to provide for the making of regulations with respect to farm animals and lands to which nutrients are applied, and to make related amendments to other Acts. We have a number of delegations this morning.

GAGNON RENEWABLE RESOURCES.

The Chair: With respect to our agenda, our clerk has been in touch with Gagnon Renewable Resources. I would ask Gagnon Renewable Resources if they could approach the witness table. Good morning, gentlemen. We would ask if you could give us your name for the purpose of our Hansard recording. We have 15 minutes.

Mr Rick Gagnon: Good morning, everybody. I'm Rick Gagnon, from Gagnon Renewable Resources, Manitoulin Island, Gore Bay.

Mr Warren Maskell: I'm Warren Maskell with sales for Gagnon Renewable Resources.

Dear Mr Chair and committee members, we would like to thank the committee for this opportunity to speak and be heard with regard to Bill 81. My name is Warren Maskell and with me is Richard Gagnon, president of Gagnon Renewable Resources. We have supplied each of the committee members with a copy of what we will read from. Gagnon Renewable Resources Inc is a Canadian company that is committed to representing technologies that have a positive impact on our environment. We've attached a company profile in the brochures that we sent out with you.

The Nutrient Management Act is intended to establish guidelines, restrictions and inspection protocols to the agricultural sector. As citizens firstly, and suppliers to the agricultural sector secondly, we welcome this legislation. Our purpose today is to outline briefly a few of the technologies we have to offer. Each of these technologies can solve one or more of the issues that a farmer or production facility faces in adhering to a comprehensive nutrient management plan. It is our hope that this committee will consider the future solutions in their decision-making process. The interpretation of existing guidelines is such that merely moving straw from one farm to

another can be construed as requiring a certificate of approval. We will provide a clearer example of this a little later.

The four technologies are bioreactors, biological remediations, absolute filtering and dewatering processes. The bioreactor acts as a large aerobic composter. All organic materials can be composted as long as the correct carbon-nitrogen, or C-N, ratio is maintained. Manure, processing pulps, yard waste and even carcasses can be processed. The key, however, to successful composting is in creating and sustaining an environment where the conditions are ideal for the material to be composted. The bioreactor we market is a fully automated, large, rotating drum that is constantly monitored for temperature variations and can automatically speed up or slow down the rotation of the drum. Input to the machine can be either in a continuous-feed mode or in batches.

0920

The process is successful because we can ensure that three distinct biological stages take place within the drum. The first stage is the psychrophilic stage, where the bacteria are active at between 7°C to 12°C. Then the mesophilic stage proceeds up to about 33°C. Next, and most important, is the thermophilic stage, where the biological activity generates heat of between 70°C and 80°C. Toward the discharge end of the unit, the mesophilic stage then reactivates and the material cools before being finally discharged.

The input of new product displaces the product within the bioreactor in a continuous manner. This process can take as little as 24 hours to complete. With this process, we are able to successfully kill all the pathogens and weed seeds. A relatively small bioreactor, six feet diameter by 32 feet long, can process approximately 22 tons per day. The bioreactor also features a biomass filter which eliminates any odours from the composting process. We are currently developing a portable unit that can be brought to the farmer who has to address an existing manure pile. This portable unit could also be used in conjunction with a properly designed holding area for manure. When this holding area was approaching capacity, the portable unit could be brought on site, process the material and then be relocated.

An example of existing legislation—or an interpretation of—has a potential impact here. Consider a dairy farmer with a bioreactor who needs to add straw or hay as a carbon source. If the farmer has his own supply on his own property, he or she can add it and the process produces a pathogen-free soil supplement. Now consider the same dairy farmer without a supply of hay or straw. For this farmer to import the material from another farm and add it to his bioreactor would require a licence for hauling hazardous waste. Surely this is not what the current legislation intended, but nonetheless we have confirmed this with persons at OMAFRA.

Another problem is with respect to the storage of compost material once it has been processed. In less efficient systems, such as windrow or in-vessel, not all of the material is composted. The requirements are that

there is a holding period of 15 to 25 days to ensure that there is no undesirable biological activity still taking place. It does not seem fair that a superior system, where it can be verified that the temperatures and amount of time required have been met to kill all the harmful pathogens, is bound by the same rules. This holding period could place an unnecessary financial burden on an agricultural operation by way of extra storage buildings and extra handling of the material. We have included a picture of the bioreactor.

The next piece of technology is biological remediation, where we can use naturally occurring class I bacteria to effectively treat lagoons, feed areas etc. These bacteria can be sprayed directly in a liquid form or introduced in a tablet form to the area needing treatment. The biological activity that takes place is the customized bacteria consume the nutrients and the only by-product is carbon dioxide and water. We have treated large municipal sewage lagoons in this manner. We market products developed by Custom Biologicals Inc from Florida. Their expertise has been developed over decades in offering natural and environmentally safe solutions to a wide range of issues. Some of these same bacteria are utilized in the aforementioned bioreactor. Other uses of the bacteria include odour control, hydrocarbon spill remediation, grease traps etc. I forgot to bring the tablet.

Thirdly, we would like to bring to the committee's attention that there are filtering devices which can aid the agricultural sector by filtering out particulate matter from liquids. We represent the Dynamic Filter, a patented device developed in the United States which provides absolute filtration. The term "absolute" means that the filter media, for example three microns, have been laboratory tested and that no particulate matter greater than three microns in size can pass through the filter. Filter media rated at this level are even capable of effectively screening out harmful giardia and chryptosporidium. On the other hand, a typical municipal water system using sand filtration is only effective to approximately 28 microns. This demonstrates the level of filtration which is available.

We have conducted tests using the Dynamic Filter on hog manure straight from the lagoon with outstanding results. The use of such a device could potentially have a great impact on operations such as hog farms by reducing the organic material component that is suspended within the hog manure. In this way, both the remaining liquid and the separated solids could each be treated more effectively. We've got a picture for you to look at.

Lastly, there are other dewatering devices. We work in conjunction with a major agricultural supplier who offers systems that can effectively remove up to 70% of the liquids within manure. This mechanical device is to be installed prior to our bioreactor on an 1,800-head dairy farm. The ability to easily dewater manure is especially important on these dairy farms due to the large volumes of water that are used in the cleaning of the barns. For composting, the material should be around 60% moisture content so that additional dry bulk is not required.

To summarize, there are many currently available technologies to assist either the small farmer or the intensive agricultural operation. As a supplier of some of these technologies, it is our desire to make it easier to comply with these new guidelines. As they are set in place, to close the loop on managing the nutrients that are generated on the farm, we would request that equal consideration be given to the implementation of new technologies.

Every farmer is already facing a number of challenges in implementing his nutrient management plan. Currently there are various provincial authorities, including the Ministry of Agriculture, the Ministry of the Environment and the Ministry of Natural Resources, that have input and/or jurisdiction.

If, as we have discovered, the farmer is unable to get clear and concise answers to his questions, then the process is flawed. Farming in the 21st century is and will be vastly different than it has ever been and the transitions can be made easier with proper attention to the existing governing acts.

Thank you for allowing us this time. We could answer some questions.

The Chair: We've got about a minute and a half for each party for any comments or questions.

Mr Steve Peters (Elgin-Middlesex-London): I have a couple of comments to make. If one were to use any one of these processes and create a centralized facility, would that then be a waste disposal site?

Secondly, just so that I can get this on the record, has anybody done any independent testing of these processes that you've put in front of us today?

Mr Gagnon: The concentrated sites that you're referring to, or centralized sites, have been discussed with the Ministry of the Environment. We've looked at these options and as soon as the farmer has to haul his waste product, he'll be falling under a C of A. Now he either has to apply it and do it himself, or then it's going to fall into a contractor's hands, adding costs to his operation.

What we've been struggling with now is to manufacture a mobile unit where we can specifically go into each farm once or twice or three times a year and compost and solve the problems at hand. We fall into another category there of cross-contamination. If the farmers are all going to haul from their individual farms to one central site, how do you address cross-contamination? So that's an area that we want to try and get clarification on where the ruling's going to go. Because even on Manitoulin Island, the small farmers that we're dealing with right now, that's their biggest concern. If there's a central site where a composter can be installed and everybody could haul there, how do you avoid cross-contamination if somebody brought in a virus of some sort and it got back to his farm? They're really worried about that aspect of it.

Mr Maskell: The University of Guelph and OMAFRA have done a number of tests with composting and it does successfully kill all the pathogens etc. So if that's part of your question—

Mr Carl DeFaria (Mississauga East): From your presentation, I can see two problems that you see with the legislation. One of them you mentioned is the importing of hay or straw from one farm to the other needing a licence, that's one of the problems, and the other problem is the requirement of storage of compost material once it has been processed?

Mr Maskell: Correct.

Mr DeFaria: Are those the only two problems that you see with the legislation?

Mr Gagnon: That's what we see being at hand firstly. In the typical research at OMAFRA and Guelph, and all the universities that have dealt with the composting equipment that's on the market today, that's a large concern, because under the Ministry of the Environment ruling that 21-day standing criterion is there. It is there for the specific purpose of ensuring that all pathogens have been neutralized and will not reactivate once they get out into the environment.

What we're trying to say is, with our equipment, it's been proven to various universities in the United States for the past five years that this technology goes beyond that, so that 21 days would just be an added cost to the local farmer. It should be looked at and reviewed before any rules and regulations are implemented as such.

The Chair: I wish to thank you, Mr Maskell and Mr Gagnon. We appreciate your coming forward. I had a chance to visit Gore Bay a couple of times this summer, so I appreciate this presentation from Gagnon Renewable Resources. Thanks for coming on board.

0930

NORTHEASTERN ONTARIO GOAT MILK PRODUCERS GROUP

The Chair: I now wish to call forward our next delegation: Northeastern Ontario Goat Milk Producers Group. Good morning. We would ask if you could give us your name. We have 15 minutes.

Ms Michèle LaFramboise: Bonjour. My name is Michèle Laferrière LaFramboise. I'm proud to represent the Northeastern Ontario Goat Milk Producers association. I have no notes, I have no fancy charts. I'm leaving that to the scientists and the specialists. I am here to represent a group of 20 farmers who are trying very hard to get a new industry going for northeastern Ontario. We have 20 families who have invested half a million dollars each, and although we thoroughly support all these laws and acts which endeavour to keep our earth safe, we are also caught in a very financial crunch trying to meet the criteria established by these laws.

We are told, for example, when we get our building permits and do our set-ups, that we need type 4 septic systems to accommodate the needs of our dairies because there are no considerations in the act to specify different types of dairies. We are told by the specialists—Mr Bob Stone, an engineer with OMAFRA, has been working closely with us—that we simply can continue with the systems presented because we are small and we do not

raise small cows; we raise dairy goats, which are very different. I'm here this morning to ask that when the fine details are tuned into the act consideration be given to for the different kinds of dairies. Sure, we all raise ruminants and we all have our milk houses and milk parlours, but from there the differences change drastically.

Our animals produce dry manure and, being in north-eastern Ontario—our boundaries are north of Sundridge, west of Quebec and east of the Soo—we are on mostly clay soil, so that filtration is accommodated naturally without great expense to the little farmer. However, that being the case, the way the nutrient management system is being set up now, it is forgotten that we have smaller animals. When it comes to our grey water, our manure storage, both liquid and earth, we are being grouped with animals that have far greater results than what we ever produce. When it comes to volume for solids, a dairy cow, which can go up to 1,400 pounds, is being used as a guideline, whereas our goats at best might reach 150 pounds. Even if you try to compare and go 13 to 1 for a ratio, a 10 to 1 ratio is only comfortable when you're dealing with feed, not with output. There the values and the numbers change more to 15 to 1. So we are asking that respectful consideration be given to these differences so that we are not lost in the large picture.

In the nutrient management plant, minimum distance separation—which is the setbacks to the roads and the houses—is being given per livestock unit. They are considering our little milk goats as four animals per animal unit, yet this same law allows for five sows per animal unit. Their output is far greater, far wetter, and they are much larger than ours.

There is a lot of lack of information on goats in Canada in general and in Ontario in particular. The large farms with herds of 500 or more are situated in Alberta. Throughout the world, seven times more goat meat is consumed than beef. It is the last domestic animal without cancer. Goat milk has health benefits to the young population—children being born with all kinds of lactose intolerance and other allergies—and the seniors, who increasingly suffer from cases of high blood pressure and high cholesterol, all of which are easily remedied by changing to goat milk.

I conclude by saying, continue in your fine work and endeavours. Yes, we applaud and support you thoroughly. But please give consideration to smaller livestock and the smaller farmers of Ontario. I'd be happy to answer any questions.

The Chair: Thank you for the presentation. With respect to questions, we've got about four minutes for each party, if needed.

Mrs Tina R. Molinari (Thornhill): Thank you very much for your presentation this morning. I don't have a question. Your presentation was very comprehensive in highlighting some of the unique issues that you experience from smaller livestock than what we've heard. I just want to give you some assurances that when the regulations are being developed, a lot of the issues and concerns that have been raised through these consultations

will be taken into consideration. The other presentation we heard that was similar to yours was the sheep producers. They certainly highlighted some of the similar issues that you highlighted, being a livestock that's smaller than cows, and a number of other issues that were raised. You've set some clear examples of some indications that would allow us to look at it and identify the uniqueness of the various farms. Certainly I want to give you the assurance that it will be taken into consideration in the development of the regulations.

The regulations will also go through a consultation process before they are actually enacted. Once the regulations are written, they will be—I don't know that the minister has yet made a decision as to how extensive the consultations are going to be; one presenter during this process suggested that the consultations not be as wide-ranging as these consultations are, but more specific to various groups that would be called in and asked for advice on what it should be. Those are some of the ideas.

We've also heard through this process how to implement the regulations and what kind of input those should have. Certainly if there's one thing we've heard, it is that there is uniqueness there and that one size doesn't fit all. I appreciate your coming this morning and highlighting your specific needs. I want to assure you once again that they will be taken into consideration.

Mr Peters: You're representing the northeastern Ontario goat producers. How extensive are your colleagues throughout the rest of the province?

Ms LaFramboise: We are very strong. They have been very disseminated. They have been known as the cottage industry. We are finally fine-tuning this into modern farming with professionals at the helm. We are working together with the other associations, be they the goat breeders association or the milk producers association for goats. We are but phase 1 of a project from Fednor. Next year, for example, we are adding another 20 farms and we are proceeding in that direction that fast.

Mr Peters: In a 365-day year, how much of that year are the goats inside and how much outside?

Ms LaFramboise: The law in Europe asks that the dairy goats be outside one hour a day. There are no such laws in Canada. But we must really control anything that goes in because we are paid for what goes out. At this time, most dairy goats that are on the milking cycle, which is 10 months a year, are kept indoors exclusively.

Mr Peters: It hasn't been set yet, but would you be capable of having 365 days' storage for manure on your farm?

Ms LaFramboise: Yes. It is through a cement pad with the walls, proper depth lagoons, runoffs and covers. We are also exploring alternatives which are cheaper, such as the vegetable feeder strips.

Mr Peters: Could you elaborate please?

Ms LaFramboise: I don't have the details. I'm not a scientist but apparently, because of the high quality of our manure and the low liquid density, this is ideal for creating organic gardens.

The Chair: I appreciate your coming forward. Up until recently I owned a few goats and I think every politician should own a few goats in their lifetime just to learn how to deal with goats. Sheep are bad enough.

Ms LaFramboise: We have over 200 very healthy specimens. Any time you wish to play, you're welcome.

The Chair: Three was enough for me.

0940

LYSTEK INTERNATIONAL

The Chair: From our agenda, I'd like to ask Lystek International to come forward, please. Good morning, sir. We have 15 minutes; if you wish to give us your name and proceed.

Mr Cam Gray: I'm Cam Gray. I'm very happy to have the opportunity of presenting Lystek International to you folks. A little bit of background on myself: I'm a professional engineer and been in the waste water treatment industry for over 30 years. I have a fair knowledge of most processes applied both in animal waste as well as municipal waste although my background is more aligned to the municipal field.

It is interesting that over 20 years ago a company I owned and operated came to the conclusion that the incineration and landfilling of material that was organic in nature was probably not the right way to solve a very difficult problem in the waste water treatment industry. We acquired some technology from Sweden to take the organic-rich waste from municipal sludges and turn it into a pellet-sized fertilizer. In fact, we commenced building a plant in Guelph. I heard a previous person talk about the Guelph situation. That plant never got finished in quite the form it was intended to, but it is operating as a composting operation. I have a long history and a long interest in this matter of dealing with sludges, not just from municipalities but from farm waste as well.

I was recently approached by Lystek International, in the last six or seven months, to provide a consulting service to the company. It is really a fascinating opportunity for Canada, for North America and even for territories and jurisdictions beyond. Lystek was founded by Dr Owen Ward from the University of Waterloo. He has had two previous situations where he has developed technology at the University of Waterloo and has successfully commercialized the technology. He regards this as by far his most significant contribution to date. He aligned himself with a Mr Frank Hovey who was almost 10 years president of BF Goodrich. I'm pointing this out to you, that the company has a very strong technical background and also a very strong management background.

The technology has been proved at the laboratory level. It has been presented to many people in the province of Ontario with whom you'd be well familiar, including the Ontario Clean Water Agency and many of the consulting engineering firms, including CH2M Hill Canada Ltd. No one has looked at this technology who isn't extremely impressed with it seeing it as a real

opportunity of contributing to the solution of this significant challenge that lies ahead for all.

I've given out a little flow schematic that shows what we are up to, but basically the technology is to create a class A biosolid for land application as processes 1 and 2. I can go into detail if you'd like, but basically the first process is the ability to create class A biosolids at about approximately 15% to 20% dry solids, which is normally not pumpable in this industry. What this company is able to do is create those biosolids at a very low viscosity, which significantly reduces the transportation costs and really makes the application much less costly.

The second class A biosolid that they produce is a dry solid, and that is accomplished principally through a drying technology. It is related to the refrigeration cycle that's very cost effective. I think when you look at this whole topic, first, everybody in the industry is looking for direction in which way the regulators are going to move as far as class B and class A solids. I think most people feel it is going to be a significant swing to class A. Whether that's right or wrong is not, I think, for this forum to debate. Regardless, if you're able to generate a class A solid as defined, that's the first step. The second step is, can you do it economically?

Generally, the number in the province of Ontario—I recently visited the Ashbridges Bay project, which is a very large drying facility where they create a pellet that is class A biosolids for the city of Toronto for approximately half of their waste. I've also visited a site in Sarnia which has a lime stabilization process. Generally speaking, in North America you're looking at somewhere in the neighbourhood of \$300 to \$350 a dry tonne to produce biosolids, which is a pretty staggering amount of money. The Lystek technology will make significant improvements in those cost numbers.

To the extreme right of the flow schematic I've handed out is taking the dry solids from the processed B and actually running them through a gasification process and making methane, and possibly methanol, and electricity. That's really stage 2 of the company's development project. Right now we are working on the liquid side and the dry side, both class A biosolids. The next step for the company is to build a full-scale demonstration plant. That's normally what has to be done when technology is developed. We are in the process of raising approximately \$1.2 million to do that. We have a site chosen and we hope to be able to at least start that plant up in the next six to nine months.

That's the general presentation. The important things I've stated are that a number of so-called authorities in this industry have reviewed the technology in detail. There's a very high level of interest, principally because it looks as if this technology—we know the technology can produce biosolids for less money than any other way that's known today. There are many ways of creating biosolids.

That's really the end of my presentation unless there are some questions or unless you'd like me to get into some of the technical aspects of how we do this.

The Chair: Thank you, Mr Gray. I would go to Mr Peters for any comments or questions.

Mr Peters: I don't want to ask you a question specifically about your process, but this is our ninth stop and we've had a number of presentations on different technologies. We've had two today. I'm not a scientist. What would you advise me as a politician that we should do? I agree; I think we need to look at new technologies. What would you advise me as a politician that we could do, and how could we be most proactive as politicians to ensure that we look at these technologies and we find out for our own satisfaction and the satisfaction of the general public from an independent standpoint that these are safe technologies? What do you advise that we do to find out?

I see we've got some real problems. We've heard a lot of concern expressed all around about biosolids, a lot of concern—we know where septage is going. It is not going to be spread on the fields any more. We've had a lot of concern expressed—we've had mixed opinions—on pulp and paper mill sludge.

If you were me, what would you suggest I do?

Mr Gray: There are a tremendous number of very capable people working on this project. There are a lot of very talented companies and individuals. The fear of people like myself—I've been in this business for a long time—is that the pendulum is going to swing too far and that the problems we had at Walkerton and other places are going to dictate class A solids, which are far more expensive, obviously, than the B, which traditionally has been land-applied, that it is going to dictate or going to swing the way.

I'm sort of defeating my own case here a little bit, but I'm an environmentalist first and a businessman second, probably. There's a concern that the pendulum is going to swing too far, which is the right thing to happen. You have to err on the side of conservatism when there are health risks involved with the people of our province and our country.

0950

Everybody is waiting for the National Academy of Sciences in the United States, which the EPA has asked to opine on this topic. As I understand it, that's going to affect Canadians. That decision is supposed to be out by the middle of next year. I'm sure you know this.

I didn't really answer your question very well, but I think that probably—

Mr Peters: Is it money for us to invest in research?

Mr Gray: That's an important thing. I've actually just done a review of the literature on the companies that claim to have the ability to create class A biosolids. There are at least six or seven renditions or variations to traditionally used anaerobic processes in municipal waste water. There are probably at least another 10 or 12 that I've looked at that are private-sector-developed. Certainly there's lots of room for development. We are looking for money. We could very quickly go to the United States of America and raise the money we need to build our demonstration plant. Suddenly the ownership of

that company no longer is vested in Ontario or Canada; it becomes an American company. We don't want to do that. Quite frankly, I'm quite sure we are not going to have to do that. But there's certainly a need to do research and to clearly understand the strengths and weaknesses of the processes that are available today.

The Chair: Any further questions? OK. Mr Gray, thank you very much for coming forward and presenting on behalf of Lystek International.

KLAUS WAND

The Chair: We are a little ahead of schedule. Is the Temiskaming Federation of Agriculture ready to go? If not, I'll go to Klaus Wand, if you could come forward, please. Have a seat, sir. The microphone will come on automatically. As an individual, you have 10 minutes for your presentation.

Mr Klaus Wand: Good morning, Mr Chairman, committee members. My name is Klaus Wand. I'm from Powassan, 30 kilometres south of North Bay. With my wife, I operate a beef operation, cow-calf specifically.

The Walkerton tragedy surely has increased public awareness of environmental issues. It has grown to the extent that some local governments are now trying to solve these issues in questionable ways which are of great concern to the farming community.

Nutrient management is a natural for farmers. Once or twice a year, most of them sit down especially to plan for the next growing season, to assess the need for the nutrients required to grow a good crop. Aiding them in their decisions are soil tests, GPS mapping and results of the last harvest, influenced by various factors like weather etc. The calculations of what type of fertilizer to use, organic or commercial, are made carefully because it is a major expense and money saving is critical.

Farming groups were and are aware of their responsibility to the environment and have therefore no general problem with Bill 81. They have worked hard to be proactive by introducing the environmental farm plan, by promoting best management practices like buffer strips, and by working closely with different agencies on various initiatives.

To make Bill 81 meaningful, a number of concerns should be addressed.

Farmers should not be singled out. The act should apply to any nutrient user: farmer, golf course owner, provincial or municipal government, and any other land-owner. Just look at the super green lawns of some proud property owners. The Nutrient Management Act must supersede any municipal bylaw so that everybody is treated the same way.

Enforcement of the law should also be carried out by provincial agencies, and it should be OMAFRA, where the expertise lies. Only in that way is a uniform application of the act possible, and no room is left for different interpretations.

Another point is the access to waterways. It is often not practical, possible or feasible to completely fence off

watercourses. Just think of flooding or ice breaking up in springtime. Valuable land could be lost for grazing and used for other not-so-desirable activities. There are ways to minimize the impact cattle could have on waterways.

Much attention should be given to terminology used in the act. The example here is “intensive.” It’s different, what I think and what other people think, if you talk about intensive farming. I just farm intensively, and other people think right away of factory farming. What is factory farming?

Education for all is very important, especially for the small users of nutrients. Their thinking often is if a little bit helps, a lot will help for sure. Just watch the sales pitches at garden product outlets at the present time to get rid of unsold fertilizer. Most of it would be against best farming practices.

To deal with complaints and unnecessary confrontation, local nutrient management advisory committees with farmer representation, who have the best knowledge of their area, would be very important.

Many farmers fear that the new act will hit them like a wrecking ball. They are asking what the time frame of the full introduction of the act will be and where the money will come from to fully comply. Will the new law make it harder for them to compete with their provincial neighbours or other jurisdictions? Here it is important that the provincial government clearly spell out what—and I put this in brackets—“retroactive” financial assistance and initiatives will be given to meet the new standards.

Since the act has the common good of all Ontarians in mind, the general public should pay its fair share. Who carries the burden of the administration, the issue of licences and the necessary audits? Another downloading?

The new act gives sweeping powers for inspections and entering premises without warrants. How will land-owners be protected against possible abuse and, when dealing with livestock, against breach of biosecurity and the spread of contagious diseases, like hoof-and-mouth disease? There are still a lot of other questions to be answered and much work has to be done to address the concerns of the affected groups.

Ways should be found to effectively minimize existing environmental problems before trying to eliminate them completely, because in the past, things were done for good reasons. Here I’m thinking of building barns close to waterways.

Farmers have indicated if the burden of the new law becomes too great, they will just quit. By doing so, they would create other problems for their rural communities and the province.

The Chair: Thank you very much, sir. That gives us about a minute each—10 minutes goes pretty fast—for each party. PC Party, any comments?

Mrs Molinari: Thank you very much for your presentation. You have highlighted a number of issues that are, in fact, consistent with some of the presentations we’ve been hearing. One of the ones I want to get your opinion on to elaborate a little further is your comment that the provincial legislation should supersede municipal

bylaws. We have heard that from a number of presentations, but then we’ve also heard that there are specific municipalities that have different types of needs than other municipalities. How would you see it working or what would you need to see in the regulations to be able to accommodate some of the uniqueness in some of the municipalities so that we don’t have something that’s an imposition on one municipality that may work well for another?

Mr Wand: I mentioned local nutrient management advisory committees. They would have the best grasp of the problems in their area or what could be done in their area.

Mrs Molinari: Who do you see as members of this committee? Who would it consist of?

Mr Wand: I guess the municipalities, the farmers, whoever has some interest in livestock operations and farmers in the cash crop area, which is different when it’s mainly a cash crop. Those should be represented on the advisory council.

Mr Peters: I’d like you to comment on two points. One, there’s some talk within the regulations that there may be a requirement that one may have to own a certain percentage of land to be able to spread nutrients upon it. The second is that there may be calendar dates established when spreading can occur. It’s a lot different from where I live in St Thomas, south of London, to where we are right here in North Bay. So comment on calendar dates and comment on land ownership requirements.

1000

Mr Wand: Land ownership—there’s something to it. If you don’t own the land, you can’t get rid of the waste you will get. There are nutrients left in the animal waste, and if you don’t have the acreage to spread it, that’s a problem. You should have a certain acreage for the production you have.

The timing, to set calendar dates, I think then you go back to Russian ways, in the communist countries. They had everything planned, and the plan never worked. If it rains the day when I can spread manure, I don’t do it. So would I have to ask for permission, then, on a certain date, or if I’m past that date, to spread my manure? That’s ridiculous, to set dates. The farmer is independent; he should be able to operate independently within the guidelines, whatever they are.

The Chair: Thank you, Mr Wand. We appreciate you coming forward to our standing committee.

TEMISKAMING FEDERATION
OF AGRICULTURE
COCHRANE FEDERATION
OF AGRICULTURE

The Chair: I now wish to call forward the Temiskaming Federation of Agriculture. Good morning. You can sit at any microphone. They come on automatically. You have 15 minutes. If you can give us your name for the Hansard recording service.

Ms Fran Nychuk: I come to you from Temiskaming, representing both the Temiskaming Federation of Agriculture and the Cochrane Federation of Agriculture. My name is Fran Nychuk.

Farmers live by the land. Whether we deal in animal husbandry, cash crops, horticulture, fruits or trees, our livelihood is lost without clean, environmentally sound soil and water. Farmers are and always have been stewards of the land. We nurture the lands that yield the products we raise to feed our families of the world.

The agricultural industry requires legislation that sets down firm regulations which will ensure the use of manure and fertilizer will be standardized throughout the province. Governing bodies must recognize that in the plan to reduce the possibility of future pollution of our lands and waters, the cost to meet the proposed new standards will require capital grant monies to enable the farmers' efficient and effective compliance.

Canada—Ontario—is known for its top-quality, safest, most abundant and cheapest food. You and I share the rewards of this statement. We, too, are charged with ensuring the maintenance of this quality. Safe, secure surface and groundwater supplies are a necessity, a value for which we must all share the cost.

Water is the lifeline of our lands, our livestock, our vegetation, our lives—yours and mine. The risk management tool I see this legislation offering is one of the most visionary that I have seen to date. The Temiskaming federation and the Cochrane federation support the Ontario federation's approach to nutrient management planning.

(1) Legislation is required to set province-wide standards that will regulate nutrient management.

(2) The assurance of a science-based, site-specific enforcement of this legislation by OMAFRA and the Ministry of the Environment agriculturally and environmentally prepared and knowledgeable people.

(3) Capital grant formulas must be established to assist the agri-community in its move to further ensure the safety of our ground and surface waters with new legislation compliance.

Agriculture supports the community it grows in. The community supports the stable and valuable industry of agriculture. The enactment of this legislation benefits our whole communities. Planning for and providing for the environmental security of our communities should be shared. This is a benefit to the whole. We applaud our government's approach through Bill 81. Given the input from agriculture that you have had to date and the advice that comes to you from the federations, we see that you will give it life and that you will assist in the financing of its operationalization. My presentation this morning is rather short. I thank you for your attention and for the opportunity to be here, and I will attempt to respond to any questions you might have.

The Chair: Thank you very much, Ms Nychuk.

Mr Peters: Just briefly, could you paint us a little picture of what agriculture is within Temiskaming-Cochrane district?

Ms Nychuk: Agriculture in Temiskaming is the primary industry. It affords value of lifestyle but also economic value to Temiskaming that has been the most stable in the 1900s. It is a broad-based industry. Dairy is probably the forerunner in Temiskaming of the agricultural sector, noted province-wide. In fact, I have a neighbour who has met the top standards in the dairy industry for three consecutive years. We have a very large beef industry, both feedstock and commercial cow-calf industry. We have a significant cash crop industry. Our seed grains are exported, not only throughout Canada but throughout the world. We also have a significant pork industry. We have sheep. We have vegetables, horticulture. Fruit is not a biggie in Temiskaming. It is very significant economically.

Mr Peters: For your cattle, your dairy and your hog farmers, would those individuals, if we said to them that they had to have 365 days' storage for manure on their farms, are they going to be in a position to do that or is this going to be a substantial financial burden to them to meet those standards?

Ms Nychuk: As in most industries, there are those who will be dramatically impacted on a negative perspective. There are those who might be able to handle that. But, yes, the costs will be overbearing to a number of farmers in complying with that. That is why we are looking at some financial assistance. We see this as an impact to the entire community, and given our community share, I don't think that's a big thing to ask. I think communities will be prepared to.

1010

Mr Peters: What's your opinion of having non-farm, rural residents on the environmental response teams, the advisory committees?

Ms Nychuk: I believe in participation by all sectors. That is important. The agricultural industry has to definitely be very present, but I do believe in hearing the voice of our colleagues and our compatriots, community members.

Mr DeFaria: Ms Nychuk, the farming and rural communities are well represented in our caucus. We have MPPs who often fight for assistance and programs for the farming and rural communities. One of them is our Chair, Toby Barrett. We have Dr Doug Galt, Gary Stewart and we have an MPP called Mike Harris who represents a rural—

Mr Peters: Is the local member coming today?

Mr DeFaria: The farming and rural community has spokespeople who speak highly about the programs that are needed for the farming community. I represent a city riding in Mississauga, which is very close to Toronto. You talked about financial assistance, a capital grants formula to assist in compliance with this act. In the city this act will also affect urban sludge and city taxpayers will have to also incur this cost through their tax system. Would you agree that this capital grants formula that you suggest as financial assistance, whether it is by tax credit or some sort of assistance, should apply all over to people

who are affected by this act or just to the farming community?

Ms Nychuk: Of course, coming at this point from the agricultural sector, I believe that our food is extremely important to us as is our water. Without both, life is non-existent. I don't know if you're asking me whether I would consider an equal share in that cost or not. If that is what you're suggesting, I might have some slight difficulty with that. That's not to say that perhaps our urban brethren shouldn't be supported in the need to handle their waste or their sludge as well. All that I'm saying is that it should not be at the demise of the agricultural sector. Having been an urbanite and in fact lived in your community—

Mr DeFaria: It seems that a lot of people who appeared before us lived in Mississauga or are planning to move to Mississauga. It is a great city.

Ms Nychuk: I'm not planning to go back. I love it, but I'm not planning to go back there to live. As an urbanite, my food and the safety of the food that I consumed was extremely important to me, most particularly when I began my family. That is inherent to all of us. The need to maintain the quality and the safety in our food sector is extremely important. Nutrient management is a big part of that safety.

Mr DeFaria: The point I wanted to make is that you understand that this act affects not just the farming community but also the people in the city.

Ms Nychuk: I definitely do.

The Chair: Thank you, Ms Nychuk, appreciate the Temiskaming federation coming before the standing committee.

ONTARIO FEDERATION OF AGRICULTURE, NORTHEAST REGION

The Chair: Our next delegation is the Ontario Federation of Agriculture, Northeast Region. Good morning, sir. If we could ask for your name. We have 15 minutes to proceed.

Mr Frank Giguere: Thank you, Mr Chairman. I represent the areas of Valley East and Nipissing, as well as the whole of the Muskokas. My name is Frank Giguere. As you said, I'm with the Ontario Federation of Agriculture, and am in favour of nutrient management, although I realize that for some it's going to be an added financial burden, to an extent.

Most of the farmers, though, have or are in the process of doing what is called the environmental farm plan program. I don't know if you're familiar with it, but it was alluded to previously, that you need to either rent land or own land and stuff like that. With the environmental farm plan, to an extent you're dictated how many units per acre, regardless of the size. Whether it be goats or sheep or 1,600-pound cows, you have a guideline to follow. We've taken all those precautions through the years—probably it's 10 or 12 years since I went through that process—and try to respect it to the best of our

abilities, although weather is not always working in our favour.

One alluded a while ago to the year's containing of nutrients, or manure storage, for example. If you have two wet years in a row, you don't need to be a lawyer from Philadelphia to think that the inevitable is going to happen, that at some point in time some of that will have to be spread, and not in favourable conditions. But it's not done willingly; it never will be, because a factor that I think has a lot to do with it is education and communication. If, for some given reason, we have the buffer zones to respect, whether it be in applying the commercial fertilizer or the nutrients, as we know them, or pesticides, we do that very religiously, because we don't want to poison ourselves, to start with, never mind poisoning the others. We all have families to tend to.

Having said that—because I speak for everybody as a whole that I represent, and they're in different walks of farming—I know that there's going to be some monies or some financial assistance asked for, for the different aspects of respecting Bill 81. But I look forward to it, generally speaking, because then it involves everybody. That means that the person in town or in the big cities who has to take care of their lawn, if they want it to look nice, has to abide by it the same way, or worse sometimes, in the application of pesticides to control those yellow flowers that were intended to be weeds, but throughout the years we've called them exactly that. So whether you're farming or you're an urbanite, it doesn't change all that much.

We all at times have to go to that little closet of ours and it doesn't smell so good. So I don't know on which is different in magnitude. At some point in time what we eat, downstream it doesn't smell as good. But we all have to recognize that if we want to deal with this bill, which I think makes a lot of sense and does a lot for everybody—it takes care of everybody and I think it's justice that's being put in process at the provincial level.

1020

Having said that, we are asked by people in general to be stewards of the land. This we don't mind at all. We have to because I, like so many others, could say, "I own the land." Well sure, try and pay the taxes and everything that comes with it. But I know full well that I only borrowed it from my predecessors to hand it to future generations in as good a shape, if not better, than when I first took it.

So I think it's with this in mind that I come forward and endorse Bill 81. I think through education and communication, we shouldn't have any problems with keeping on doing what we are doing normally and striving with it.

The Vice-Chair (Mr Carl DeFaria): Are there any questions from the committee? We have approximately six minutes, three minutes for each caucus.

Mrs Molinari: Just briefly; I don't think I'll take up the time. First of all, thank you very much for your presentation. We've heard quite a few presentations from the agricultural communities, and the OFA, the prov-

incial association, has also made a presentation in Toronto. Certainly a lot of the views that come from such a respected organization will be taken into consideration.

One of the themes that seems to be consistent with the presentations, of course, is the whole issue around financial assistance. You've put it in different wording, "for respect of Bill 81;" others have been saying "to comply with Bill 81."

One presentation we heard a few days ago was from an individual who was an environmentalist who's concerned about the environment. His comments were something to the effect that you shouldn't pay somebody to abide by the law. It was quite an extreme kind of presentation throughout the whole, but of course that's one opinion, and there are several opinions.

The other comment you made was with respect to education and that there has to be some education of those in the farm community to be up to speed on what it is the legislation requires, with modern technology and all that. One presentation—and I don't have all of the copies in front of me to quote from it directly—referred to a clause in our bill that talked about the need for education and referred to it as "far-reaching" and that it was unreasonable to expect the farm industry to come on line with the education that we were recommending or that's presently in the bill—which, as you may know, is very open, precisely so that the regulations to be put in place can be in such a way that they accommodate all of the community rather than having something more stringent in the legislation.

If you could just take a few moments to talk about what type of education you feel would be needed in order to have the farmers be up to speed with what the requirements are with respect to the bill and fulfilling them once the regulations come out.

Mr Giguere: Are you alluding to education of farmers versus the urbanites? Is that what you are alluding to?

Mrs Molinari: In this respect, yes, because I'm presuming you're representing the farming community—

Mr Giguere: Yes, that's right.

Mrs Molinari:—and so with your expertise, that's what I'm looking for you to respond to.

Mr Giguere: I will respond in those terms. Agriculture is not something where you can sell the finished products at whatever price you feel like, because we are being dictated by different boards and organizations to sell at certain market prices, unlike some others. One could argue because we have to buy equipment that mostly comes from the States—they are never justified to give us the ways they came to ask us the final pricing. In agriculture, we ask what we can ask, not what the market will bear. This is why a lot of the time you're going to hear that we need assistance. If we were to have the same leverage as the others and go straight out and ask as much as the market will bear, then we would never ask for any kind of leverage or financial assistance, because if you have such a pricing that's handed to you, you would hand it down to somebody else. But the buck stops right there. That's not known to a lot of people. This is

why a lot of times they will say, "If he can afford a combine of \$150,000, sure as heck he's got it made." But what they don't know in the majority of times is that you're struggling to meet those payments and sometimes you lose it. You're gambling all the time.

Mrs Molinari: What about with respect to the whole issue of education? You touched on the need for education. What did you mean by that?

Mr Giguere: Exactly what I said, that the people, the consumer in general—and it's a normal thing if you're not involved. It's just like the health system, if I may deviate a little bit: if you're not sick and haven't been sick in a good while, you don't know what flaws are in the system, really. But the questionnaires that were passed around, and this I agree with, may be something. I don't know. I don't have the answer; I'm just suggesting again. But if that was good for the health system and those who are afflicted with different kinds of diseases that are around and you're processed through the health system as it stands now, then being exactly in that process, you know what ails it.

Mrs Molinari: So your comments on education were specifically educating the public at large as to the challenges that the farm community is facing.

Mr Giguere: That's right.

Mrs Molinari: That's what you meant by education.

Mr Giguere: Yes.

Mrs Molinari: All right. I'm clear now.

Mr Peters: I have a couple of questions. One is your proximity to the Quebec border. Are there any instances where farmers may be spreading their nutrients on lands in Quebec or, vice versa, where a Quebec farmer may have an arrangement to spread on lands in Ontario?

Mr Giguere: I don't know. I don't live that close. I'm an hour's drive from the Quebec border. It would be up to those people who are closer.

Mr Peters: Could that be happening?

Mr Giguere: It could be a possibility. I'm just doubting, the same as you are. Nobody ever told me.

Mr Peters: Secondly, dealing with pulp and paper sludge, are you aware of any pulp and paper sludge being spread on agricultural lands in your region and have any of your farmers expressed any views, either positively or negatively, to that practice?

Mr Giguere: Not to my knowledge, no.

Mr Peters: The issue of storage for farmers in your region, is it going to be a burden? Would most farmers be in the position already that they would have 365 days' storage available on their farms, or is this one of the areas that may require financial assistance? If that was the decision, is this one of the areas where farmers are going to need some assistance?

Mr Giguere: It's possible. I don't have the numbers or a survey made as to who would need what, because that's relatively new. We've been talking about it. When the time comes we will know. Surely there's going to be some needed assistance but to what extent I don't know.

Mr Peters: My last question is—through the regulations and the legislation there will be advisory com-

mittees created—do you feel it is appropriate to have individuals with a non-agricultural background but living in the rural area as members of the committee?

Mr Giguere: Coming back to education, I don't have a problem with that so long as they're open-minded. Sometimes it's only to the betterment of any organization. That's the way I see it.

The Vice-Chair: Thank you, Mr Giguere, for your presentation.

1030

BLUE SKY ECONOMIC PARTNERSHIP, AGRICULTURE SECTOR

The Vice-Chair: The next presenters are the Blue Sky Economic Partnership, agriculture sector, if you would please come forward. You have approximately 10 minutes for the presentation, and we usually ask that you leave the last five minutes for questioning. If you could just state your name for the record.

Ms Sandra Smyth: My name is Sandra Smyth and I'm co-chair of the Blue Sky agriculture sector in this area. I want to thank you, ladies and gentlemen, for coming north and hearing some of our northern points of view to the proposed bill.

Just to give you a quick overview, the Blue Sky agriculture sector is one of several sectors that is monitored by the Blue Sky Economic Partnership. Blue Sky used to be known as the Near North. We have taken on what we feel is a much more positive name for the area.

I want to take this opportunity to remind the panel that my colleague Frank spoke about education. I think a lot of education is needed for our farmers. How that's delivered, I'm not entirely sure. There has been about a 35% take-up, I understand, on the environmental farm plan. I think that has to be pushed a little further because there are elements of the nutrient management plan in that.

The other thing, I remind our panel, is that education is great if you've got people who are fully functionally literate. Across the province it's known there's about 20% functional illiteracy, and in the rural areas probably more so, which may explain some of the non-take-up of some of the programs that have been given out for agriculture.

Something that's interesting in the Blue Sky region is that we have not suffered a loss of farms in recent years. One of the tools the panel can use—and ours is not quite ready yet—we have an economic impact study for the Blue Sky region which will be available fairly shortly. This is a draft version; there are still some numbers that are incorrect. I think it will help to give an idea of what the actual financial resources are of the farmers in Blue Sky, and there are economic impact studies done through the southern parts of Ontario as well.

As a point of comparison, the net revenue per farm in Blue Sky region in 1996 was \$2,510. That's not a lot to spend to meet the requirements of a new bill or the regulations attached to that bill. When you're asking,

“Will financial help be required?” yes, I think it will. As a matter of fact, I attended a northern Ontario heritage fund flagship proposal meeting last Friday and I warned them; I said, “Please keep agriculture as one of the flagships, because I think we're going to need it.”

I myself am a medium-sized farmer, I guess, in the 149-to-400-acre category, and I raise sheep. I understand my colleagues have spoken to you and educated you quite fully on the habits of sheep, their likes and dislikes. Their dislike of water, actually, makes it a real treat for footbath time. It's a real test of wills and ingenuity at that point to get them to walk through that puddle.

Rumours are rife about what the legislation may be, and this is what has got a lot of the farmers worried and a lot of farmers saying, “That's it. I'm quitting.” With my interest in economic development, that's the last thing I want. I attended Dr Galt's rural renewal round table discussions up here on a Friday evening, along with several others who obviously don't have a life. It's important to us. I think the approach has to be made very carefully with the legislation and the concerns have to be fully addressed.

One of the concerns up here is what constitutes an actual farmer. Is it anybody who raises one animal that has nutrient to get rid of? I have a neighbour who has one Jersey cow, two sheep, pigs, several ducks and chickens. Does she fall under the bill requirements?

The NMPs are to be prepared by certified people. Does that mean educated farmers are certified people or do we have to hire someone to help us with those? At a cost, obviously. Will the buildings requirements called for under the regulations be pan-Ontario? Frost levels are different in different parts of the province. Will the storage all have to be on cement? Is there some latitude in that, depending on the soil type, the soil constitution of any particular farm? Again, trying to perhaps save on costs.

I'm pleased to hear of the research on composting. I am a sole owner of a farm. I like to compost the material for a year because of disease control, because sheep are a parasitic animal and this helps destroy some of the worm burden rather than just putting it flat out on fields to be taken up.

We also share this land with other livestock that are not agricultural. Will fencing our streams and watercourses interfere with the natural migration and access patterns of our moose, our deer and our elk? That's going to call for extra supervision of these fences. We already know what they can do to a fence through the back 40; again, extra costs. The rumours are rampant about that particular one. I'd like to see some research if we are required to fence watercourses. How can we make that area productive? In northern Ontario, you have to gather up probably about 800 acres to get 80 acres of arable land. If you have to fence all the watercourses and all that property or just the watercourses your livestock are apt to get to, again, there's a cost factor. How can we get a cost benefit to that?

I like to pasture my animals. They are fed outside in the winter. Will this contravene the proposed legislation?

As part of my pasture renovation, I roll out round bales on a selected paddock behind the barn each year. The animals go out there to feed. They need their exercise. As one of our colleagues, Walker Riley, used to say, "There's a leg at each corner." They should walk to their feed.

The figures show that half the Blue Sky farms are small farms—and we will imagine with those accompanying margins—so I'd just respectfully ask that the legislation take that into consideration. Thank you.

The Vice-Chair: We have time for approximately two minutes for each caucus.

Mr Peters: A number of really good points: the one—and it is a first since we've started this—is the fencing and the effect that could have on the wild animal population. That's an interesting point and one that, whether it is in the north or my area in southwestern Ontario, is something that we are going to have to think about. I appreciate your bringing that point forward.

From your standpoint with your own operation—one of the areas that is being discussed is that a lot of farmers have practised no-till on their farms, and there's some discussion now that the manure is going to have to be incorporated into the ground—how would that affect you? You just said that you compost for a year to destroy the parasites or pathogens and then you go and spread. Having to incorporate, will that be something new for you? What kind of potential hardship would that be for you?

Ms Smyth: As I mentioned, I am a sole farmer. First, I'll probably have to learn how to plow properly. I depend on custom operators or whatever. It depends on their availability. I am learning new skills all the time. I will admit this. I learned how to download Adobe Acrobat as a matter of fact for this particular exercise, which does bring me to one other point. About 35% of farmers have computers. The e-filing might be a difficulty.

Apart from that, yes, I think that plowing something down simply because it has to be plowed down to take care of the nutrient load is perhaps not economical with fuel costs what they are now. Just the base cost of reseeded an acre of land is astronomical. We've been told to economize and to conserve. I use long-term pastures. That's where the nutrients are spread. Yes, that will become a problem for me if they have to be incorporated, bearing in mind of course that sheep manure is different from other nutrients.

Mr Peters: Good manure, bad manure.

1040

Mrs Molinari: I just want to make some comments. Your presentation was excellent. Some of the comments you've made we have heard from the sheep producers.

Coming from the city, as an individual who has not been exposed very much to the challenges of farmers, I must tell you that through these hearings I have learned a lot, and I appreciate having had the opportunity to learn as much as I did: something from as simple as knowing

that sheep don't like water, to biosolids and a number of others, so I've appreciated the opportunity.

You've asked a number of questions which are, in effect, good questions. If there is an opportunity for you—I know the committee will be continually receiving input in writing—to answer some of those questions for us, that's what we're here for. We have a lot of questions and what we're looking for in the consultation process are answers. How would you answer that concern and that question? What would your suggestion be for the committee, for the minister, to be able to respond to some of the concerns that you have? Having heard the numerous presentations, some are consistent and some are at opposing ends. So as a government, as a committee, it's a challenging task in trying to take all of those and come up with the best plan. We certainly hope we can do that.

Also, your comments that literacy in the rural areas is a lot less: I'm sensitive to that comment in trying to build an education for the farmers. In order to comply with new legislation and new things that are coming forward, if literacy is an issue, then there would be more of a challenge for them to be able to understand what it is that the legislation is trying to do.

I wonder if the local committees that we've talked about, that are going to be responding to some of the disputes that could arise, could take an active role in the type of education as well. I don't know whether that's been talked about as yet, but it just came to mind as you were talking about some of the issues. The local committees would be more sensitive to the local farmers and what the local needs are, and to what level of literacy and how much they can learn and how much they can take in any one given period of time.

I don't know how much time we have, but a brief comment on how you see those committees working and assisting us in that.

Ms Smyth: I think that would be an excellent idea, because we know who our bad apples are. As in the case of OFAC, Ontario Farm Animal Council, it's a peer pressure type of thing to smarten up and clean up your act, bearing in mind that farmers as a lot are an independent group and northern farmers still keep that frontier mentality to the nth extent. But that type of approach, that ground level approach, as opposed to the draconian from the top, I think would be much greater.

Mrs Molinari: Coming from their peers, it would certainly have more of an effect.

Ms Smyth: I think it would have more effect.

The Chair: Thank you, Ms Smyth, on behalf of the Blue Sky Economic Partnership.

ONTARIO FARM ENVIRONMENTAL COALITION

The Chair: Our next delegation is the Ontario Farm Environmental Coalition. Good morning, gentlemen. Each delegation has 15 minutes. Having said that, as we've been travelling mainly in eastern Ontario and we've been at the plowing match and have chatted with a

number of others—certainly yourselves and people with the federation of agriculture—we have discussed this through the committee and we wish to, after this 15 minutes, open it up for a bit more time. We did this in Kemptville, and I know some of the MPPs may want to also have a dialogue or a summary statement.

Please proceed. There are familiar faces here, but we would ask you to identify yourselves yet again for the Hansard recording.

Mr John FitzGibbon: I'm John FitzGibbon, chair of the OFEC steering committee.

Good morning and thank you for the opportunity to address the committee. We'll keep it fairly short and simple and try and address the key points with respect to the legislation. We're not going to deal with the regulatory elements; there's another day for that.

The coalition lauds the government on this initiative. It's long overdue and it's an important initiative to protect the environment, as well as to benefit agriculture.

We have some concerns with respect to the act. Specifically we're concerned with the specification of the ministry responsible. If we look at the detail in terms of both definitions and applications of those definitions in the act, it almost exclusively deals with agriculture. The act as it is currently defined is the Nutrient Management Act, not the Agricultural Nutrient Management Act. We believe that agriculture is what is being specifically dealt with here. It is not dealing with golf courses, it's not dealing with parks and it's not dealing with urban applications for aesthetic purposes. If that were the case, then, clearly the broader title would be appropriate.

Because it is the agricultural application that is being dealt with, we feel strongly that the Ministry of Agriculture be the lead agency dealing with this, both because of their expertise in this area and because of their integrated and intimate knowledge of the industry and the partners they have within the industry.

We note a couple of other things. It is suggested that the appeals process is reviewed by the Environmental Review Board. At the present time we already have a review board for farm practices. It would be confusing and possibly contradictory at times if indeed we had two boards dealing with best practices in agriculture. It is preferable that we have one—one which, again, is knowledgeable and understanding of the complexity of agriculture as an industry.

In part II of the act we see a great deal of listing of various areas where the act may be applied, dealing with everything from the nature and composition of nutrient materials being applied to land, to timing, to size of facilities etc. Many of these details we feel are unnecessary and may become prescriptive. It is important the act not take the ability to manage away from the operator on the farm. And prescriptions don't work in agriculture. It's an extremely complex business. We have about 25 different types of farming systems in Ontario and many combinations of farming systems. If we were to write regulations appropriate to each type of farm, we would probably have a blue book bigger than that attached to the Environmental Protection Act.

This I don't think is productive. What we need is something simple and straightforward. The key element of the act in its implementation is the nutrient management plan. That plan is an obligation on the part of the farm operator to meet the objectives of the province in protecting society, in protecting water and reducing odours and in dealing with protection of the environment. Focusing on the plan as the instrument and the outcomes is probably more appropriate than dealing with the means. So it is important that the province specify what it wants to achieve with this act rather than how to achieve it and give the operators of farms the opportunity to adapt their solutions on a field-by-field basis. This is more precision than can be written into the act, it is indeed more precision than can be written in the current myriad of local bylaws, and it gives protection on a case-by-case basis. Simplicity will allow this to work; complexity will lead to a bureaucracy which will be both wasteful and inefficient in achieving the province's ends.

One of the other issues we have is that if we look at the data we have today, many farmers are not in a position to comply with the act, although there are very many significant advances having been made. Probably 50% of the area farmed in Ontario has been subject to bylaws now from anywhere between three to five years. Compliance has been good. Some 30% of farmers currently have environmental farm plans which go beyond the scope of this legislation, and significant numbers, depending on size of farm, already have nutrient management plans and are routinely testing both soil and manure in its application.

Significant areas of capital investment are required, particularly in the storage of nutrients and in the control of runoff. These costs will be significant. Nowhere in the act do we see the opportunity for an allocation.

Setting a priority: we know that governments do not like to be constrained in their budget-setting. It is important that some priority on a legislated basis be given to the funding of the development and compliance. Surely the farmer will pay for what is in the private interest but certainly society should pay for what is in the public interest.

If you have any questions, we'd be pleased to answer.

1050

The Chair: I think we'll just open it up now. Mr Peters, comments or questions?

Mr Peters: Not so many comments right now. I appreciate the fact that Paul Verkley has been at virtually all of the sessions. I think that's been important, to have him here throughout those sessions.

I respect the point of not dealing with the regulations. We've heard the commitment made—we've heard it today and we've heard it numerous times through the consultations—that there will be consultations on the regulations. I think that's a positive step, because as we all know, the devil is going to be in the details.

I'm trying to think where to start. I guess one of the first questions I would ask is, you made the point in the beginning that we're not dealing with golf courses, urban

parkland or playing fields. Should we have been dealing with those areas?

Mr FitzGibbon: We know Quebec has moved to deal with those areas and has moved toward legislation. This is a societal choice. Do we want to deal with all nutrients or those with agriculture? Runoff from urban areas in terms of nutrient and bacterial status is not much different from raw sewage. In that sense, it is a threat from concentrated areas to society's interest in a clean environment as much as is runoff from agriculture.

Mr Jack Wilkinson: On Mr Peters's point and further to John, our view from the farming community always was that all nutrients had to be considered. If you're going to deal with contamination of surface and groundwater, you have to put a plan in place that would deal with all the risk factors. We concur from the farm community that we're probably viewed by society, with what's been taking place with the building of large livestock units, as one of the obvious places where we should have nutrient management plans, but we think biosolids need to be covered, sewage sludge needs to be covered, all areas need to be covered. We accept the notion that that is a huge job and maybe we start first here, but we do believe that if you're going to seriously address groundwater and surface water, we have to have a nutrient management system in place for all the people in Ontario.

The only other point I would like to make—and I shouldn't say the only other point because I like to talk a lot, but the only other point right now—is I want to ask whether the committee has actually seen a nutrient management plan.

Interjection: No.

Mr Wilkinson: I think this is something you should do before you make decisions. The reason is, we keep talking at our end—because we've been dealing with this issue for so long, we take for granted that everybody knows what we're talking about when we say you can do this by site-specific with a nutrient management plan and you don't need to have all these regs etc. Really the fundamental reg, if we were going to write it, would be to require every farmer to have a nutrient management plan, period, and then in the nutrient management plan that's where you get very site-specific, deal with slope, deal with nutrient loading, deal with placements away from other buildings, headwaters of wells etc.

I don't think you will ever understand as a committee what we're advocating here of enabling legislation that's very general, site-specific, using the nutrient management plan, unless you let some of our staff come in. We really think it would be critically important for, say, David Armitage to come in and walk through before you make decisions just how really detailed this nutrient management plan is. If farmers are willing to sign on to that as part of the legislation, I think you will be very surprised what degree of regulation we're agreeing to sign on as far as changing our management practice, because of the detail and intrusiveness of that plan. I would really recommend that, because when we say,

“Oh, you don't need that reg over there because it's dealt with in a nutrient management plan,” you'll understand exactly what we're talking about and the degree of detail in that.

The Chair: I know a number of members of the committee have seen a nutrient management plan. I've never had to fill one out on my farm, given the nature of our farming, but I hear what you're saying. As we go to the regulation stage and as second reading will be approaching for this legislation, I think that would be an excellent idea.

Mr Wilkinson: Can I just do a rebuttal? One of the points that John's made here is that we don't think we need the degree of regulation that is being proposed in the enabling legislation. To accept that notion, I would suggest that it would be good for all committee members to see the detail we're suggesting in the nutrient management plan and then you might be willing to accept our notion that you don't need the degree of regulation that's being proposed in the enabling legislation. That's my only point.

Mr Peters: Mr Chairman, are you going back and forth for questions?

The Chair: Yes, I think we can come back to you, Mr Peters.

Mr Peters: OK, sure.

Mrs Molinari: Certainly some of the comments that you made in your presentation, that simplicity will allow it to work—I am a firm believer in making things simple so people understand it and know what the expectation is in order for it to work, because complicating it leaves more ambiguity and more cause for diverting from the initial plan. So I appreciate those comments.

I've been wrestling with how to make this legislation, this bill, the regulations, accommodate individual municipalities and individual farms so that it doesn't have—because, as I've stated before, I truly believe one size doesn't fit all and there has to be some local autonomy there. Your comments about the nutrient management plan might in fact accommodate for some of those, I guess, unique situations in each of the municipalities.

Having said that, we still need legislation that has the broad perspective for all of the provincial government, everyone in the province, to abide by, and it could be as simple as everyone has to have a nutrient management plan, but you also have to have what that nutrient management plan has to have in it. You've got to have some template, something that meets all of the requirements that the ministry and the provincial government is trying to put forward.

Having been involved in this discussion and these consultations for the last few weeks, by virtue of being a member of the justice and social policy committee and not having had prior experience and knowledge with some of the issues that have been discussed here, I come to this committee and to these consultations with not a blank mind but an open mind to listening to all of the things that come forward. Certainly it's been an education for me.

But as members of our caucus and as the present minister and the previous minister, there have been a number of consultations and I know that your association has been involved too to some great extent back from 1998-99 when the concern was first raised, and it was increasing concern. The ministry took the initiative of producing a green paper—which I don't know whether you're familiar with; it was in the fall of 1999—and certainly consultations through January 2000; and the Galt-Barrett report, which I'm sure you're familiar with. Then the consultations on the report went to the minister in April 2000. It was released in July 2000, and the minister's response also in that same month. Then in September three ministries held additional consultations in Guelph—the Ministry of Municipal Affairs, OMAFRA, and the Ministry of the Environment, so further consultations. Of course, the staff has been continually consulting right through 2000 to 2001.

So it's been ongoing, and after first reading Bill 81 was posted on the Web site on the Environmental Bill of Rights for further input. It was there for 60 days and we have received good response from that from what I understand from staff, more so than in other times. There have been continuous meetings that have been occurring right through July 2001.

The consultations on this have been ongoing, and when I look at that and I see the list of how many people have had input in this and now, coming on this committee, I'm certainly looking at all of those consultations that have been put forward.

Some of the things that I have learned too: that it's not just the agriculture, but the bill actually covers urban sludge, pulp and paper, all of those, and we've had the benefit of having those come forward. Have you made comments on those other areas? My understanding is that your representation is mainly agricultural, but this bill is more encompassing and wider than that; it also covers pulp and paper and the urban sludge.

1100

Mr Paul Verkley: I might make a couple of comments, and one is that the reality is that the provincial government is coming to this issue rather late in the day. Because we within the agricultural community realize the province moves slower than the requirement out there, we therefore prepared the nutrient management strategy for the province and sold that plan to the local municipalities. These local bylaws requiring a nutrient management plan, requiring minimum distance separation, requiring 204 days' storage, were all done from the recommendation of the farm organizations that went to local governments and said, "Here is something." We came up with those standards and suggestions in conjunction with staff from the Ministry of the Environment, OMAFRA and MNR. We sat around and collectively hammered out what we thought would be appropriate and we sold that to the local municipalities as appropriate-type bylaws, understanding that we always wanted a provincial perspective and understanding that when we get into nutrients it does then also involve biosolids.

The reason the agricultural community feels reasonably comfortable with the use of biosolids is that just geographically you've got an urban centre generating biosolids; in most cases that urban shadow no longer has animals and there isn't the amount of manure, but there is crop land around. It's just a really neat, comfortable fix to have those urban biosolids applied to that land, which wouldn't otherwise get that organic matter, just by the nature of the farming.

We see that as a perfectly good fit, assuming that the product is safe for application. We've made great strides in the province with sewer-use bylaws etc, having cleaner biosolids to use. But that's going to be an extremely complex issue. The nutrient part of that will have to be managed like every other nutrient. That's the easy part. It's the politics around the other fine details that is going to continually take a lot of work and involvement by the farm community and other councils.

The other part is that we have to keep a provincial perspective on this stuff. We absolutely apply too much pressure on local councils if we leave the decision-making around farm practices and nutrient management in the hands of local governments. I was at public meetings where the public pressure was, "How do we set the minimum distance separation for livestock barns in this township?" Somebody stands up and says, "I think minimum distance separation should be the Manitoba border." Therefore we'll never survive in a democratic process on some of these issues. That's why governments have to come up with understandable regulations that everybody can buy into. There's always going to be a trade-off, so it's just vital that we sit down with the people who write the regs and standards so we can come up with appropriate ones.

The other thing I've noticed: a lot of times what we talk about and what we understand are sometimes two different things. I know there has been some disagreement or a little fuzziness around these agricultural advisory committees or peer review committees, and they're actually two different committees. We see the agricultural advisory committees—and a number of them made presentations. Their main function is to represent the agricultural concerns to the local councils. They work very well where they're in place, but they're not the committee that we envision going out and doing an on-site visit when there's a complaint about a farm practice. That is more a peer job. It's going to take some dedicated farmers, whom we have out there. It's just basically a voluntary position, but it requires some formality insofar as we can get insurance coverage and get some officialism in those visits.

Mrs Molinari: Would you see any overlapping between those two committees, or people serving on both?

Mr Verkley: It would probably be a subcommittee of the ag advisory committee, I think to structure it properly in a lot of cases. That's why a lot of people say, "No, when it comes to the on-site visit we want only farmers to come out." But I think within the larger committee

when we discuss local issues it's very appropriate to have non-farmers sit in, interested citizens sit in. We like that mix. So be careful when you hear that advisory committees stuff. Understand which committee we're talking about when you make references to what they do.

Mrs Molinari: With respect to the nutrient management plan, would you see every municipality having a nutrient management plan—urban, rural, throughout the province of Ontario—or would it be something that would be specific to certain areas?

Mr Verkley: The nutrient management plan is central to this whole regulation. You're not going to change the standard through this act. The standard is already, "Thou shalt not pollute." So this act does nothing to enhance that standard. Everyone—big, small, municipalities, everybody—has to live by, "Thou shalt not pollute." This just formalizes in a more public fashion how they plan to deal with their operation so that it doesn't pollute.

Mrs Molinari: So every municipality. I represent the riding of Thornhill, which is made up of two municipalities, the city of Vaughan and the town of Markham. So each one would have a nutrient management plan as well. It's a very urban area. Their nutrient management plan would obviously be different than others.

Mr Verkley: Yes. I like that the proposed legislation puts out that we would consider that not a nutrient management plan, but more a nutrient management strategy. Sometimes we realize that it may well be contracted out and that someone else does the actual application, and therefore it falls under the same kind of regime that farmers do. But they do need to be involved in that they need to know where it's going to go and that it's going to be appropriately handled.

Mrs Molinari: So there would have to be a template then to say "Thou shalt" a list of things, and then, depending on how each one does it, we'd do it in a different way. There has to be the regulation and the law that says, "Thou shalt not pollute," and other than that there are a number of other things that they need to do, other than just say, "You shall not pollute."

Mr Verkley: That's right, and, "Thou shalt utilize nutrients." This is kind of a given within the farm sector, and then we hear that Toronto's answer is, "Just ship it down the 401 and put it in a hole in the ground in Michigan." It tends to go against the whole perception of what we're trying to do here. Fair is fair. We need good plans, and we need it understandable. Like I say, keep it very simple.

Mrs Molinari: When it comes to the costs, we've also heard in the consultations that there needs to be some financial assistance. So this financial assistance would also go to the city of Vaughan and the town of Markham, which are the two municipalities that I represent. They would also need to be able to access that.

Mr Verkley: Yes, given the reality that you have the ability in writing the act of putting half the farmers out of business. The act has the potential to do that. I think you've heard enough cases. We, again, if you want further information, can dig up the income tax stats of the average net farm income in this province, and it's not

very hard to convince people that there simply isn't the net farm income to pay for that type of capital improvement on existing operations. I don't think we have to pull the wool over anybody's eyes here. There are facts out there, and the reality is that there is very little leeway for capital upgrades on existing operations.

Mr FitzGibbon: There are two elements in the act as it stands now. One is the nutrient management plan, which is undertaken by a given individual enterprise, a farm; the nutrient management strategies refer to the act applied to municipalities. I believe those are being applied to strategies for them to land-apply the sludge and other biosolids which they generate. It's unclear to me, at least as it's written now, whether that is really dealing with the municipal waste, municipally generated waste coming from the sewage treatment plants primarily. For the most part, the municipalities that I know of, and the GTA in particular, have very little problem finding land where people are prepared to receive the biosolids.

Again, and the point was made by Paul, in these areas close to the cities, animal agriculture has largely moved out for a variety of reasons. Most of it is cash crop, and receiving that organic material is in fact very beneficial to maintaining that land in the urban fringe. The costs to the municipality of doing this are significant, but are significantly less than treating the waste in the first place. For most municipalities, it's funded out of the tax base within the municipality, whereas the nutrient management plan on the farm is going to be funded out of the pocket of the entrepreneur at the cost of that enterprise.

1110

Mrs Molinari: Taxes go up to all the taxpayers, though, if it's funded out of their general tax base. The municipality puts that back on the taxpayers.

Mr FitzGibbon: But they're currently doing that now, it's not additional, and the strategy is just assuring the people of Ontario that the municipalities will have or do have the land base accessible for disposal of their sludge and other biosolids.

Mr Wilkinson: The is the one concern that we have on the biosolids and I'm not sure if it's been resolved to date. I'm don't think it has. A number of municipalities have said that they want the right to apply biosolids at a much higher application rate on a yearly basis than the crop that will be growing the following year would be able to use. The whole principle under this nutrient management plan is that you have a corn crop growing here, you take a soil sample, you take a manure sample, and you match the nutrients you're applying so that crop will utilize it during the growing season. That then minimizes the risk of pollution because we do not overapply the rates.

Municipalities have said, "That's too expensive for us to do. We want to be able to put on five times the rate, once every five years because it's not cost effective for us to match nutrients with the crop growing." We're saying, "That's not on." If farmers who have basically got no tax base, who've got very little reserve for money at all, are expected and advocating—as the only means to

deal with the risk of contamination of groundwater and surface water—matching nutrients to the usage, then municipalities, when it comes to biosolids, should not be able to put on five times the rate once every five years. That destroys the whole principle of matching the nutrient loading to the nutrient usage, and I think that needs to be addressed as part of this.

Mr Peters: I'd like to go to your second recommendation, where you talk of the establishment of a nutrient management unit. Yesterday we were in Peterborough. The former county of Victoria or Kawartha Lakes—whatever it be today—has 1,700 registered farms. Using that county as an example, what kind of an infrastructure are we going to have to create, ie staff and expertise, on a province-wide basis to deal with 1,700 nutrient management plans dealing with the on-the-ground concerns? Any thoughts on that?

Mr FitzGibbon: If you include all agriculture, at some point the province will have to deal with 60,000 enterprises. I think that's a very significant problem, because if you were going to collect the records and maintain them for the entirety of agriculture, that's a colossal undertaking.

If, on the other hand, the onus is on the farmer to maintain those records and comply, and have them available at any time when requested on an audit basis, then record-keeping falls to the individual rather than to the province. We think that's probably not a bad thing and that some kind of an audit system be set out there to see that compliance and record-keeping meets the standards as set out by the province. That would reduce the onus on building a fairly significant organization to deal with that. We also think that there clearly needs to be a group that can deal with the complaint basis. That is something that the province would have to have. An auditing function and a complaint function would be a fairly efficient process, whereas a comprehensive inventory and management system, we think, would be very expensive and exceedingly cumbersome.

Mr Wilkinson: The large livestock operations that are building will get picked up with the application for building permit. They will have to come to the municipality and show that they've got the land base, they've got a nutrient management system, the storage capacity, etc, to meet the requirements of the new legislation when it comes in. At our end there, we basically feel that'll be again on the onus of the individual to show that they have met the standards of the regulations and the enabling legislation.

John said, "probably should." To me, if we try and create a provincial system that is going to try and go over everybody's yearly nutrient management plan with a degree of detail, it will just be absolutely incredible. Even on the industrial side and municipal side, everybody has accepted the notion that the municipality or the individual business has a responsibility of meeting guidelines, and if it's complaint driven or by audit, you deal with those people that for some reason someone indicates are not meeting the standard. Otherwise, the cost would just be staggering, and if that cost was transferred to the

individual farm, you might as well just turn the key off in rural Ontario.

Mr Peters: We've heard a lot of talk of Walkerton and we know that there's going to be a report generated at the conclusion of the Walkerton hearings. I know there's anxiousness to get on with this legislation, but is there merit in our holding back and waiting to see what comes out of Walkerton as to how that might relate to either (a) the legislation or (b) the regulations?

Mr Verkley: I'd make the comment, having been fairly closely involved with the Walkerton hearings etc, that the right thing to do is still the right thing to do. I think the agricultural industry in the Walkerton scenario came out looking very proactive and better than most other segments because we have been paying attention in an organized fashion in how we deal with our nutrients and the environment. This is just one more step.

As I say, we look forward to it because it makes sense, because it attacks the fundamental perceived problem and that is usually lack of knowledge about what we're dealing with. Through a nutrient management plan on every farm, we can say every farm has regard for how they are handling that. It gives us a tool if there are short-comings.

Remember, this will be a living document. It gives the opportunity to come in if there's a problem that shows itself and we have the tool to address those concerns. We can change the components within a nutrient management plan over the years. We can highlight areas if we have concerns and add them or take them away. That's the really nice part about this legislation and it's the part that we really highly endorse. There's also the potential for a downside, but we're aware of that and we can certainly get that message across to the politicians and people who set the regs and standards.

Mr FitzGibbon: I think the regulations generated by this act will change through time as we learn more. If you look at what's happened under the Environmental Protection Act, regulations routinely change as we learn more about the problems and understand how the industry has evolved. As we get new technologies, we will have to change regulations under this act. I think if the act is empowering and sets the objectives that the province wants to achieve, then the regulations and indeed the plans that are generated through that regulatory process will provide the means.

I think there are other tools out there that I would hope Walkerton addresses. In the Water Resources Act we have, and have continued to have, the power to designate water supply areas with specific controls. Under that authority, water supply areas, which is the chief concern of the Walkerton inquiry, could well be dealt with.

This deals with a much broader issue, an issue that has been on the table before Walkerton. What we're dealing with here is protecting the broad quality of the environment, not just for existing uses but for future uses. The people in agriculture are the closest people to that environment, and they really want to see that protection in place.

The Chair: Mr Wilkinson, and then we'll have to wrap it up.

Mr Wilkinson: If I could leave two points, because I don't think people on the committee quite get it yet. I'm not talking down. I think there are two things that have to be understood before any of the communications from our community can make sense at all.

1120

Number one: enabling legislation across the province, as long as it requires nutrient management plans, puts it into a very site-specific, on-the-farm, on-the-ground situation that deals with proximity to water, streams, ANSIs, wetlands, wellheads etc. That makes it so this is not one size fits all. That's your point. The legislation can be enabling requiring nutrient management, and that drives it right down to that individual farm, then. It deals with it whether it's livestock, horticulture, cash crops, whatever. So it makes it very site-specific, and you let the detail and flexibility into the plan with some very broad requirements out here that match the whole problem. That, to me, is key.

The other is the only reason we should get any capital grants for meeting a new standard is to accept the notion that we're advocating changing farm practices ahead of pollution. Right now we fall under the environmental regulations and if we pollute, we get fined the same as everybody else. What we're advocating here is to reduce risk to groundwater and water contamination. We as a farm community are handing you what we think is a reasonable response on a silver platter, with buy-in from just about every farm organization in Ontario and many municipalities, a way to adapt our practices to substantially lower risk: longer days of storage, matching nutrient-loading with soil samples and crops we're growing etc.

If we're willing to do that, we think society in general is willing to help us go to that new bar that's being raised, which is not a pollution bar. This is a change in our practices to minimize future risk. We think that's way ahead of what most other industries do and we think society in general is so concerned about future contamination, they would be quite happy to assist us meet that new standard.

The Chair: Fine. Thank you, gentlemen. We will have to wrap it up.

Further to the previous request, a discussion around nutrient management plans, I realize that some of us may have copies of them and some on the committee may not. With the permission of the committee, I would ask legislative research to acquire a blank nutrient management plan and perhaps one filled out in confidence—I would consider it a case study, if you will—for committee members. I would like to make it available to the many other rural members who also sat on this committee. They weren't formally members of the committee, but have been following this for several years.

Mr Peters: I just want to reiterate two things from yesterday. One was that there has been some question about these being public documents, so that we do need to request the Information and Privacy Commissioner to

review that point. The second one was that there was reference made yesterday to decisions of the farm practice and products board—just to ensure that any of those decisions don't conflict with the direction this legislation is going.

The Chair: I'll turn to Avrum.

Mr Avrum Fenson: Yes, I've read through that question and I'm working on it.

The Chair: As Chair, I don't get to say much, but I have a personal interest as well with respect to the nutrient management plan. I guess I have one simple question: does this apply to golf courses—I want to pin that one down—and the application of septage, how that would apply or be filled out on a nutrient management plan, the application of pulp and paper biosolids—we are in North Bay, for example—and how that fits on a nutrient management plan and the application of municipal sludge or biosolids. I guess I have a personal interest, also, because in spite of what we may have heard, this legislation is dealing with more than agriculture; it's dealing with pulp and paper sludge and septic tank septage. Most times, it is put on agricultural land, but it's put on other, not agricultural land. Paper sludge is put on forest land. I have an interest—it's my last kick at the can—in where the paperwork is and what kind of paperwork the forest companies and municipalities go through with respect to certain heavy metals and other products. I'll just throw that out to the committee.

Mr Peters: Just dealing with the septage issue, I think it would be important for us to know. As a province, we collectively own a number of provincial parks, we collectively own roadside centres and things like that. I think it's important to know how we are dealing right now with septage, what the impact is going to be on those parks and what Ontario Parks is going to do once this legislation is put in place.

The Chair: I agree. We have not heard enough about septage in these hearings.

I wish to conclude the hearings. I've only missed one plane this week and I don't want to miss another one. I now wish to adjourn. This concludes nine days of hearings on this issue.

Mr Peters: Mr Chairman, I think this is important: I just want to thank you for what you've done over the past nine hearings. I think you've done a commendable job. We haven't had any controversy. I think we've worked very well together in dealing with the issues. I just want to say thank you for your efforts in making sure we kept focused on what we were doing, and I'd thank the staff, too, for everything.

The Chair: I do wish to thank the staff. These guys have to pack up electronics in a real hurry. I appreciate Mr Peters—he's been at every hearing, including the other two before—Mrs Molinari for your interest in agriculture—I know your family farm background is more in olive orchards, but I appreciate your interest—and Mr DeFaria.

We now adjourn.

The committee adjourned at 1127.

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