

August, 2006

Standing Committee on Social Policy
Trevor Day, Clerk
Room 1405, Whitney Block
Queen's Park
Toronto, ON M7A 1A2

To Whom It May Concern:,

The purpose of this letter is to express concern and to provide some commentary regarding Bill 43, Ontario's proposed Clean Water Act. The Ontario Large Herd Operators' (LHO) is an organization of over 400 members that provides educational opportunities and development to the Ontario dairy industry. Our membership is comprised mostly of dairy farmers who may be impacted by the proposed legislation.

We recognize that the Ontario countryside is a place of residence. As such, appropriate farm practices and expansion of farm operations must be maintained consistent with the maintenance of clean water for rural residents and for urban residents living in municipalities that draw water from municipal well located in rural areas. With regard to this, Ontario already has a set of rules safeguarding water quality through the Nutrient Management Act. These measures include minimum distance separation, manure storage standards, and manure application standards that address water quality issues related to agriculture. However, it appears that the proposed Clean Water Act may have been drafted somewhat in isolation of the standards already in place under nutrient management. The gaps in drinking water quality that remain after full implementation of the Nutrient Management Act, either to municipal wells or to wells used by rural residents, should be clearly indicated as part of the justification for Bill 43.

It is genuinely unfortunate that the Clean Water Act and the Nutrient Management Act could not have been better coordinated or indeed merged into one.

Secondly, we recognize the Ontario countryside is the place of business for agriculture. As such, it is important that regulatory compliance costs and the certainty of expectations as to how regulations will be implemented faced by farmers is considered in the drafting of this legislation. We have concerns about both of these issues. With regard to the first issue, many livestock producers have incurred considerable cost to comply with the nutrient management regulations. As a result, their farms naturally have a lower risk of influencing water quality. However, it is unclear what standing or recognition is being given the state of technology a farm has in place in terms of manure storage, handling and application in the risk assessed to it under the proposed Clean Water Act. It is critical that investments in prevention on behalf of farmers be given credit under the regulations so that farmers have the scope to invest in technology as a means to protect the viability of their farms under these regulations.

With regard to certainty around future expectations under the regulations, we have concerns about the structure of representation and decision making authority under the proposed Clean Water Act. It appears as though significant discretion would be given to newly formed regional source water protection committees under the Clean Water Act. It is unclear to us how representation on these committees would be determined, but we are extremely concerned about the possibility that they could be overtaken by members with special interests, and that as a result agriculture could be targeted through the Clean Water for reasons having nothing to do with water. While we do not support a provincial top-down approach, there is a need for complete transparency as to how committee members will be chosen and a need for protection of agriculture from the potential for capture of regional source water protection committees by special interests.

Finally, it is curious to us that the focus of the proposed legislations seems to be the protection of municipal wells. We believe that municipal wells are very important to maintaining public health, but the lack of the same focus on rural household wells is

inconsistent. Moreover, it disregards the stewardship record of Ontario farmers in maintaining the general cleanliness and safety of rural wells without the need for complicated legislation to protect them. Certainly, if the same standards being contemplated for municipal wells were applied to all rural wells, the regulations being considered would be completely intractable from a land use perspective. By itself, this is some indication that the extent of regulation being considered here may be simply excessive, and does not give us confidence that the proposed legislation will be beneficial in achieving its apparent goals.

We appreciate the opportunity to share our comments with you, and look forward to further participating in the process.

Sincerely,

Bob Kerr

Chair

Ontario Large Herd Operators Group