

Proposed Standards for Agricultural Operations in Ontario

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Farming practices in Ontario have changed dramatically in recent years, as economics, demand and technology have combined to encourage ever-larger farming operations. While the total number of farm animals in Ontario has not increased significantly over the past 15 years, the number of farms has decreased, resulting in many more animals per farm.

Other aspects of life in rural Ontario have changed just as dramatically. More and more people are moving from cities to the countryside and they regard the quality of the rural environment as a very important factor in their new lifestyles.

In recognition of these trends, Agriculture, Food and Rural Affairs Minister Ernie Hardeman established a task force, led by his Parliamentary Assistant Douglas Galt and Parliamentary Assistant to the Minister of the Environment Toby Barrett, to gather relevant information and conduct public consultations in January and February 2000. The consultations were held to help the government define parameters to develop legislation to meet agricultural productivity, environmental and rural community needs.

The task force heard from more than 700 people and listened to 140 presentations. It received more than 200 written submissions and more than 400 completed questionnaires. The task force conducted an extensive search to find out how intensive agricultural issues are handled by other jurisdictions, including all other provinces, several U.S. states and some European countries. The task force also made a presentation to an audience of more than 1,600 participants at the Rural Ontario Municipal Association/Ontario Good Roads Association annual meeting.

Mr. Hardeman has reviewed the Task Force Report on Intensive Agricultural Operations In Rural Ontario in depth and supports the task force's conclusion that there is a need for provincial leadership to deal with this very complex issue.

In this context, the Ontario government is releasing this proposal for clear, enforceable province-wide legislation regulating agricultural operations. The government will conduct consultations over the summer in preparation for the introduction of a bill for first reading in the fall of 2000. Provincial standards regarding agricultural practices such as manure handling and storage would be developed by regulation.

OVERALL DIRECTION

In general, the proposed legislation would:

- Create categories of agricultural operations according to the size of the operation and the kinds of practices used
- Establish standards regarding farm practices for each category, including livestock operations
- Require compliance with the standards
- specify standards for the capacity and location of buildings and other structures which are not covered in the Building Code
- Specify the education, training or qualifications necessary to:
 - develop/approve plans
 - carry out certain farm practices
- Enable/govern the use of environmentally responsible agricultural technologies
- Require the preparation and filing of records
- Prescribe fee payment
- Require that plans be prepared and implemented pertaining to the storage, handling, use and management of fertilizers, including manure
- enable the adoption of codes or other standards of practice
- Set out penalties for infractions, including a range of fines depending on the offence and the ability to charge back clean-up costs to unco-operative offenders in the case of severe situations involving health and safety risks.

As part of the legislation's implementation, outreach efforts would be undertaken to increase awareness and knowledge of the issues and new standards.

SPECIFIC STANDARDS

The standards for agricultural operations would be established by regulation. Many guidelines and other reference documents have already been developed which could provide a good basis for these standards. Examples include the Ontario Farm Environmental Coalition's Nutrient Management Strategy, Environmental Farm Plan and many Best Management Practices. Further details on these documents can be found on the OMAFRA web site at www.gov.on.ca/omafra.

The standards could include:

- Preparation and approval of manure and other nutrient management plans
- Record keeping
- Minimum distance separations from streams, wetlands, bodies of water or other geographic features. These could be applied to building and storage locations, as well as manure application on land
- Farms to have documented contingency/emergency plans in case of spills or other incidents
- Hydrogeological site studies for new, large farm operations in environmentally sensitive areas
- Construction standards that are beyond the current Building Codes for farms, barns, and storage facilities. In some circumstances, for example, liners may be required to be placed under manure storage facilities to prevent leaching
- Allowance for technologies such as composting or other manure treatment processes
- Fence construction along watercourses to keep livestock out

ENFORCEMENT

A key element in the report of the Task Force on Intensive Agricultural Operations in Rural Ontario was the need for clear authority for enforcement. The report suggests municipal enforcement with technical review assistance from the province. In this context, upper tier municipalities could be given the authority to enforce these standards, with flexibility to delegate to a lower tier, and to enter into agreements with neighbouring municipalities in cases where the farm operation includes land in more than one jurisdiction.

Proposed legislation would describe the authority for enforcement staff, including:

- the power of entry to agricultural operations, and
- the ability to issue orders to achieve compliance with the standards.

The proposed legislation could detail various approaches for dealing with anyone who broke the regulations, including fines, court orders, or work orders.

NEXT STEPS

In order to have a bill prepared for introduction in the fall of 2000, Mr. Hardeman has instructed staff to clarify with stakeholders some of the components of this proposed legislation. Such components include:

- Enforcement — municipal, provincial or combination
- Levels of penalties for infractions in the proposed legislation
- Standards
- Suitability of livestock units as the basis for defining various categories of livestock farms

Ministry staff will be contacting a broad range of stakeholders to set up convenient times and places for the needed input.

COMMENTS WELCOME

Members of the public are invited to comment on any of these proposals by writing to:

Resources Management Branch
3rd floor, 1 Stone Road West,
Guelph, Ontario
N1G 4Y2
e-mail: <mailto:agops@mafra.gov.on.ca>
fax: 519-826-3259
or call 1-888-466-2372 (1-888-4-OMAFRA)

Deadline for submissions is September 15, 2000.

The Intensive Agricultural Operations in Rural Ontario consultation report and this proposal are being sent to all participants in the previous consultation who left a name and address. Both are also available on the Ministry web site at <http://www.gov.on.ca/omafra>.

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