MANITOBA CLEAN ENVIRONMENT COMMISSION

HOG PRODUCTION INDUSTRY REVIEW

TRANSCRIPT OF PROCEEDINGS

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Held at the Elks Hall
Virden, Manitoba

MONDAY, APRIL 16, 2007
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APPEARANCES:

Clean Environment Commission:

Mr. Terry Sargeant     Chairman
Mr. Edwin Yee          Member
Mr. Wayne Motheral     Member
Ms. Cathy Johnson      Commission Secretary
Mr. Doug Smith         Report Writer

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NO EXHIBITS MARKED
MONDAY, APRIL 16, 2007
UPON COMMENCING AT 1:05 P.M.

THE CHAIRMAN: Good afternoon, ladies and gentlemen. Welcome to the Clean Environment Commission hearings. I have lost track of what day this is, but it is about day 10 or 11. I have a few opening comments and then we will proceed hearing from a number of you people.

The Clean Environment Commission has been requested by the Minister of Conservation to conduct an investigation into the environmental sustainability of hog production in Manitoba.

The Terms of Reference from the Minister direct us to review the current environmental protection measures in place relating to hog production, in order to determine their effectiveness for the purpose of managing the industry in an environmentally sustainable manner.

Our investigation is to include a public component to gain advice and feedback from Manitobans.

We have also been asked to take into account efforts underway in other jurisdictions to manage hog production in those jurisdictions in a
sustainable manner.

Further, we are to review the contents of a report prepared by Manitoba Conservation entitled: "An Examination of the Environmental Sustainability of the Hog Industry in Manitoba."

At the end of our investigation, we will consider various options, and make recommendations in a report to the Minister on any improvements that may be necessary to provide for environmental sustainability.

To ensure that our review includes issues of importance to all Manitobans, the panel has undertaken to hold 17 days of meetings in 14 communities throughout the agricultural part of the province. These meetings began in early March, and will continue until the end of next week, with our final public meeting scheduled for Friday, April 27th, in Winnipeg.

It is open to any group, or individuals, to make a presentation to this panel on issues related to hog production. For the most part, presentations are to be limited to 15 minutes. Exceptions may be made, in some cases, where a presenter needs more time, and provided that arrangements have been made ahead of time.
with the commission secretary.

Presenters will be asked to take an oath promising to tell the truth. Presentations should be relevant to the mandate given the Commission by the Minister, and to the issues described in the Guide to Public Participation in this review. If a presentation is clearly not relevant, it may be ruled out of order. And if it is clearly repetitive, that may also be ruled out of order.

Members of the panel may ask questions of any presenter during or after the presentation. There will be no opportunity for other presenters to question or cross-examine presenters.

In addition to these public meetings, the Clean Environment Commission is engaging a number of consultants to assist us in this review. The results of those research endeavours will be posted on our website upon receipt, which we anticipate to be in late June. Parties and individuals will be invited to provide comment on any of these reports, if they so wish. A reasonable, albeit brief period of time, will be allowed for this.

Written submissions will also be
accepted. Information as to how to submit written
suggestions is available on our website. The
deadline for such submissions is May 7th.

We also realize that many people are
reluctant to make presentations in public, for a
variety of reasons. To that end, or to address
that concern, we have engaged a graduate student
from the University of Manitoba to meet with or
talk on the phone with people who would rather not
speak publicly at meetings. These meetings or
telephone conversations will be held in
confidence. Information as to how to contact this
person is available on both our website and at the
table at the entrance.

Some administrative matters. If you
wish to make a presentation today, but haven't yet
registered, please advise Joyce at the table by
the entrance. As is our normal practice, we are
recording these sessions. Verbatim transcripts
will be available online in a day or so. You can
find the link from our website.

In respect of cell phones, I would ask
that they be turned off or at least that the ring
tone be turned off. If you must take a call, I
would ask that you leave the room. And I would
ask that you not engage in any conversations while people are making presentations.

And, finally, I overlooked introducing the panel. My name is Terry Sargeant. I am the chair of the Clean Environment Commission and the chair of this panel. With me on the panel are Wayne Motheral and Edwin Yee. So those are my brief opening comments. We have a fairly full afternoon scheduled.

The first person on the agenda for this afternoon is Mr. George Wipf. Would you please come up to the table at the front? Would you please state your name for the record?

MR. WIPF: I'm George Wipf.

GEORGE WIPF, having been sworn, presented as follows:

THE CHAIRMAN: Go ahead, sir.

MR. WIPF: Good afternoon members of the Clean Environment Commission panel and ladies and gentlemen of the audience.

My name is George Wipf. I'm from the Souris River Colony at Elgin, Manitoba. We farm approximately 6,000 acres of land, with a 900 sow, farrow to finish, operation. Also included in the livestock is a beef and dairy cows operation. The
A hog operation is a multiplier operation, with half purebred and half F1 sows. It is a high health unit. About 1/3 of the animals are sold as breeding stock.

THE CHAIRMAN: Two things. Could you slow down a bit, please? Our recorder has trouble keeping up with you. And could you also explain what an F1 sow is?

MR. WIPF: A purebred sow is a purebred sow. An F1 is one grade down from that a bit.

THE CHAIRMAN: If you could just slow down a bit, please.

MR. WIPF: Now, in order to sell breeding stock, we have got to maintain a disease-free environment. The operation uses an on-site manure separator and a holding lagoon for the liquids.

The operation is considered a large animal unit and falls under the large animals unit guidelines. Four years ago we built a lagoon for a liquid holding tank. We also filed a plan with the local R.M. and Manitoba Conservation. We got engineered plans and a licensed contractor to dig the lagoon. When we put the plans in place for a
manure separator, Manitoba Conservation approved the plans.

All large animal units fall under the Manitoba Livestock Mortalities and Manure Management Regulations, and are required to file a Manure Management Plan. Souris River Colony hires independent third parties to do the soil testing. The colony uses a professional agrologist and certified crop advisors, who have successfully completed an acceptable nutrient management course. We soil test all our land in the fall of every year, using GPS locators and the services of A & L Soil Services. The manure gets spread both in spring and in fall. Excuse me. We spread the dry manure on crop land in summertime, and irrigate the liquids with a pivot system, in accordance with soil requirements. Usually we do not put any other fertilizer on the land that we apply manure on.

The manure from the dairy is pumped into the same system and is handled in the same manner. All dry manure is summer applied with manure spreaders.

Our colony has been complying with all Federal and Provincial regulations, and it costs
us more than $5,000 annually. And all of that is
to cover the costs of soil and water testing and
for professional services. And in view of the
level of importance that is being placed on this
data collection, and the potential usefulness of
this data for provincial reporting on our
environmental health, I would strongly recommend
that the government should bear the costs of these
tests.

Hutterite people are considered as
long-term land holders. In order to own anything
long-term, a person must take care of it. We
pride ourselves, as do most farmers, as excellent
stewards of the land. It is my wish to hand down
my farm to the younger generation, so the onus is
on me to take care of my soil, to the best of my
capacities.

All market hogs go to Maple Leaf in
Brandon. In order to sell to Maple Leaf, and in
order to keep our multiplier status, we had to
become HACCP certified, which means that the barn
has to be checked by Federal and Provincial
veterinarians twice a year. Also, all drugs must
be purchased via precipitation, and a log must be
kept to show which animals got which drug. It is
a regulated industry. As a fact, the hog
dustries is the most regulated of all other
industries in the province.

Yet, it is safe to say, that outside
of Quebec they face the most opposition. The
naysayers are relentlessly trying to slow it down
or are trying to downsize it. Last year the
Provincial Government finally recognized that
Manitoba has a serious brain drain, or that the
fact that many of our young people are leaving our
province for work and to live elsewhere. The
government of the day gave out tuition incentives,
of which they are to be commended. Yet, at the
same time, they turn around and are trying to shut
down one of the few thriving industries that we
have left.

The hog industry, according to
Statistics Canada, in the Province of Manitoba
contributed $1.72 billion or 44.9 percent of total
farm cash receipts, making it the most valuable
agricultural commodity in Manitoba. Again,
according to Statistics Canada, in 2002, 32,000
people were directly employed in Manitoba's
agricultural industry.

In addition, it is estimated that
17,000 people are employed in other areas of the provincial economy as a direct result of the agricultural economy. This would bring the total to 49,000 people or 8.7 percent of Manitoba's labour force in 2002. If we take Statistics Canada's spin figure of 4:1, then considering that, the total of 49,000 times four is 196,000 people. In 2002, Manitoba had approximately one million people. And so there were, approximately, 20 percent of all Manitobans benefitted from Manitoba's agricultural industry.

Manitoba is the largest pig producing and pig exporting province in Canada, with close to 30 percent of the total pig production in 2006. Manitoba pigs are the best in Canada and, in fact, the world. Manitoba sows are the best producers in Canada, producing an average of 2.2 tonnes per sow per year, as compared to the rest of the Canadian average of 1.7 in 2005. Manitoba hog producers thrive to be the best in the world. Manitoba hogs are recognized as some of the best indexing hogs, the leanest, and the most sought-after in the meat and breeding markets. Yes, I know that there are those who say that the Province of Manitoba is overcrowded with hogs.
However, it is a fact that Manitoba has one of the lowest pig densities of all major hog producing provinces in the States or countries.

Hog producers, like all other farmers, are facing hard times. In 2006 the value of pigs produced in Manitoba was $880 million. In 2005, it was over one billion dollars. In 2004, it was $995 million. The number of pigs farms in 1971 was 14,200. In 2006 it was 1,300. It does not take much of a genius to figure out that between 1971 and 2006, over 14,000 jobs were lost in the rural area and millions of dollars gone from the rural economy. A devastating loss to nearby small towns and villages.

The people of Manitoba had better think very long and very hard before they decide to downsize this very valuable industry. The cattle industry in this province can be used as a very valuable lesson. We have virtually no slaughter capacity left in our province. The recent rebuilding attempts by such groups as Rancher's Choice should tell us that revitalizing an industry after it is destroyed is next to impossible.

I was born on the banks of the
Assiniboine River, 20 miles west of Winnipeg. For 23 years of my life, I considered Winnipeg my hometown. I moved away from the city about 30 years ago. Today when I visit the city, I am disappointed at what I see. I remember as a 16-year-old taking hogs to Winnipeg. We had a choice where to deliver hogs to. There was O.K. Packers, Jack Forgan Packers, Schneiders, East West Packers, Canada Packers, Swifts, Burns in Winnipeg and in Brandon.

In later years, Maple Leaf purchased Burns and Schneiders, and today remains the sole packing plant in Winnipeg. Let us not forget that Maple Leaf has announced that they will shut down the Winnipeg slaughter line later this year, leaving Winnipeg with no slaughter capacity whatsoever, zero. Excuse me.

For those that say a new plant is in the works, can I only say "wishful thinking." The recent announcement by Olywest to withdraw was the first sinking stone. The only other big player left is Big Sky. The recent rumours going around the industry is that Big Sky is going to build in Saskatoon. Considering all of the opposition the killing plant received in Winnipeg, and
considering that Big Sky is a Saskatchewan company, with lots of Saskatchewan money behind it, I do not believe the proposed plant will ever be built. Should Winnipeg's slaughter capacity be at zero in 2009, I will not be surprised. Let's look at history. I still remember there being three or four slaughter plants in Winnipeg for beef. Today there are none.

In the past, I can remember a bridge building plant, Dominion Bridge, gone today. Two flour mills, Maple Leaf and Ogilvie mills, gone. Boiler Building, the boiler that we used to heat our barns, Vulcan Iron Works, gone today. Four beer breweries, one small one left. Co-op Implements, gone. Manitoba Sugar, gone.

These are just six that I mention, yet there are dozens more, from ship hull building to sewing factory, jean factories to brick building. Winnipeg used to be the proud owner of many enterprises. Sadly to say, there is little manufacturing left in the city.

It must also be mentioned that the rest of the province has not fared any better. The number of flour mills in the province at one time was so plentiful that they were hard to
count. Today counting them is easy. There is only one left that I know of. 40 years ago, almost every town had a creamery and cheese making plant. Today there is only one left, which is Saputo Cheese in St. Claude and/or Winkler.

Who can argue against the fact that we need more industry in this province? We should all work on making or passing laws that make it easier to develop safer workplaces in the province. Why must we lose so many of our people to the west or the United States?

The Province of Manitoba has openly pointed out the hog industry as a prime target to start cleaning up Manitoba's lakes and rivers. Will somebody please tell me what's going on? The National Centre for Livestock and the Environment, from the University of Manitoba, has openly said that only one percent of the phosphorous comes from the hog industry, blaming all the rest of the big cities and the Red River bringing it in from the United States.

In a report done by Manitoba Conservation called "An Examination of the Environmental Sustainability of the Hog Industry in Manitoba," they quoted that the whole
agricultural industry as a whole, consisting of beef, dairy, hogs, poultry, bees, bison, grain and oilseed growing, and all of the agricultural commodities contribute only 15 percent of the whole load. Ladies and gentlemen, if we shut down the whole agricultural industry today, tomorrow we would still be left with 85 percent of the phosphorous load. So I ask again: Why the hog industry? Why is the hog industry being singled out?

I stated before that the hog industry is already very heavily regulated. In order to operate a hog operation today, one must work and be very familiar with all of the following governments acts: The Environment Act, the Water Protection Act, the Water Rights Act, the Manitoba Livestock Mortalities and Manure Management Regulations, the Planning Act, the Farm Practice Protection Act, the Animal Diseases Act, the HACCP Program, the Truck Quality Assurance for Safe Animal Transportation.

To start building a large animal unit in the province today, the following have to be involved, at the very least: Manitoba Pork Council, Manitoba Water Stewardship, Manitoba
Conservation, Agriculture and Agri-food Canada, 
the local R.M. and the office of the Fire 
Commission.

Some day we will have to realize that 
enough restrictions are in place already. One of 
the main problems we face today is, that even when 
we have an agricultural problem, the government of 
the day is trying to fix it with people who have 
little or no agricultural background. I would 
strongly recommend that these kind of problems 
should be handled by people with the proper 
agricultural expertise.

In closing, let me remind everybody 
that agriculture, and agriculture alone, puts the 
food on our table. Let us not forget that 
Manitoba's food and beverage processing industry 
includes the slaughtering and/or processing of red 
meat and poultry, fruit and vegetables, cereal 
products, seed, dairy products, vegetable oils, 
feed and beverages. It is one of the most 
important manufacturing industries in the 
province, producing close to $3.3 billion worth of 
goods in 2003, or almost one quarter of the total 
manufacturing output in the province.

Let us not forget that the food on our
table was produced somewhere on a farm. Please
don't forget that there are getting to be less and
less farms all the time. Let us try to rebuild or
revamp some of the abandoned farms so that the
rural area can be repopulated.

Thank you.

THE CHAIRMAN: Thank you, Mr. Wipf. I
would just like to note that I don't think it's
the intention of the Manitoba government to shut
down the hog industry. It is, indeed, its
intention to try to ensure that it can continue,
as long as it is in an environmentally sustainable
manner.

Edwin, questions?

MR. YEE: Just a few questions.

Mr. Wipf, you mentioned that you have 6,000 acres
in terms of your colony operation. And that, I
gather, would be sufficient for the use of your
fertilizers?

MR. WIPF: Yes, that's about double
what we need.

MR. YEE: And you also mentioned that
you have an on-site manure separator. What type
of separator are you using?

MR. WIPF: It's a conveyor-type manure
separator. It is made in Quebec. And it works on a conveyor-type system. It takes about 80 percent of the liquids, leaving roughly 20 percent of the solids.

MR. YEE: And your liquid manure is stored on site. What type of storage structure do you use?

MR. WIPF: It's an earthen lagoon.

MR. YEE: An earthen lagoon. Do you use a cover system?

MR. WIPF: No.

MR. YEE: Have you had any complaints about the manure?

MR. WIPF: No. Because the manure is separated, it eliminates a large number of the odours.

MR. YEE: And in terms of your spreading, you mentioned you have the manure spreader for the dry. Is your liquid manure injected?

MR. WIPF: No, it is not. It is an irrigation system. And to mention that, we are really studying the concept of going to a water treatment plant, which will make the liquid manure even more cleaner.
MR. YEE: And you mentioned also, in terms of the amount of regulations involved with the prescriptions, that they are done through the veterinarian. And is there a need for a large amount of drugs for the animals or is it seldom used?

MR. WIPF: Well, we do it more as a preventive measure than as a need. And a lot of the drugs that we use are more as prevention drugs.

MR. YEE: Thank you.

THE CHAIRMAN: Wayne?

MR. MOTHERAL: Thank you, Mr. Chairman. Mr. Wipf, when you said -- and I didn't catch that in your presentation here, but you said that you separate some of your fertilizer, your dry from your liquid?

MR. WIPF: We separate the manure.

MR. MOTHERAL: Yes, the manure, I realize that. And when you soil test, like, do you also test that manure product before it is put on the field?

MR. WIPF: Oh, yes, that's a requirement.

MR. MOTHERAL: That's a requirement.
And when you said that there was -- that when you separate it, you said that there seems to be less fertilizer value in the liquid?

MR. WIPF: Yes, there is.

MR. YEE: And that you use a pivot system. And, like, we have heard several areas in the province that have used the pivot system before as their irrigation system. And it is a very unpredictable way of applying nutrients. What is your feeling of that? Because it is not a very even spread, is that true, or am I going way off somewhere else?

MR. WIPF: As far as I know, Souris River Colony is the only colony or any large livestock operation which uses separated manure, or the water, I should say, to go to a central pivot system. A lot of guys used the walking guns, which were not very effective, not very successful. And as far as I know, we were the only ones. And we have only been doing this for a few years, too, where we are using the --

MR. MOTHERAL: Just a second here.

Maybe we ought to dance.

MR. WIPF: And I could stand to be corrected, but as far as I know, we are the only
ones that are using a central pivot with separated manure.

MR. MOTHERAL: With separation, yes. We have heard about the separation before, but I have never heard it in combination with the pivot system. Thank you.

How often is your water tested around the area?

MR. WIPF: About four times a year.

MR. MOTHERAL: It is about four times a year?

MR. WIPF: Yes.

MR. MOTHERAL: Is that a requirement or just something that you have been advised to do?

MR. WIPF: No. It is a once a year requirement when you apply for your Manure Management Regulations.

MR. MOTHERAL: And we have heard from people, too, with the increasing regulations over the years, that they feel the government should bear some of these costs. And do you really feel strongly about that?

MR. WIPF: Absolutely. It's the point I made on the first page.
MR. MOTHERAL: Yes. And this isn't the first time we have heard that.

MR. WIPF: Well, my point is that all of this information that I am required to gather outside of the water sampling, and all of the information that I am testing for, it's useless to me.

MR. MOTHERAL: I just wanted to comment. You do make a comment saying: "Sometimes governments try to fix problems with non agricultural people".

I just thought that I would remind you that I am a farmer. And I am hoping that that sounds good to hear. There are some times that I am not that proud of it, but I am a farmer and a former municipal politician. And so maybe that gives you a little bit of comfort.

MR. WIPF: It does.

THE CHAIRMAN: Mr. Wipf, you mentioned the possibility of going to a water treatment plant. Is it cost effective? How expensive would a water treatment plant be?

MR. WIPF: It's very -- it's something that we are considering. But we are also
considering -- right now manure is a problem. And we are also considering a digester to produce hydro with it. And, like, I don't know, there is no effective water treatment in Canada. And there is no digester in Manitoba that works. There are lots in the States that seem to work. And there is lots of water treatment in the States that seem to work, but their environment is totally different. So as far as how cost effective it is, I don't know. I know that the three large hog producers have seriously got to do something this year. And I would like to let them try it first. It's cheaper if they do it first.

THE CHAIRMAN: I believe that there are three farms that are working with the government on pilot projects. There is a guy in Vancouver who has got an operation that will provide hydro, but it costs $7 million. So I don't know if you have a spare $7 million.

MR. WIPF: Not yet.

THE CHAIRMAN: And how expensive is the manure separator?

MR. WIPF: Well, by the time you get the building up and get all of the sows in, I would be saying $200,000, by the time all is said
THE CHAIRMAN: And has that been worth it, rather than just dealing with mixed manure and then injecting that? Has it been worth it to go to the manure separation unit?

MR. WIPF: I would say yes. Right now the problem with the manure separators is that they are too new and a there are still a lot of growing pains from that. But in two or three years from now, it is something that guys should seriously consider. We have had it for three years now, and I would do it again.

THE CHAIRMAN: And the dry manure you just apply, then, on the field like any other fertilizer?

MR. WIPF: Well, you can do whatever you want with it. We do a lot of composting with it right now. And you can sell the compost.

THE CHAIRMAN: Yes.

MR. WIPF: But once it is dry, you can do whatever you want with it. Our dad started composting everything. Like, the dry manure is a plus. Like, once you have got it, it's worth money.

THE CHAIRMAN: Okay. And so for your
6,000 acres, do you mostly use commercial fertilizer?

MR. WIPF: Yes. For the balance of it, yes.

THE CHAIRMAN: Thank you. I have no more questions. Thank you very much for coming out this afternoon, Mr. Wipf.

MR. WIPF: Thank you.

THE CHAIRMAN: Next on the agenda is Bob Senff. Please introduce yourself for the record?

MR. SENFF: I'm Bob Senff. I'm a retired school teacher living in Oak Lake. I have lived and taught school in the Fort La Bosse SD in Southwestern Manitoba, which includes Virden and Oak Lake and Fort La Bosse, and other communities since 1970.

BOB SENFF, having been sworn, presented as follows:

MR. SENFF: As maybe a preamble before I get into the brief that I prepared, I certainly enjoyed listening to the speaker just before me, the prior speaker, and the information that he passed on. And undoubtedly this Commission has heard many, many details of many, many operations.
You are going to see that mine is maybe a little bit different than that.

Again, I would like to thank the CEC for this opportunity to speak. I am here today to represent the ideas of a number of individuals, moderate people, who are unable to attend this meeting, for various reasons.

And I am also here to speak for some Grade 8 and 9 students in Fort La Bosse schools. A little digression here for a second. As you can tell, I am a retired teacher, but I have the opportunity to go into the schools in Southwestern Manitoba to substitute, and have had the opportunity to deal with several classes in the -- just recently.

And very interestingly, they were working on issues relating to water pollution and contamination and air pollution and contamination and so forth. And they got quite excited about the fact that, you know, I would have this opportunity to share just some of their ideas briefly.

Without exception, these people are pleased that the Clean Environment Commission, and the Government of Manitoba, are monitoring the
expansion of ILOs in the province. Undoubtedly, this Commission has heard presentations from a wide variety of stakeholders. The range from pro to con must be very great. This is a complex issue. And we hope that the CEC will continue to monitor many other spheres of operation.

I was most impressed by the insights of the students in Grades 8 and 9. They were researching water, air and land contamination, and they were very serious about the topic. They expressed concerns about the quantity of water required for hogs, and that this resulted in a very large volume of wastewater. Great discussions centered on the variety of contaminants, including phosphorous. Their message is that each and every one of us must work and sacrifice to improve the quality of water in Manitoba, especially in Lake Winnipeg.

They laughed at the old joke about "getting wind" of a hog operation, but then they became serious and recognized that improvements to air quality must be made. They were concerned about airborne health threats to workers and to those living too near large operations. Their message was to encourage everyone to do his or her
part to prevent air pollution, or to increase
greenhouse gas emissions, or the spread of
disease.

And if, again, I might make a brief
digression, this morning, listening to a news
commentary, it was interesting to hear that a
young university student, I believe, and I think
it was in Saskatchewan, has been working on the
whole business of air pollution from the manure
and so forth. And he, again, has come up with
potentially another method or a new method of
dealing with that. And, again, in this
digression, it was very obvious to me, as a
teacher, that these young people were very, very
interested in the business of intervention,
research and so forth, to find methods to deal,
not only with the odours and health risks and so
forth, but interventions for all fields that
affect the environment in Manitoba.

The availability of clean, arable land
is still very desirable to the next generation of
Manitoba farmers. Young people are appreciative
of new methods of protecting land from erosion,
from chemical pollution, and from toxic damage.
They hope that the present generation will not
poison the land any further. Their message is to
treat the land with respect so that farming will
be available to them.

On the other hand, they spoke about
the economic contributions of the hog industry in
Manitoba. They are quite well aware of the
contributions and the advances. They hope to be
able to have the opportunity to work in a viable
industry as owners, operators or workers.

The future of the hog industry in
Manitoba must depend on wise decisions, made by
knowledgeable people. This requires solid
scientific research and information, clear and
honest communication, and a vision for the future.
And that is what the students and the people that
I have talked with desire; a future. And how do
we achieve this? Well, through balance and
moderation, arising from sincere care for our
environment.

And I thank you, the CEC members, for
allowing me this opportunity to share the insights
of just a few of the young people in southwestern
Manitoba. Thank you.

THE CHAIRMAN: Thank you, Mr. Senff.

I am just curious about the news report that you
referred to?

MR. SENFF: I heard it on the radio this morning, Terry. And, again, it was one of those -- I caught it sort of in mid-stream, you know. And it mentioned the business of the stench, for example. And that was the word that really caught my attention in the newscast, the word used by the reporter who talked about the stench from hog operations, the manure and so forth. And this young man, obviously, having done research at a university, I believe in Saskatchewan, has obviously publicized in some way or another, a process that's going to improve that. And I guess the message that I picked up from that, and certainly want to share here, and obviously with people in the industry and all of that, is that I believe that there are potential -- there are potential solutions to the problems that you hear about, you know, whether it be air pollution or water pollution and so forth.

The previous speaker I know was talking about the Americans having systems that treat water. I can attest to that because I know people in the Unites States who are related. My daughter is married and living down there. And
her father-in-law deals with a product that
actually goes in and tests water lagoons, and so
forth, and then has a purifying system. It is not
marketed in Canada, to my knowledge. And, again,
I am not familiar with all of the cross-border
elements that would prevent that. But I know that
he has travelled extensively throughout the United
States installing what they call Pond Doctor. So,
you know, obviously, things like that or, you
know, that this young man is working on at
university, are very good.

I know that there are -- there have
been studies and tests done and interventions
being worked on that deal with manure and waste,
including human waste. And, you know, there
are -- I believe that in the future there are
going to be ways to deal with this in a much
better way.

THE CHAIRMAN: Thank you. Wayne?

MR. MOTHERAL: Thank you,

Mr. Chairman. Some of these issues have hit me.

You know, it's a concern of mine about our younger
generation. And maybe rather than asking
questions, just a few comments. And maybe
somewheres a person in your category could help us
in some way. It's important to me that the
students get the proper information. And
information today is so available in the
newspapers. And newspapers are stories. They
sell newspapers, for what that's worth. But
information should never be taken to heart from
what you read in the papers. And so many of the
comments that I have heard from the younger
generations is what they read in papers. It's our
job as a Commission to separate those issues. And
we need the facts. We need scientific -- some
scientific information. But we do have to deal
with perception also.

But teachers, in this way, can have a
great deal of influence on students. And what a
teacher's knowledge is, is very important in that
way, because it can lean the students to whichever
way you want them to be leaned to do that. And
I've heard this from several schools, because I
have been involved in a Conservation District
years back, where we went to the classroom and
spoke to students. And some of them, as soon as
you hear "chemical", as soon as you hear that,
they figure that it is automatically bad, without
knowing all of the facts. And I am just saying
that it is very important for students to grasp
the information in a proper manner.

So I think that's all the comments
that I have. I have really enjoyed your
presentation because students are very important
for our future, that's for sure.

MR. SENFF: And I thank you for your
comments. That's exactly what my concerns are.
Obviously, these people in Grade 8 and Grade 9 are
really getting into this kind of research. And,
yes, one of the skills that they are taught is to
evaluate the source of material. And, obviously,
newspapers are one source, but I was surprised
that you said that. I would think young people
mostly get their information from the internet,
you know, which is that other new information
highway.

MR. MOTHERAL: That scares me.

MR. SENFF: I know.

MR. MOTHERAL: And getting back -- I
don't want to go on and on about this, because I
can talk to you afterwards. But when I hear you
say something like "poison", there is a thing out
there that when it comes to hogs that the hog
waste is poison. And in some cases, it probably
could be. But then the majority of people that we
are hearing from, say that it's a wonderful asset
and that it's a product. So a student can get
that side and that side, you know what I mean?

MR. SENFF: I understand.

MR. MOTHERAL: Okay. I had better
just quit here.

THE CHAIRMAN: Edwin?

MR. YEE: Yes. Mr. Senff, again, I
would echo the same thing, that it is nice to hear
the perspective of students, and it is a very
thoughtful presentation.

And I just have a couple questions,
just for clarification. Not to put you on the
spot or anything, but just for my clarification.
And you have mentioned that it is a complex issue,
and we are more than aware of it, given the boxes
of information that we are going through now. You
mentioned that:

"We hope that the CEC will continue to
monitor many other spheres of
operation?"

Can you clarify that as bit, as to what are these
other spheres of operation?

MR. SENFF: I would say that when we
talked about this type of thing in class,

obviously, we weren't just talking about hog
operations. Obviously, there were other elements.
I know that it was alluded to in the previous
presentation about cattle and so forth, you know.
Obviously, all agricultural and other, you know,
industries, and so forth, that impact on our
environment have to be monitored.

And I also listened to this gentleman,
and he mentioned about regulations and limits.
And I know that within the process, and within the
scope of what you will be hearing, there will be
those that will say: We don't want any limits,
period. And there will be those that will be
saying, you know: We want so many limits that
nothing will function. And, obviously, these
students were not saying that at all. They were
in that moderate area. And that's why, for
example, they talked about -- they felt good about
doing things in moderation and with a balance, you
know.

MR. YEE: Yes, I gathered that, and I
was very appreciative of that. And just one other
question that I have for you. And, again, it is
just a clarification of things. You had mentioned
"They were very concerned about airborne health threats to workers and those that live near large operations."

What would you define as a large operation?

MR. SENFF: Oh, again, I am not an expert on how large an operation has to be. Obviously, hearing the acreage and the capacity of the number of sows and the number of, you know, pigs that are being produced, and everything else, as compared to, you know, others that are smaller, I guess, one of the things that I didn't mention, and they certainly were interested in this, was the saturation points and where most hogs are dealt with. And it certainly came out in their discussion, and in the bit of research that they had a chance to do that, you know, towards eastern Manitoba is very different than out here in western Manitoba. But they live in western Manitoba and, therefore, you know, that was their concern.

And as was pointed out earlier, they don't know all of the potential health dangers and
diseases and all of that. They were researching that. But, you know, they realized that as industry gets larger, and saturation points are met, then the danger gets -- the potential danger gets higher.

MR. YEE: Thank you very much.

THE CHAIRMAN: Thank you very much, Mr. Senff. Thank you for coming out this afternoon.

Is Kim Shepherd here? Okay, she is not here yet. Mr. Fefchak, are you prepared to go now?

MR. FEFCHAK: Sure.

THE CHAIRMAN: Would you please state your name for the record?

MR. FEFCHAK: My name is John Fefchak.

JOHN FEFCHAK, having been sworn, presents as follows:

THE CHAIRMAN: Go ahead, sir.

MR. FEFCHAK: Mr. Chair, members of the Clean Environment Commission, good afternoon, and welcome to Virden.

I will begin my presentation with an opening statement and a commitment. This will be followed by an introduction, and then we will
carry on, as outlined in the agenda that I have just handed to you.

As a nation, and as a people, we must, even as one individual, believe in our own ability; the ability to recognize and defend the resources that are the lifeblood of our being and all the land.

And as responsible individuals, we must also recognize that, for evil to triumph, the only thing necessary is for good people to do nothing.

Nobody made a greater mistake than he, who did nothing, because he could only do a little.

We respect and uphold the absolute need for clean air, water and soil.

We see that economic activities that benefit the few, while shrinking the inheritance of many, is wrong.

And since environmental degradation erodes biological capital forever, full ecological and social costs must enter all equations of development.

We are one brief generation in the long march of time; the future is not ours to
erase. So where knowledge is limited, we will remember all those who will walk after us, and err on the side of caution.

I am a first generation Canadian, born and raised on a Manitoba family farm in the early 1930s. And until 1948 when, along with my sister and our parents, we moved to reside in the town of Virden.

I did not take up farming as my livelihood. However, I did learn to recognize that farm life can be extremely rewarding so many different ways.

I also learned to appreciate and realize that water and nature, our environment, were to be treated with the utmost respect and courtesy, and with a humble sense of dignity.

Now retired, I, along with so many, have become very concerned and worried how those once so valuable principles have deteriorated and crumbled.

 Corporations and their investors have taken over, interested only in benefitting from the current unsustainable economic activity. Huge hog-producing factories and massive feedlots threaten our health, our water and the
environment.

Part of the problem is that our economy, our governments, and our social society does not account for the social and environmental consequences that are being experienced and inflicted upon the people, the communities and our precious water resources.

The rivers of yesterday, in Manitoba, provided a means of transportation, a source of food and clean, usable water. Today, the rivers are regarded, for the most part, as handy and inexpensive open-air sewers, some place to dump the left-overs and the trash of industry processing. Many of our water sources are already, or will become, affected with pollution. Lake Winnipeg, the 10th largest fresh water lake on this planet, has become a huge sewage lagoon and is dying; a shameful legacy for our grandchildren to witness.

Now, the rural people of Manitoba have a sense of common purpose that brings them together to face a shared adversary and the malignant forces of the expansionism of corporations and industries. For "the people" now have come to the realization that the future of
our generations are at stake, and the risks can no
longer be tolerated.

I support and agree with a competitive
and profitable agricultural industry; but "never"
at the expense of human suffering and related
health complications, nor at the expense of our
water, air and environment.

Feeding the world with pork, and
destroying and exploiting our resources in the
process, is not acceptable. In fact, as well as
being unsustainable, it is also very
irresponsible, ignorant and immoral. And while
you may ask: Without growth of industry and
expansion of economy, there is little advancement
for the future. My reply is: Without clean
water, clean air and an unpolluted environment,
there is no future!

We are all biological creatures. If
we don't have clean water and clean air, our
health will continue to suffer, and we will not
survive.

If we don't respond to what affects
our lives, we are in deep trouble. How can we
continue to put economy above the reality that we
are living in? How can we continue to literally
skew the very resources on which we utterly depend
on for our existence and our survival.

It seems to me that nature is,
actually, screaming about the impacts that we are
putting on her; yet, we think wistfully of what
has been lost and dismiss it as "the price of
progress".

It's about time we started to put
moral ethics back into our present-day society.
Also, it's about time that we started to redefine
"progress."

The following is an extract of a
column titled "Hog industry on shaky ground." It
was printed in weekly and daily newspapers, and
appeared on February 15th of this year.

And I quote:

"Most of the assumptions that drove
this industry's rapid expansion over
the past decade... an expansion that
was wholeheartedly promoted by the two
political parties dominating
Manitoba's social scene... were just
plain wrong!
Instead of creating an environment
that fostered sustainable growth,
Manitoba's hog policy was simply... Growth. Growth based on assumptions and rules, which were based on research conducted elsewhere. It is one thing for industry to lobby. It is another for governments to buy into the rhetoric."

In the year of 2000, seven years ago, this was the message from the Manitoba Government regarding the dramatic change in the livestock sector:

"The Manitoba Government has a responsibility to guide this development and ensure that industry growth does not occur at the expense of the environment or our quality of life."

And that was signed by Ministers of Conservation, Agriculture and Food, and Intergovernmental Affairs; it is now so very obvious, this commitment and serious pledge to Manitobans was nothing more than "political grandstanding"! If you have integrity... nothing else matters: If you don't have integrity... nothing else matters."

And to further support my
presentation, the following evidence is also provided. Livestock study rings health and environmental alarm bells:

Livestock producers, especially hog farmers, like to claim their industries are highly regulated and, therefore, environmentally sound. But a major, two-year scientific study says...

Intensive Livestock Operations pose environmental and health risks because they aren't regulated enough.

Manitoba hog farmers, along with pork producers, say they follow strict Manure Management Regulations which minimize environmental risks to soil, air, water and human health. Again, the study disagrees. Released in 2006, the study originated from a 2004 Iowa workshop of American, Canadian and European environmental scientists. The six reports comprising the studies were released in November 2006, coincidentally appearing around the time the Manitoba Government banned construction of new and expanded hog barns, pending a Provincial Clean Environment Commission Review of the Hog Industry.

The study paints a sobering picture of
the potential risks posed by the Concentrated Animal Feeding Operations to human health, as well as air and water quality.

"The industrialization of livestock production over the past decades has not been accompanied by commensurate modernization of regulations to protect the health of the public", the study summarizes. Major concerns exist over the role of intensive livestock production in influenza outbreaks and the emergence of antibiotic resistant organisms.

The team research leader, Peter Thorne, a toxicology professor, rejects industry claims that livestock producers are already heavily regulated and it's unfair to blame them for environmental problems.

In a point of fact, we don't see that there is sufficient regulation to control the hazards that are arising from these operations.

"North America has tried using set-backs to protect the public from air emissions, but they haven't been effective because it's hard to set operations back far enough to protect
people in the vicinity",
he said.
"What we have now, in the current regulatory framework, was fine in the days of the local communities, small family farms and the right to farm legislation. But the industry has moved far past that model, and regulations aren't keeping up",
said Thorne. The six reports, making up the complete study, were published in November 2006 in Environmental Health Perspectives, the scientific journal of the U.S. National Institute of Environmental Health Sciences.
More and additional evidence is provided:
"The negative social impacts of Manitoba's hog industry and the implications of social sustainability."
Under the Manitoba Legislative Internship Program, this 2002-2003 report was compiled and presented by Theresa Vandean. At the Federal level:
Johanne Gelinas, zeroes in on impacts of hog ILOs:

"The Federal Government isn't doing enough to ensure Canada's rapidly growing hog sector doesn't harm the environment. Not enough is known about the impact of hog manure. The commitment of monitoring and reducing the negative impacts have failed. Environment Canada cannot demonstrate that its compliance, promotion and enforcement efforts at hog barns are effective."

The Roundtable's Strategy for Canada Pork Industry, dated May, 2005, identifies: "Environmental issues as a major concern". "Yet, only one of the 57 specific actions identified by the Roundtable, addresses environmental matters, the Commissioner' report says: "The Manitoba Pork Council, on behalf of the producers that they represent, have made public statements, in newspapers, that: 'Odour control problems' from the hog industry are over-stated, and the risk of hog
production to public health is exaggerated."

(Manitoba Co-operator Newspaper, March 7, 2007)

But I would argue the opposite, and present the following as evidence in support of my rebuttal.

A few weeks ago, while doing some research on the internet, I entered: "Hog ILO's odour," and a large selection of information was provided. I will submit just two examples. There were several others to choose from.

Example one: "Health affects from breathing air near CAFO's", and that's concentrated animal feeding operations, written by Susanna G. Van Essen, M.D., MPh, and Brent W. Averman, Ph.D.

And example two: "Air and water; Fredericton/Moncton, New Brunswick", April 16, 2006.

"Pollution evidence mounts against factory hog operation. Premier of New Brunswick orders an expert committee to study the people's complaint."

"Consultant's report". What we already know: Odour levels were high, as far as nine kilometres away."
Unfortunately, here in Manitoba, the government regulations for minimum separation distances from a family single residence to an earthen manure storage facility or to the animal housing facility falls far short of providing respiratory and odour protection for the occupants residing in that dwelling.

Designated areas like playgrounds, schools, a cluster of homes, et cetera, do receive a greater separation distance; but that, too, is below an atmosphere considered as a healthy living environment.

One example that I will present and, this is according to the Manitoba regulations: An operation of 10,000 sows, farrow to finish, which is 12,250 animal units, a minimum separation distance for a single residence:

- 900 metres to an earthen manure storage facility.
- 450 metres to an animal housing facility.

Designated area:

- 3,600 metres to earthen manure storage facility.
- 2,400 metres to an animal housing facility.
The one example that I have provided, and there are others in the regulations, brings up a very serious matter of importance: That is discrimination! Discrimination: Regarding those occupants who happen to be residing in a single residence in the vicinity of an intensive livestock operation. And the example shown is a hog ILO.

So why, I ask, is their own health, the health of their children and their quality of life any less important than the health and quality of living of those individuals who happen to be closely grouped in a different boundary of safety?

I submit that the Clean Environment Commission has a very important role to address and resolve this "injustice of humanity" that now prevails; "The Charter of Rights" will be your foundation.

Informative information regarding health and air emissions can also be retrieved from the National Agriculture Safety Data.

"Protect Manitoba's water and save money", advertisement in the Brandon Sun,
March 10, 2007. This message from the Manitoba Conservation Department concerns holding tanks for wastewater to help protect the environment. At first, I couldn't believe what I had read, for I find it ambiguous and contradictory, which I will attempt to explain.

Admittedly, the Conservation Department is concerned about wastewater, and have recognized that holding tanks would be a solution to protect the environment. But, on the other hand, Conservation will approve and condone the "digging" of a huge hole, which I will call a cesspool, and allow it to be filled with millions of gallons of hog feces, urine and water. Then, at an appropriate time, it will be pumped out and spread or injected on fields as raw, untreated liquid slurry.

And while the issue of wastewater needs to be addressed, the bigger problem now is the hundreds of hog cesspools that are scattered throughout the province and "their impact" on the environment.

I make reference to the Brandon Sun Newspaper, 22nd September, 2005, with headlines: "Water experts find more tainted wells."
"After a three-year battle, getting the test results on groundwater monitoring wells, Science Professor, biologist Dr. Bill Paton, and environmentalist Glen Koroluk, have found evidence of what they believe is seepage from liquid manure ponds and poses a threat to drinking water."

Manitoba Co-operator Newspaper, 27th April, 2006.

Article by Ron Friesen:

"Ante Olywest meeting focuses on economics, welfare, environment."

The following is an excerpt from that report:

"Karl Kynoch, Manitoba Pork Council Chairman, acknowledged some city residents fear Olywest will pollute air and water in its vicinity. But he said that people are confusing processing plants with hog barns."

Is this not credible evidence by the Pork Council Chairman, as he implies, although indirectly, that hog barns pollute air and water in rural communities? That is what the rural folks have been concerned with and saying for years.
Recently, while preparing my 2006 personal income tax return, I came upon something quite different in the Manitoba Tax Credit. It was a tax credit allowance for "odour control".

So while the Manitoba Pork Council can claim that the odour control problem is overstated, it is obvious that our Provincial Government has recognized that there is a problem, and assistance will be provided to control odours in the form of credits. Of course, as always, this cost will be borne by the taxpayers of Manitoba.

For example: Straw cannons, sewage lagoon covers and seals, biofiltering units, storage tanks or containers, spraying equipment for aerobic or anaerobic treatment of organic waste, soil injectors attached to a manure spreader.

I would like to get a drink of water.

THE CHAIRMAN: Mr. Fefchak, how much longer do you think you will be? You had been assigned 20 minutes, and we are right at 20 minutes.

MR. FEFCHAK: Well, it's up to you, then, I guess. You know, I've got lots to say. If you want to hear it, that's fine. If you
don't, that's fine.

THE CHAIRMAN: Well, could you cut it back a bit from 15 minutes? We have a full afternoon ahead of us.

MR. FEFCHAK: I would like to go over this. When governments fail to enforce their own laws, there are consequences and the public pays. I should have taken more time.

Over the past few years, and in attempting to communicate to resolve indifferences with local and Provincial Government officials, along with the bureaucrats, I have come to the only conclusion and realization possible: There are two sets of laws in this province. One for the developer, which can be ignored, and one for everyone else, which must be obeyed.

It is my experience that when the average Manitoba citizen attempts to confront and address an irresponsible action, or the government's disregard and lack of concern for regulation enforcement, with the authoritative body, the citizen's efforts will most often result in exasperated failure.

Justice Horace Krever, the presiding Judge during the "tainted blood scandal inquiry,"
expresses the following as a solemn warning:

"The relationship between a regulator and the regulated must never become one in which the "regulator" loses sight of the principle that it "regulates only" in the public interest and "not" in the interest of the regulated."

That memory is still with us, and for some, the rest of our lives. How many minutes left? I will go to the end.

THE CHAIRMAN: I will give you another five or so.

MR. FEFCHAK: You'll have the rest of it in your report. In view of why this Clean Environment Commission has been assembled, I consider the following as most appropriate in concluding my presentation.

Taken from the book titled: "Water: The fate of our most precious resource",

by Marc De Villiers, and I quote:

"Water is not a renewable resource. It only seems renewable because it keeps falling from the sky. But that
is an ecologically primitive way of looking at things. It may be common sense, but, as so often happens, common sense can be so uncommonly ignorant.

Renewable resources can reproduce themselves; that is, living things such as trees, cows and people. Water cannot reproduce itself.

Water is recycled by means after hydrological cycle; evaporation plus transpiration by plants, to cloud formations, to rain and snow, back to plants, rivers and groundwater, to the oceans and cycling around again by means of evaporation and transpiration and precipitation.

The hydrological cycle is an ecosystem service; a self-support system for all living things, including humans.

By removing water from one basin to the next, the basin being the hydrological cycles recycling unit; you are tampering with this life supporting system, with uncertain
Humans consume water, discard it, poison it and waste it, heedless to the change to the hydrological cycles; indifferent to the consequences. There are not one, but two overlapping water crises. The crisis of supply and the crisis of quality. Or put another way, there is a sufficiency of water on the planet if we manage the resources correctly. The real problem is providing consumers with water that is fit to drink. The solution we use is to divert the water from another place and steal the water from someone else.

Water is an issue that no one municipality, no one province, or even one country, can solve in isolation. The issues with water has to be solved transnationally. We have to build institutions that transcend national governments."

"to go beyond the limits and powers
And "transnational" means:

"to extend beyond the national borders."

Diversion and stealing of water, my comments:

Oil recovery, lake water receding.

Ethanol production in Manitoba,

trillions of gallons to sustain Little Saskatchewan River system.

Potato growers, irrigation impacts in Carberry area.

Transfers of water: Sandilands area, on hold, further study.

Huge consumers of water: Industry, intensive livestock and hog operations, some who have to rely on water piped and delivered from other areas.

With a reported Manitoba inventory of nearly nine million hogs, their daily water needs will be the equivalent of 72 Pan Am pools. To fill the Pan Am Pool in the City of Winnipeg requires one million gallons of water.

72 million-gallons every day!

Eventually, and even now, especially in Alberta, the consequences of hydrocycling are
beginning to be recognized.

Will things change for the better? I doubt it. Once Lake Winnipeg collapses; again, as now, there will be a lot of "finger pointing" and accusations. But that is too late! It is only during times of crises and upheaval that "people" are willing to change their habits. Otherwise, don't expect people to alter their ways. The lake will be the final judge.

We are all downstream of someone, and someone is downstream of us. How ironic and foolish our civilization has become. In today's modern technology, our creeks and rivers have become nothing more than convenient sources to carry away pollution. Waste created by industry, municipalities and agri-businesses, all to arrive at the appropriate destination: The lakes.

Each town and city en route, who have a need to utilize the river for their own potable water requirements, will build huge treatment plants at great costs and, in turn, make their own contribution to the already polluted water, flowing further on to the next communities, who, in turn, will add their portion, and so it continues.
The Province of Manitoba has been blessed and recognized for having many, many lakes. 100,000 lakes is advertised on vehicle license plates of years ago.

We know how to pollute them. We just don't know how to take care of them. And that is the most insulting contribution of "economic development".

In the 1970s, while living in Eastern Ontario, I recall seeing a televised commercial advertising how: The stewardship of civilized society of today is mistreating and discarding their waste, neglectfully, into the once clean and pure water sources. The scene showed a First Nation's Chief, sad and with tears streaming down his face, indicating that: "the creator" did not want this to happen. It was a very powerful message, simple and so true.

Throughout the years, I have tried to retrieve this film so I that could share it with others. To now, I have had no success, and can only speculate that industry and business corporations were opposed to the commercial and with their influence, made it disappear.

An appropriate ending: By Chief
Seattle:

"The earth does not belong to man. Man belongs to the earth. All things are connected, like the blood that unites us all. Man did not weave the web of life, he is but a strand in it. Whatever he does to the web, he does to himself."

Thank you.

THE CHAIRMAN: Mr. Fefchak, you mentioned a number of things in your comments. An article, I believe, it was March 15th or February 15th of this year, a newspaper article?

MR. FEFCHAK: Yes, I have given you all of that.

THE CHAIRMAN: That will be included in this package?

MR. FEFCHAK: Yes, you have all of that, yes.

THE CHAIRMAN: And you also referred to the Federal Environment position?

MR. FEFCHAK: Yes, it's all there. And if you don't have it, the reference is there to obtain it.
THE CHAIRMAN: Good, that's exactly what I wanted.

MR. FEFCHAK: Yes.

THE CHAIRMAN: Edwin, any questions?

MR. YEE: No.

THE CHAIRMAN: Okay. Wayne?

MR. MOTHERAL: No.

THE CHAIRMAN: Well, Mr. Fefchak, before you leave, if you have any -- one of the other speakers from this afternoon has offered to give up a bit of time so that you could continue. If you have any areas that you would like to highlight in about the next four or five minutes, I will --

MR. FEFCHAK: The portion about the government would be interesting.

THE CHAIRMAN: Okay. Well, perhaps we could hear that.

MR. FEFCHAK: And I would be pleased to hang around.

THE CHAIRMAN: Go ahead, if you would like to do that.

MR. FEFCHAK: Oh, now?

THE CHAIRMAN: Yes.

MR. FEFCHAK: Oh, okay.
THE CHAIRMAN: We will just back up the agenda slightly. It is not going to affect us that much.

MR. MOTHERAL: I was going to make one comment here, if I may. And you were talking about the -- I think you were talking about the millions of gallons or something.

MR. FEFCHAK: Of water?

MR. MOTHERAL: Yes. This is just a comment.

MR. FEFCHAK: Okay.

MR. MOTHERAL: And it may have nothing to do with it. It was just an interesting point that I noted. I just came from a cruise about two weeks ago.

MR. FEFCHAK: Okay.

MR. MOTHERAL: And we were down at the Panama Canal. And it takes 50 million gallons of fresh water for every time the locks are used.

MR. FEFCHAK: 50 million?

MR. MOTHERAL: 50 million.

THE CHAIRMAN: Yes. But they are not lost. They are just moved from one lock to another.

MR. MOTHERAL: Oh, no, this is fresh
water lost to the sea.

THE CHAIRMAN: Oh, okay.

MR. MOTHERAL: So it is lost, yes.

MR. FEFCHAK: The Pan Am Pool, for your information, I did call, and this is what they told me. Their pool holds one million gallons. That's the biggest one in the Pan Am Centre.

MR. MOTHERAL: I am just giving you another comparison.

MR. FEFCHAK: Yes, right. It is a hell of a lot of water.

MR. MOTHERAL: It's a lot of water.

MS. FEFCHAK: Yes, wow. I'm sorry, Mr. Chair, it would take me ten minutes to do this.

THE CHAIRMAN: Well, if you could do it in a quick ten, say, eight, then that's just fine.

MR. FEFCHAK: The Planning Act and Conditional Use Orders. And I have all of the evidence in Exhibit A, and I have given all of this to Joyce.

THE CHAIRMAN: Yes.

MR. FEFCHAK: The R.M. of Wallace
Council approved a new hog barn for a developer in the Kola area, 26th of February, 2003. Developer says: conditions that Council imposed could drive future development to other R.M.s.

After a dormant two-year period, which included the one-year extension, I wrote a letter to the R.M. of Wallace Council, 29th April, 2005, briefly pointing out that, as no permits had been requested or issued, development opportunities had now expired. Any development now would contravene and transgress the Planning Act. I asked Council to inform all parties accordingly.

On May 2, 2005, I visited Travis Parsons of Conservation, in Brandon. I asked questions about permits and my general concerns. This was passed on to Terry Pearce of IAT, Intergovernmental Affairs and Trade. And in the context of his answer, he indicated that John Fefchak was in a position to take "legal action". My question: Why should I, or any other citizens, have to resort to legal action to prevent a possible violation?

Council responded to my letter, stating that they did not share my views that I had presented.
Once again, I responded to council, and you have all of this in your package. On the 7th of June, in a more detailed letter explaining once more that Council has the responsibility to stand by the laws, as enacted by Legislation and their own Conditional Use Permits.

On November 3, 2005, a letter from Council. Council does not totally agree with my position. They will monitor the issue and site development to determine where the proposed development is going. Council, it seemed, was prepared to abandon their responsibilities to the Planning Act and their Conditional Use Permit.

On the 16th of November, 2005, I compiled all of my correspondence and, with a covering letter, forwarded it to three Government Ministers: The Governmental Minister of Affairs and Trade, Conservation and the Minister of Justice and Attorney General. All three Ministers acknowledged receipt of my report. I recognized that the Government, Intergovernmental Affairs and Trade Minister, seemed to have the mandate to address the concerns that I was expressing: The Planning Act and the enforcement of the Act.

Correspondence continued back and
forth, with a great deal of rhetoric and stonewalling on the government side. But they would not step up to the plate and back up my concerns and observations to the events that were unfolding. A typical response being:

"As I have previously indicated to you, the Planning Act provides Planning Districts and Municipalities with the tools to regulate development within the area under their jurisdiction and the authority to enforce any by-laws, permits or approvals made under the Act."

THE CHAIRMAN: Mr. Fefchak, could you just slow down a touch. The reporter is having a bit of trouble keeping up.

MR. FEFCHAK: Oh, I'm sorry.

THE CHAIRMAN: Instead of speeding through the ten minutes, just chop out a minute or two.

MR. FEFCHAK: This continued for 12 more months, when, on the 15th of November, 2006, 21 months after the Conditional Use Permit had technically expired, a letter from the Minister of Intergovernmental Affairs and Trade informed me
that development may not take place.

From the beginning, my concern was that the R.M. of Wallace, possibly in ignorance, and having advised me in their correspondence that they will monitor the issue and site development, was that seemingly innocent statement, could lead to influencing a contravention of the Planning Act, if work development was, in fact, carried out.

All along, I was attempting to avoid Council getting in trouble with inappropriate proceedings. It has been resolved, but what a hassle! It should never have happened. Who is responsible?

Sometimes I wonder, why do we have regulations for intensive hog operations and those operations that are regulated under municipal zoning by-laws when there are operators who just do not bother paying attention to them? Why is it that when the regulations are discarded, that no one, it seems, wants to take or initiate action regarding the violation to the appropriate authority for follow-up investigation that could prevent future occurrences?

Such were the two reported items
before the R.M. of Wallace Council, on the 18th of November, 2003. Both items concerned the spreading of liquid hog manure on frozen land and, in one case, after the regulated cut-off date. Council was made aware of one case reported in a letter, by the letter from the R.M. The resident complained about liquid manure being spread on frozen ground and the associative offensive odour that she was experiencing, making her stay inside, a prisoner in her own home.

It was during this discussion that council was also made aware of another operation where liquid manure spreading, also on frozen ground, had been carried out. In both occurrences, the conditional use orders were disregarded.

The Manitoba Environment Act may have been breached in one occurrence. Minutes of a meeting, R.M. of Wallace, 18th November, 2003 refers -- adopted this on the 9th of December, 2003:

"The 72-hour advance notice was not given to residents living within one mile of the spread site. Reporting to the R.M. within 24 hours of becoming
aware of health and environmental situations was not carried out. Liquid manure spreading was not allowed. Only injection into the soil was allowed and permitted. The manure application was not permitted after the 10th of November to the 10th of April the following year. In extreme cases, the Conservation Director may authorize spreading."

Note: Conservation Livestock Program, manager, Al Beck, in a news release stated:

"No offence had occurred, and the complaint of the late manure spreading was not justified. The hog operation that was permitted for 1,200 sows, farrow to weanlings, is not considered an intensive operation, as it is under the 400 animal units, at that time, and this accounts for only 375 units."

On the 24th of February, 2004, the Conservation representative advised me that his office had not been contacted or made aware of the events that I had presented, nor had he been requested to look into the matter as an investigation.
On the 22nd of March, 2004, the same
officer told me there was nothing more he was able
to do when I raised the concern about the manure
pollution dangers, as the warm weather and
melting, causing water run-off, would eventually
find its way into the ditches and streams ending
into Boss Hill Creek.

Considering the statement provided by
Mr. Al Beck:

"There is no restriction on timing of
manure application for operators not
classified in the ILO category",

I initiated correspondence with the Conservation
Minister. Again, I outlined my concerns about
manure pollution and made a recommendation that
any time the ground is frozen, or near frozen,
then the mandatory set-back distances are to be
applied. It is not uncommon in Manitoba to have
hard frost situations in October, or as early as
in the latter part of September.

Our correspondence continued until
October 2004. My attempts to have the Livestock
Manure and Mortalities Regulations amended to
include mandatory set-backs at times, other than
just the 10th of November to the 10th of April of
the following year, were not successful. And it was regrettable, for I consider the biggest loser during all of this was the water sources and the environment. Spreading manure on frozen ground and going through sloughs, minutes of the meeting, is not an example of being a good and caring steward.

Farm Practices Board.

THE CHAIRMAN: Could you wind it up, please?

MR. FEFCZAK: This will be it.

THE CHAIRMAN: Okay.

MR. FEFCZAK: Farm Practices Board. I met and spoke with the resident who initially lodged her complaint to the R.M. council. When asked, she was not aware of the Farm Practices Board and all the requirements of initiating an odour complaint. I suggested that 95 percent of rural Manitobans aren't either. And as for the few who are knowledgeable of the routine and procedure to register a formal complaint, don't expect an investigator to be there within two or three days.

I called the office that looks into odour complaints, and the person there told me
five to seven working days to respond. As I spoke with him, I was reminded of the Maytag repairman who used to be on the T.V. commercials. He had nothing to do.

Why couldn't rural Manitoba people -- rural people in Manitoba have a quick, available number to call when there is an odour situation that they wish to report? There are controls for stubble burning and enforcement because of health and air emissions concerns. Why not for odours? Also, the number I propose is 4357. And you were going to ask why?

THE CHAIRMAN: I was just about to.


THE CHAIRMAN: Thank you very much, Mr. Fefchak. And thank you also for taking the time to put together all of this material for us and to come out here this afternoon and present some of it. And we will look at the entire package.

MR. FEFCHAK: Okay. There are two more good ones left.

THE CHAIRMAN: Thank you very much. And Kim Shepherd is here now, I believe. Please
state your names for the record?

MRS. SHEPHERD: Kim Shepherd.

MR. SHEPHERD: John Shepherd.

KIM SHEPHERD and JOHN SHEPHERD, having been sworn, present as follows:

THE CHAIRMAN: Go ahead, please.

MRS. SHEPHERD: My name is Kim Shepherd. And with my husband, we operate a mixed farm in the R.M. of Wallace with our family.

We would like to thank the CEC for hearing our family's concerns, but wonder why it has taken so long for the Manitoba Government to wake up to this?

Six years ago, our family went into Winnipeg with two 13 year old boys to the Manitoba Legislature over this same issue. Our oldest son, at that time, was one of those 13 year old boys. Premier Doer couldn't, or wouldn't, even take five minutes out of his busy schedule to at least meet the next generation, who would like to have a clean environment to live in, and perhaps raise a family. Instead, they met with agriculture Minister Wowchuk, who talked down to the boys, instead of talking to them. She, along with two other ministers, signed a document stating, and I
quote:

"The Manitoba Government has a responsibility to guide this development and ensure that industry growth does not occur at the expense of the environment or our quality of life."

This was taken from the Livestock Stewardship 2000 booklet.

We kind of wondered whether maybe she meant her quality of life. When the boys questioned her about the signed paper, and that these factory style hog operations were, indeed, being allowed to ruin people's environment and quality of life, her response was that: She was late for another meeting and had better get going. So the next generation's environment didn't seem too important to her, either. Personally, these factory hog operations have taken both our family's clean environment and quality of life away.

By the way, we live about one-half mile within eight weanlings barns which equals, in total, 20,000 weanling pigs we have for
neighbours.

Under the health concerns, there are a number of points we would like to address.

1. Our daughter has environmental and food allergies, and goes to a reflexologist on a fairly regular basis to deal with this. Two years ago, she tested for having H2S and methane in her system from these factory hog barns.

2. When we have to work in the fields next to these factory hog operations, there are days when our eyes start to burn inside a closed tractor cab from the intense odour.

3. The stress of worrying about our drinking water well getting contaminated, as it is only one-half mile away from these operations. Our well is a shallow well, with sand right at the surface. In the spring, the water is usually two to four feet from the top of the ground.

4. The flies that are breeding in these open pit lagoons, what pathogens or disease are they carrying to our farm yard one-half mile away? We used to have flies, but nothing compared to now.

5. When we open the windows at night to cool the house off so that we can sleep, the
stink wakes us up at two in the morning. What does that do to our bodies when we can't even get a good night's sleep on a fairly regular basis? And this happens quite often.

6. The anger and frustration that we feel when we can't go out and enjoy our own property because of the stink from these factory barns. If we lived in the city and did something in our yard that infringed half as bad on the neighbourhood as these factory barns do to us, we would be fined, thrown in jail, or both, but we would be made to stop.

The Technical Review Committee stated that there was no need to worry about our water well because, with the lay of the land, everything runs from northwest to southeast anyway. Quite a statement to make from a government body that is supposed to be siting these operations properly.

Also, on one Technical Review of a factory hog operation next to us, it was stated that the soil tests indicated:

"The soil is marginally acceptable for an earthen manure storage."

Operation approved.

The last four barns to be built next
to us, according to the papers we received, the
Technical Review was done on the wrong section all
together. When time came to vote on approving
this operation, the proponents walked into the
R.M. of Wallace council chambers with the
Technical Review Committee at their side. One man
from the Technical Review Committee said that it
was a typing error. Operation approved. To us,
it seems that the people on this Technical Review
Committee, made up from different government
departments, must be getting a second paycheque
from the pork industry.

The proponents never had to prove
anything different to the R.M. council. But when
the question about our water getting contaminated
by these barns arose, we were told to: Prove it,
prove it, prove it. It's been almost nine years
that we have been asking questions and raising our
concerns to our local R.M. council, and yet we are
still waiting to get them answered.

Council also puts conditions on these
operations. But when conditions are broke,
nothing seems to get done about it. Two years
ago, one operation was dumping liquid manure onto
snow that was blowing across the frozen ground,
and we have photos to prove it.

Potholes and runways that are usually dry enough to plant, but run and hold water in the early part of the spring, are being injected with liquid waste. To us, it seems that Manitoba Conservation and these local R.M. council's attitude is that: If we ignore it, then maybe it will go away. Well, it's not going away, but instead it's getting worse. Our lakes and rivers are telling us this. But because of the greed for the almighty dollar, we still seem to deny it.

One condition put in place by the R.M. of Wallace Council was that three rows of trees had to be planted. The proponents complained that three rows of trees would only invite birds to nest and bring disease to their pigs. It was changed to two rows. The trees don't work, anyway, for the reason that by the time they are big enough to do any good, the barns will be old and de-commissioned. And a friend of ours said that the planting of trees really does work because he couldn't smell the barns once he gets ten miles away. Kind of a sad joke, don't you think?

Who do you go to that isn't controlled
by the governments or the proponents of these large scale ILOs? These factory-style operations are not sustainable. All you hear is how the pork industry is doing everything properly. Treat them as such, then, and rezone and reassess them as industrial, so that they have to abide by industrial laws and be taxed accordingly, instead of hiding behind the word "farm."

There are only guidelines for these ILOs, which basically means that they have no laws or regulations to adhere to. Therefore, guidelines are a joke. The petroleum industry is heavily regulated, so why isn't the intensive livestock industry? If you take a pail of water and put some oil in it, the oil floats to the top. Do you think that if you did the same thing with liquid hog manure, that it would separate from the water and float to the top? Not likely.

Maybe Manitoba should be like Iowa and pass legislation that, in order to build an ILO, the owner has to live in the same yard and work so many hours a week in that operation. If the owners of these factory-style barns had to live and raise their children in that environment, and hear their own children complain that they don't
feel good, or don't want to go outside and play on a beautiful day because of the flies and the stink, then maybe things might change.

We used to help an old gentleman, whose house burned down in the early 1980s. When he bought a mobile home, he wanted to put in a small lagoon for his own household waste, but was told that this was against the law, and that he couldn't. Today, it is okay to dig a big hole in the ground and fill it with waste from thousands of pigs.

These ILOs, and the problems we and many other people are dealing with, are much more than a nuisance. We all have a right to good health, which includes clean air, clean drinking water, which for us means untreated, and healthy soil to grow our food in. Everyone today lives with enough worry and stress. This type of stress is not necessary if we all respect the environment.

We are not claiming to be environmental saints, but we are also not out there bulldozing trees and draining sloughs and potholes because we need the acres to inject on, either. We do not believe that our family are
affecting our neighbour's environment or their quality of life.

There needs to be laws put in place, and people to enforce them, to protect our water, soil and air. Before this moratorium ends, laws need to be put in place to protect the environment around the people whose backyards these operations are put in. If proper action is not taken, then there will be nothing left. What are we leaving for the future generations?

Thank you.

THE CHAIRMAN: Thank you. You seem to imply that nothing happens when an operation breaches regulations or municipal by-law. Do you have substantive evidence of this or does it happen often?

MR. SHEPHERD: We have never been notified --

THE CHAIRMAN: Could you speak into the microphone?

MR. SHEPHERD: We never get notified of what gets done, if anything does get done.

MRS. SHEPHERD: When we speak about this, we are talking about numerous letters that we have sent to the R.M. of Wallace Council.
There have been various things that have happened. Some of the conditional uses that we have, that are supposed to be to protect us somewhat, is testing of our water. It gets done, but we had to -- it is to be done every spring. It is to be tested every spring to make sure that our water isn't changing. We had waited and waited for someone to come and test the water.

It was, I believe, September when we finally sent a letter to the R.M. of Wallace Council, stating that we would send the water sample in. And we would bill the R.M. of Wallace Council for it because the water was not tested so, therefore, this conditional use has been broken. When we went to the R.M. of Wallace council about it, they stated that they would have to hear the other side of the story. The water did get tested, but it was tested months later than it was supposed to be. That's one conditional use that's been broken.

Manure was not to be injected or spread on the quarter closest to our well. It was to be left out.

THE CHAIRMAN: That's a conditional use?
MRS. SHEPHERD: Yes. And a few years ago, there was manure spread on that quarter. Again, we had approached the R.M. of Wallace Council about it. And we never did receive an answer as to what happened.

MR. SHEPHERD: Or why.

MRS. SHEPHERD: Or why it happened. All we would really like is just to know that someone is actually taking these conditional uses seriously, and that they are to be --

MR. SHEPHERD: Enforced.

MRS. SHEPHERD: -- enforced, yes.

THE CHAIRMAN: Have you registered complaints with Manitoba Conservation about these same issues?

MRS. SHEPHERD: No.

THE CHAIRMAN: Just with the municipality?

MRS. SHEPHERD: Yes. It was the R.M. of Wallace Council that originally set up these conditional uses.

THE CHAIRMAN: Okay. Edwin?

MR. YEE: Yes. Ms. Shepherd, you mentioned potholes and runways. Can you explain to me -- I am not familiar what a "runway" is.
You are saying liquid waste is being injected into them?

MR. SHEPHERD: The runways are just your little runs, kind of. They are not big creeks, but they run water.

MR. YEE: And manure is being directly injected into these?

MR. SHEPHERD: They were for a couple of years, yeah.

MR. YEE: I gather, from your comments, that you have some concerns over the Technical Review Committees and the Conditional Land Use process. Is there specific things that you would like to see done to improve that process?

MR. SHEPHERD: I would like to see them actually come out to the site and inspect the sites before they are allowed, that way by looking at it, and not just by looking at a map. Because that one Technical Review that come out on the wrong section, it wasn't even done on the right section. They can come back later and say that it was a typing error, but how do we know that it was?

MRS. SHEPHERD: We felt, in that
particular case, that they really should have started over again. And we had asked the council what was going to happen. And they -- at that time, the Reeve said that he thought that probably would be the process. And that was on a Thursday or Friday. The following Monday, the operation was approved. So we would just like to see them, you know, make sure they are doing things right. You know, "marginally acceptable" is kind of a scary statement to me when our water well is at stake.

MR. SHEPHERD: Yes, and it's that close.

MR. YEE: And do you feel that the representatives on the Technical Review Committee have the appropriate knowledge and background information to make the assessments?

MRS. SHEPHERD: We definitely question that.

MR. SHEPHERD: Yes.

MR. YEE: Thank you.

MR. MOTHERAL: Yes, thank you, Mr. Chairman. It is a bit of a personal thing, but do you have -- is most of your communication with this operation through the Technical Review
Committee, or through council, rather than -- do you have a talking relationship with these -- with the operators of that --

MR. SHEPHERD: Not really, no.

MRS. SHEPHERD: Well, we have talked to them a few times. Basically, before the last four barns were built, we pretty much pleaded with them not to build them there, but it still went ahead. I can honestly say that our relationship hasn't been great with the proponents. Because when it came to the issues of basically being prisoner inside our own home, because we can't open the windows, and that type of thing, they offered an air-conditioning system for us. And one of the proponents did admit later on that that is only a band aid solution, which is exactly what it is.

MR. MOTHERAL: I kind of gather, just because of you mentioning it, that most of the times you went to council or most of your communication was through them.

Back to the injection now. The hog manure is injected through -- to most areas of the land through potholes and through runways, as you say. And I know -- I'm a farmer, I know what you
mean by "runways". Do you still feel as though this would still cause pollution in some way, some run-off through that?

MR. SHEPHERD: Like, if it's running off, which was a couple of springs ago, there was lots of water in it and it did run-off.

MR. MOTHERAL: Yes, I realize that. But I am just wondering if you feel as though a lot of the phosphorous and nitrogen is going with that, and it is not being held into the soil? I guess it would take technical analysis to find that out.

MR. SHEPHERD: Yes. And I didn't go to university to become a scientist, so I couldn't tell you.

MR. MOTHERAL: No, I know. It is visually. You see that the water visually is running off?

MR. SHEPHERD: Yes. You see, that year you seen them sloughs, they were green.

MR. MOTHERAL: I don't think I have anything more, just offhand, here. If I do, I will see you later.

MR. SHEPHERD: Okay.

MRS. SHEPHERD: Sure.
THE CHAIRMAN: Thank you very much for coming out and preparing this report.

MR. SHEPHERD: Thank you.

MRS. SHEPHERD: Thank you.

THE CHAIRMAN: Norma Fefchak. Please state your name for the record?

MR. FEFCHAK: My name is Norma Tibbits-Fefchak, although you have me listed as Ms. Fefchak.

NORMA TIBBITS-FEFCHAK, having been sworn, presents as follows:

MS. FEFCHAK: Mr. Chairman, members of the Clean Environment Commission, and ladies and gentlemen. I will be reading this material on behalf of Mrs. Barbara Barkley, who is unable to attend this proceeding. Mrs. Barkley and her husband are retired farmers.

Reference: Current Hearings - Sustainability of the Hog Production Industry in Manitoba.

Before any new hog production is scheduled for the rural areas, could we please clean up the present mess we have?

It is really hard to think clean environment when, with my own eyes, I see so many
controversial scenes.

We live in Archie Municipality, which is 14 miles wide and 18 miles long, with boundaries on the west by the Saskatchewan border, and four and a half miles on the east by the Assiniboine River, and 13 and a half miles on Miniota and Wallace Municipalities.

As I write this letter, all of the major creeks and, even the little streams that don't always run, are flowing full tilt east to the river. In one creek, in particular, the water is pouring through one six foot and one four foot culverts from west to east. And on the east side, in the swirl, the foam is three feet to four feet thick and deep, and the water is pure brown. Remember, all this is going five more miles directly into the Assiniboine River. And all of this water pouring in from the west is draining from the large farming areas, feedlots and concentrated cattle country of eastern Saskatchewan.

Five years ago, when Hytek came into our municipality and wanted to set up 36 hog barns, the people rose up in protest. We have gone through some terrible times in our
municipality. It has split our community. We might say it was the demise of our small town of McAuley, as well as neighbours, relatives, families and friends. We had a very desirable town and area to live in, but not anymore. I don't know what would have happened if the development had taken place.

The protest was, in part, because we have two barns in our community. And over the years, we have seen many rules and regulations broken and misused. By this, I mean dead animals piled up outside in the winter. I believe this has been rectified. And every fall manure is spread illegally through the creekbeds and sloughs.

This year, the manure was spread just before November 15, 2006. The ground was frozen solid before this, but the manure was spread anyways, and the same thing has happened. The run-off from the fields is now taking all of this manure, as well as all of the chemical and fertilizer residue, right into the creeks and streams.

And as you are aware, most of the large feedlots and cattle and hog operations seem
to exist close to creeks and streams. The two barns I speak of are four miles from town. And on many days throughout the year, the odour is very offensive.

All of this is taking place without any monitoring for compliance. When questioned, the government departments say that they don't have enough manpower or time to follow up. It looks to me like they think, because it is out in the rural area and not in the urban area, it doesn't matter. No one is being held accountable for their actions, and no one seems to care.

I think the government is on the right track with the legislation being introduced, such as the protection of the riparian areas, and the Water Council which is, to quote the Water Stewardship Minister, Christine Melnick:

"Supposed to work directly with Manitobans on how best to preserve the health of our waterways."

But if there is no follow-up or monitoring, and no one is being held accountable for such action, what's the use?

I am not against development. But if it isn't going to be done right for the
environment and monitored, and compliance assured, then don't do it.

Thank you for your time, and for allowing me to read this for Mrs. Barkley.

THE CHAIRMAN: Thank you. You probably can't answer too many questions because you were speaking on behalf of somebody else. But the 36 barns proposed by Hytek, they were never built?

MR. SENFF: That's correct.

THE CHAIRMAN: Okay, thank you. Okay. Well, thank you for coming out, and thank Mrs. Barkley for writing this.

MS. FEFCHAK: Thank you.

THE CHAIRMAN: Okay. We will take a break now for about 15 minutes.

(PROCEEDINGS RECESSED AT 3:00 P.M. AND RECONVENE AT 3:13 P.M.)

THE CHAIRMAN: Can we come back to order, please? First up, or next up, is Joe Dolecki. Please introduce yourself for the record?

MR. DOLECKI: Yes, my name is Joe Dolecki.
JOE DOLECKI, having been sworn, presents as follows:

THE CHAIRMAN: Go ahead, sir.

MR. DOLECKI: My name is Joe Dolecki. And I'm an Associate Professor and Chairman of the Economics Department of Brandon University. My areas of specialization and interest include economic development, resource economics, benefit cost analysis, environmental economics, environmental law, economic history and, most importantly, the history of economic thought.

MS. JOHNSON: Excuse me. Mr. Dolecki, could you slow down just a bit? It is hard for us to keep up here.

MR. DOLECKI: The other thing that I have to add is that I reside in the Rural Municipality of Daly. And I reside on a mixed farm with my spouse and my daughter.

The other thing is that I would like to thank the Clean Environment Commission for allowing me this opportunity to offer you a submission for your consideration. I have to apologize that the submission is not complete. There are a bunch of calculations that have to be finished up, and I haven't had time to do it.
At any rate, my submission, which is now a work in progress, is divided into a couple of parts. In the first part, I would like to discuss with you economics and sustainability within the context of this review. And then I would like to consider the questions of the -- the inter-related questions of the industry's economic viability and its environmental sustainability, with a particular emphasis on the issue of subsidization.

And I will just advise you that I will be sending the completed documents to you, along with a supplementary written submission. The census for 2006 for agriculture which will not be out until June, I think, or May. And there is some information in there that I think would be useful to put before the submission. So, hopefully, after -- I know that your deadline for submissions is coming up relatively shortly. I would hope that you would accept stuff based on the census for agriculture.

THE CHAIRMAN: As long as we get it before the end of June, yes.

MR. DOLECKI: Okay. Because I think it is coming out the 15th or something like that.
THE CHAIRMAN: I'm not certain.

MR. DOLECKI: Now, before I proceed to the main discussion, I would like to express concern about some evidence that was put before you in Winnipeg. And it was received -- it takes the form of a letter that was received by one of the speakers here today, John Fefchak. He received a letter from the Minister of Conservation, Stan Struthers. Evidently, the Minister considers the purpose of the Clean Environment Commission Review is to be:

"To restore public confidence in the industry and in the government's regulation of the industry."

I would note, for the record, that no reference whatsoever to such a purpose is specified in, or can be inferred from, the language of the Environment Act, under which the CEC is constituted. In and of itself, the fact that the Minister has no statutory authority whatsoever to impose this purpose upon you, while it is of interest perhaps in some other forum, that need not keep us here or detain us here.

What is of the moment, I would submit, is the clear suggestion by the Minister that he
will consider and accept only those CEC recommendations that are compatible with that purpose. If this is, indeed, his intention and, sadly, I have seen no evidence to the contrary, I submit that the Minister's statement to Mr. Fefchak has the objective effect, if not the subjective intent, of tainting not only this review, but also the CEC itself.

People in Manitoba, and especially people in rural Manitoba, which is ground zero for the next round of swine intensive livestock operation expansion, have the legitimate expectation that you will conduct an intellectually honest, objective and politically unfettered assessment of the hog industry, based on complete and accurate information.

As well, they expect that these same characteristics will ground the recommendations that you present to the Minister. And the scoping document that you've got, while it is not perfect, because you didn't listen to me and didn't include the benefit cost analysis, is sufficient to enable, I think, the expectations of people out here to be realized, that is if you execute it properly. And it is my sincere hope that you can
overcome this constraint that the Minister is, by
his words, seeking to place upon you and your
work.

It is in this context that I offer the
following submission. Let us begin at the
beginning. The Clean Environment Committee has
been asked to undertake a review of the
environmental sustainability of the hog industry
in Manitoba. Obviously, the meaning of
"sustainability" in general, and environmental
sustainability, in particular, is critical to the
outcome of this exercise.

In an earlier submission on scoping, I
indicated to you that Manitoba's Sustainable
Development Act provides the appropriate and
legislatively anchored conceptual base for this
review. In this Act, sustainable development
means:

"Meeting the needs of the present,
without compromising the ability of
future generations to meet their own
needs."

Now, this definition, and the concept of
sustainability that's contained within it,
As with any statement that is produced by a committee, and particularly by one issued by a U.N. Commission, the initial question is: What the heck does that mean concretely? And it turns out that many years ago I was asked that question during the course of a presentation that I gave at the World 90 Environment and Energy Conference held in Winnipeg. My response then, speaking from the perspective of contemporary economics, was that:

"Sustainable development means that we can continue, as we have in the past, to rape, pillage and plunder the environment. We just call it something nice so that we can feel good about what we're doing."

Be that as it may, right, when regarded most generally, the concept of sustainable development implies the integration of economics and ecology. For contemporary economics, and for contemporary economists, such an integration presents a real challenge.

The fact is that economics and ecology, if you look at them or consider them as
two separate fields of academic inquiry, are completely antithetical to one other. They have diametrically opposed methods of logical frameworks and analytics, incompatible systems of valuation and values, and mutually exclusive analytical and practical priorities.

Consequently, attempts to integrate these two disciplines, at least at an analytical level, have, thus far, met with about as much success as one would expect from an arranged marriage between Margaret Thatcher and Tommy Douglas. So, in other words, there is no success at all.

In this context, there are three problematic areas of contemporary economics to which I would like to call your specific attention, and ask you to keep in mind during the course of your work.

First, economists tend to be preoccupied, some would say obsessed, with economic growth; with GDP growth, in particular. Indeed, for many economists and, I would add, most politicians, GDP growth is the main objective, the grand end of economic society. And as the ecologists in this world correctly point out, from
this growth for growth's sake perspective, all other objectives, for example, species preservation, are considered to be secondary, indeed, expendable.

One reason for this is that GDP is generally, although improperly, considered to be an index of social well-being or what economists call welfare. Here, so long as GDP growth exceeds the growth of population, average or per capita well-being of the people will, with mathematically certainty, increase.

The problem is that GDP simply can't be used as an indicator of well-being. And this is because this statistic itself only gives us an estimate of the market value of final goods and services, in commodity form, that are produced for exchange markets within a year. Not only does it exclude a substantial amount of central economic activity that doesn't pass through markets, it says nothing about the distribution of outputs, and it makes no distinction about the mix of outputs that are produced for exchange.

Thus, in GDP accounting, $1 million worth of daycare expenditures is considered, in terms of contributing to social -- to society's
well-being, to be the equivalent of $1 million of expenditure on pornography.

Moreover, and more to the point, here today, the GDP statistic is perverse when it comes to the environment. There is no category in GDP accounts that identifies, let alone values, environmental degradation, the depletion of what economists call "natural capital". However, when degradation does occur, expenditures made for mitigation -- that's with an "M", because the transcripts generally put in "litigation" for "mitigation" -- expenditures made for mitigation are accounted as additions to, rather than deductions from, GDP.

The reason this is important, is because it means that attempts to anchor sustainability discussions, in terms of GDP, is problematic. Yet, this is precisely what the Manitoba Pork Council, in its submission to the Commission, and the Department of Conservation does in its report, "An Examination of the Environmental Sustainability of the Hog Industry in Manitoba", attempt to do. The implicit definition of "sustainability" used here, by them, is narrowed to involve the question of sustaining
the economic viability of the hog industry, not the environment.

The second difficulty with the economist lies in what you can call a technology fetish. Here, any problems, particularly problems of environmental degradation that arise in the course of production, and which are mitigable with known technology, are assumed to have been solved, whether or not the technology is actually been used.

For other environmental problems and, in particular, those that are not mitigable with current technology, it is assumed that the technological solution will eventually be forthcoming. And, again, regardless of whether or not these solutions are actually deployed, they will be forthcoming. And, hence, the problem will be solved, so long as sufficient resources are allocated for the research and development activities.

The assertion that there is, at least potentially, a "technological fix for every problem," is an example of what is commonly referred to in the discipline as a can opener assumption, named after an old joke about economic
methodology, which goes something like: How does an economist open a can of beans? Well, he assumes he has a can opener.

The idea is that a can opener assumption is an assumption that is routinely made, in order to produce a logically correct, but empirically false, conclusion. The importance of this is that can opener assumptions relating to technology appear all over the place in the industry's materials and in government materials, and including in submissions to the CEC.

This is particularly true when you are dealing with the industry's attempt to address the problem of nutrient pollution. As well, in the submission before you by Conservation that I referred to earlier, there is an explicit reference at page 3 to the:

"Millions of dollars being allocated to research efforts relating to the production and environmental problems ingredient in the industry."

The point is that a technological solution that is being sought or, if found, is not deployed, say for reasons of cost, that that kind of "solution" is, in fact, no solution at all.
Finally, the last thing I would like you to consider is that since about 1890, when the foundations of contemporary economics was established, the discipline has actually had no theory of production, let alone one that can be integrated with ecology. In particular, what is absent in economics, is analysis of the process of production or, to be more accurate, the multiplicity of different or interrelated policies that are related in production considered as a whole.

Most important among these are those environmental and ecological processes that provide the necessary conditions that allow us to engage in any economic activity at all. These processes provide us with life support. They provide us with production inputs, including energy. And it provides us with waste sinks. And they also provide us with the operational limits to our productive activity.

If, for example, a given production process utilizes inputs produced by environmental processes at a rate that is in excess of replenishment, or if waste from production activity is generated at a rate that is greater
than the absorptive capacity of the environment,
then the production activity in question will eventually be compromised.

On the other hand, if a production process operates in a manner that is compatible with, and within the limits set down by environmental and ecological processes, then it is -- then it can theoretically continue indefinitely.

Manitoba's Sustainable Development Act calls this: "sustainability", by which is meant: "the capacity of a thing, an action, activity or process to be maintained indefinitely."

It turns out that historically, at least, there have been two systems of human production that have been sustainable in this sense. They are the hunting and gathering societies and the peasant economies. These social formations existed for centuries, if not millennia. They are pre-capitalist economic formations, North American remnants of which can be found in indigenous populations and agricultural, as opposed to industrial farming communities. People of these
pre-capitalist economic formations were able to achieve sustainability only because they clearly understood, and were guided by, the imperative that their activities must be compatible with the environmental and ecological processes within which they existed.

The difference between this and industrial forms of production, particularly intensive livestock production, and particularly intensive livestock production in hogs, are as obvious as they are disconcerting.

As Bill Weida, a resource economist from Colorado, and one of the foremost authorities on ILOs in North America notes, I have a couple of papers for you by him:

"Contrary to the image that the Pork Council projects, Intensive Livestock Operations are "industries", not "agriculture". They create industrial sized pollution and waste problems. They masquerade as agriculture because pollution monitoring and pollution regulation are weaker in the agriculture sector."

Hence, the necessity to identify and specify a set
of principles of sustainability, and to enshrine them legislatively, in order to attempt to deal with a non-sustainable production force.

In Manitoba, these principles and guidelines are set out in Schedule A and B of the Sustainable Development Act. And for my purpose today, I would draw your attention, your specific attention, to Clause 1 of Appendix B of the Act entitled: "Efficient use of resources." Of particular importance is Clause 1(B), which requires full cost accounting in determining whether or not an activity, here Intensive Livestock Operations in hogs, is efficient within the meaning of the Act.

Clearly, the concept of efficiency enshrined in this Act is much broader than the popular concept, which is anchored in the notion of profitability, of economies of scale and so on. What the Act directs us to examine is whether or not an activity is efficient when the true costs of production are taken into account. This question is fundamental, since the desirability and wisdom of having resources allocated to this industry and, indeed, the desirability of the industry itself, depends on that answer. And the
remainder of my submission will be -- will
consider this question.

It's my submission that the hog
industry in Manitoba represents a classic example
of what I have elsewhere called the:
"Socialization of costs and the
privatization of benefit approach to
economic development."

As such, it is neither economically viable, nor
environmentally sustainable.

In my view, the industry's
profitability, which is -- you know, varies, has
varied over the last number of years, industry's
profitability is not the result of ILO production
efficiencies; but, rather, is the product of
extensive social, financial, regulatory and
environmental subsidization. In the absence of
this subsidization, I contend, the industry is
simply not economically viable.

Moreover, I submit, the alleged
economies of scale that are claimed by the
industry are actually a mirage generated through
the mechanism of cost avoidance and costs dictated
to the public. Therefore, rather than focusing on
ways to facilitate the further expansion of swine
ILO production in Manitoba, I recommend -- I would be recommending to you, in the strongest possible terms, that you should recommend to the Minister that the moratorium on intensive livestock operation expansion of swine be permanently instituted, and that you should focus your efforts and your attention on considering and recommending to the Government exit strategies that will provide for an efficient and orderly downsizing and de-commissioning of the industry.

I would like to consider these matters in more detail. I want to take a look first at -- I want to draw your attention first to a document called "Pork in Manitoba", produced by the Manitoba Government, posted on the website of Manitoba Agriculture, Food and Rural Initiatives. It states that:

"The government and industry continue to work together to ensure the success of the pork industry in Manitoba."

I submit that the result of this collaboration has been the regulatory subsidization of the industry. The extent of this subsidization is significant. One area where there is particularly important involves government intervention into the
decision-making process in respect of the swine Intensive Livestock Operations at the Municipal Government level, either directly or indirectly, through the mechanism of Technical Review Committees.

And I would like to offer you the following evidence from my personal experience. And I've got a package of stuff from the files in support of this claim.

One of the most remarkable interventions made by the Provincial Government to date occurred in my municipality, the R.M. of Daly. In December of 2001, rumours began to circulate regarding the possibility of a swine ILO being developed in our municipality. In response, a small group of ratepayers began meeting in private homes to discuss the implications of such a development, and to take a look at things like the Daly Conditional Use By-law, as well as by-laws from adjacent municipalities.

In January, 2002, this group, by then calling themselves the Concerned Daly Ratepayers, called a public meetings in Rivers. By this time, it had been confirmed that a corporation, KPA, Keystone Pig Advancement, based in Oakdale, was
attempting to develop an 800 sow, farrow to finish, operation in our municipality. Over 125 ratepayers, that's 26 percent of the estimated ratepayer population in Daly, attended that meeting on a night when the temperature was 30 below.

During this meeting, a survey was taken. I've got a copy of it here for you. And the results showed overwhelming support, 93 percent, for a moratorium on new hog barn development in the municipality, pending a revision and strengthening of Daly's Conditional Use By-laws governing Intensive Livestock Operations, By-law 97-9, I think it was.

Subsequently, the Concerned Daly Ratepayers circulated a petition calling for a moratorium and by-law revision amongst all of the adult residents and land owners in the municipality that they could find. In eight days, approximately 93 percent of the total population of about 475 were contacted. And of these, 91 percent, or 403, signed the petition.

In response to this petition, and after a great deal of how you would charitably describe it as free and frank discussion in the
council chamber, in response to this petition, our Municipal Council instituted a moratorium on the consideration of ILO conditional use applications pending the development of a new by-law that would adequately address the community's expressed concerns.

Within 30 days, as per the resolution, resolution 6, which instituted the moratorium, a package of 35 amendments to the existing intensive livestock operation by-law, the Conditional Use By-law, was submitted to council. The people of Daly, all right, the people of Daly, had put this together through a grassroots democratic process that involved an extensive series of open, broad-based community meetings, in which over 150 ratepayers participated, they developed this package.

The way it worked was that they rented out a hall. They were brought in. They asked everybody to show up. 150 showed up, broke into small discussion groups, and focused on those areas of interest and concern that each individual or each person had. Nobody was assigned anything. People just went to the areas of interest. They came up with suggestions for by-laws, and it was
brought back to the general assembly after the first couple of meetings. And then it was farmed out for being written up in legal language, again, by volunteers from the community.

The basic principle underlying the package that was produced was that an intensive livestock operation developer ought to be responsible for the full cost of the development. And, in particular, those who caused damage, rather than the ratepayers of Daly who suffer it, ought to be responsible for the costs associated with rectifying such damage. It was also based on the principle that a conditional use is a privilege in the municipality, not a right. And a conditional use application, or the conditional use provisions of the Planning Act, make it very clear that apres array, something that requires a conditional use permit is, on the face of it, incompatible with the existing pattern met of municipal land use.

And the purpose of the conditional use process is to assess, excuse me, through the gathering of all kinds of information, through a public hearing, to gather information to determine whether or not it would be possible, through the
imposition of conditions, to make the conditional use proposal, the proposed conditional use, compatible with the existing pattern of municipal land use that exists within the municipality, right? If it can't, then it does not get approved. If it can, then you pass conditions that are designed, or hopefully designed, to enshrine that.

What we did, what the community in Daly did with the by-laws, was to set up a number of conditions precedent. As I said, there was 35 or 37 of them, which -- to which, a proponent and an ILO developer, be they cattle or sheep -- although that's difficult to imagine, nor is it desirable to imagine -- hogs or anything, would have to agree to meet, as a condition precedent for a conditional use application being accepted and a hearing being called.

At any rate, Daly Council gave first reading to the community's Intensive Livestock Operation By-law Proposal, and scheduled a public hearing for May 7, 2002. Prior to the hearing, the Provincial Government sent three bureaucrats, three of its bureaucrats. A guy by the name of Ron Tompkins, from Community Planning Services;
woman by the name of Christine Kabernac, from Manitoba Agriculture; and Brian Cotton, from Manitoba Agriculture, were sent out to meet with Daly Council privately, in secret.

Mr. Tompkins was, at that time, a member of the Technical Review Committee which was, actually, assessing the KPA proposal, and was on record as having been highly critical of the community's by-law amendments. We got a letter, a piece of correspondence, between him and the CEO of the day, sent after the first reading was given and before the second read -- before this private meeting.

Mr. Cotton authored the Technical Review Committee's report on the KPA proposal. They, these people, met with Daly Council in secret, along with Daly Council's lawyer. The product of this meeting was an alternative set of by-law amendments that were the opposite of what the community had proposed. Daly Council released this to the public five days before the public hearing on the community's by-law package.

The meeting or the public hearing went on May 7, 2002, and it lasted seven hours. Public support for the community's by-laws was
overwhelming. Only 6 out of the 81 representations that were made contained objections to the community's by-law. Three of these were from representatives of the Manitoba Pork Council, including Peter Mah. And two were from the same government officials, Tompkins and Kabernac, who had met privately with the Daly Council. These two officials dutifully repeated the Manitoba Pork Council's objections to the community's by-laws. One of these officials went so far as to raise the false possibility of legal action against the R.M. of Daly by a hog barn, to be taken by a hog barn developer.

The other official, it was discovered through an access to information request, back in the days when you could still get information from an access for information request in a timely fashion, had reviewed the Pork Council's submission on the community's by-laws well in advance of the hearing.

I made formal complaints against the activities of these officials to the Minister of Agriculture, and was informed by Minister Wowchuk that they were: "following departmental policy."

What is instructive about the government's
intervention here is the reasoning behind the objections to the community's by-laws. For example, at page 5 of the letter that I referred to earlier from Mr. Tompkins to Mr. McLellan, the CEO at the time, he writes:

"Collectively, the various provisions of the proposed by-law will probably be viewed as a significant deterrent to development of livestock confinement facilities as a conditional use."

Ms. Kabernac, in her submission at the hearing, fleshed out this view by focusing the attention of the cost to developers that these by-laws would involve. We had requirements for them to do all kinds of soil and water testing, to have above-ground storage, to put money into a performance bond, to have a de-commissioning plan, and a money set aside to implement that, should they walk away from the municipality. Because the idea is if an operation walks away from a municipality, the land reverts back to the municipality for taxes and then the people, the ratepayers of the municipality, pick up the bill for clean-up. And people wanted to avoid that,
She indicated, in her submission, that: "If the full cost principle was applied comprehensively to Intensive Livestock Operations in the R.M. of Daly, developers would find it cost prohibitive to locate there."

The clear suggestion is that, from the perspective of the government, the necessity of regulatory subsidization at the municipal level is a condition of swine ILO viability. It is also clear that the government was not beneath spending significant public resources to subvert democratic processes in order to facilitate ILO expansion in our R.M.

In the end, Daly Council rejected the community's by-law amendment proposal. Subsequently, following a conditional use hearing on the KPA project, a hearing that lasted for two solid days, the proposal of the application was rejected by a vote of 4-3. I would like to turn now to the second component of this discussion about the regulatory subsidization through intervention, indirectly
now, through Technical Review Committees.

At page 20 of this report on "An Examination of the Sustainability of the Hog Industry in Manitoba", there is a description of the Technical Review Committee's role, the T.R.C.'s role, in the conditional use process. It says:

"The role of the T.R.C. is to provide support to a municipality holding a conditional use hearing on a new or expanding livestock operation by providing preliminary technical information, assessment and recommendations on the proposed development."

And it goes on to talk about the kind of categories of things that they look at: Whether or not, you know, there is a conflict with the existing by-laws, whether or not you have got sufficient spread acres, and all of that stuff, right?

In practice, my experience has been that T.R.C. reports are written in a manner that has the objective effect of encouraging R.M.s to approve every ILO proposal that comes before it.
Indeed, I am aware, and I may be wrong, but I am aware of only one instance, since 1994, when a T.R.C. has recommended against approval of an ILO development in an area.

And, in my view, the basic problem is that members of the Technical Review Committees are civil servants from departments such as Manitoba Agriculture and Intergovernmental Affairs, departments that are promoters of the industry.

This leads to a tendency by Technical Review Committees to minimize, gloss over, and sometimes ignore serious problems in project proposals when they write their reports for councils. I can offer you a brief example. I have a number, but I will just give you one, just a brief example to illustrate the point. At page 2 of the -- of a Technical Review Committee Report on a Premium Pork Western Swine proposal that was made for the R.M. of Strathclair. There is an assessment that was -- of the project specifications that are identified in relation to the R.M. of Strathclair's zoning by-laws. The idea is that these people go through the by-laws. And then they check to see if the proposal will
fit within them. The report reads:

"The amendment to the zoning by-law"...

which is the amended version of the by-law they are looking at.

"...requires that a proposed livestock operation (buildings and manure storage) shall not be located within 328 feet of a water body or domestic water supply. It appears that this operation meets this requirement."

So that's given to council, who don't spend a whole lot of time, as you probably know, Mr. Motheral, reading by-laws. Now, what the zoning by-law in the R.M. of Strathclair's amendment actually says is that these types of operations:

"Must have a minimum set-back distance of 328 feet from any surface water body, groundwater or domestic water supply."

The T.R.C. omitted the reference to "groundwater". Because, in order for the proposal to fly with the by-law, it must have been -- it must be sited 328 feet above the groundwater supply. And the
specific ILO proposal would, in fact, not meet
this requirement.

It has been my experience that
Technical Review Committees rely exclusively on
non-verified information supplied by project
proponents. They rarely do site visitations.
When the public at hearings -- at public hearings,
the public who attend public hearings to make
representations, expose errors in Technical Review
reports, Technical Review Committees do not
revisit their reports or recommendations. And,
occasionally, as in an instance recently in the
R.M. of Daly, Technical Review Committees will
even refuse to execute their statutory duties
under the Planning Act.

In the R.M. of Daly there was an
application for an intensive livestock operation
in swine, an expansion of one. And the question
was -- or in cattle, rather. And the question was
about -- the question was raised about the spread
land acreage. And the Council of the R.M. of Daly
ended up getting notified of an expansion of the
number of spread land acres. They passed a
resolution asking the Technical Review Committee
to examine these spread acres, in light of the --
in light of their submission, because the amount
of spread acres that was in the original proposal
wasn't enough, as a result of the information from
the public hearing, and the Technical Review
Committee said: No. That happened twice. In my
view, that was contrary to their statutory duties
under the Planning Act.

The next or second aspect of
regulatory subsidization involves the question of
enforcement, that I would like to talk about. My
experience has been that Conservation, as a
department, and Conservation officials, lack both
the resources and the inclination to investigate
and prosecute regulatory breaches. I am aware of
a number of complaints relating to improper winter
spreading that have been filed by members of the
public in our municipality, myself included. But
the turn-around time between complaint filing and
investigation always seems to be sufficiently long
to prevent the adequate gathering of evidence, so
nothing is done. We are told that enforcement is
a complaint-driven process. And people make
complaints, and there is no enforcement, at least
that's my experience.

There is a couple of other things
about that, about the enforcement issue here, that
have to be looked at. One is that the traditional
way to supply evidence in support of a complaint,
particularly if you are dealing with pollution, is
to go and secure soil and water samples from an
ILO property. However, the government has
recently increased the fines for trespassing,
which would be into play if you went and collected
soil and water samples from ILO properties. And
they have increased the fines from, I think, $50
to $5,000, right, at the request -- I am told, but
I do not know for sure -- of the industry. That
seriously compromises, right, the complaint-driven
aspect of the enforcement mechanism.

As well, right, the Ministry itself
does not seem to be too keen on enforcement
provisions of the -- provisions, for example, of
the Planning Act. Under the Planning Act, right,
if you give a conditional use permit to do an
Intensive Livestock Operation, you are not
permitted to construct anything at all in relation
to it until you get all of the other necessary
permits. In our municipality, there is an
Intensive Livestock Operation which received a
Conditional Use Permit, but has not even applied
for water licences, and other required licences, and the barn that is involved is almost built, almost finished!

Advances to the government that have been made, by numerous people, have gotten no response at all in relation to enforcement. My point is that enforcement avoidance is a regulatory subsidy. I would also note, for the record, that if fines are levied and collected, the industry's infraction enforcement costs are also, surprisingly, publicly subsidized. This is as a result of a Supreme Court decision that was rendered in 1999. I have a copy. And I will supply you with a copy of the decision. I have got the reference for you here in this. The reference is Supreme Court of Canada decision (65302 British Columbia, Ltd. v. Canada), S.C.C. file number 26-35-2.

The case involved a B.C. egg producer, who was fined for selling over quota. The egg producer entered the fine as a business expense on his income tax, which was an entry that was disallowed by Revenue Canada. He went to court on it. And the matter ended up in the Supreme Court, which ruled in favour of the producer, the egg
producer.

In the judgment, Mr. Justice Iaccabucci found that all fines levied against enterprises for breaches of federal, provincial and municipal regulations, except for provisions relating to the bribery of foreign officials and tax evasion, right, were found to be legitimate tax deductible business expenses. The reason for that was that the law mentions bribery of foreign officials, it mentions fines under the Income Tax Act, as specifically as not being tax deductible, but doesn't mention everything else, anything else.

And so the intention of Parliament, whether it was or not, can only be interpreted by the court as being: Well, everything goes, or everything else goes. And as a result, well, the implications are pretty clear, fines are, and have always been, an integral part of any regulatory regime. But with this judgment, the deterrent value of fines has been completely compromised.

I would like to talk, and I will just list this out very briefly, for this part of -- for this section of it, part of the work in
progress. I would like to identify other forms of direct government subsidization that can -- that applies to this industry. There is a great deal of discussion in "An Examination of Environmental Sustainability of the Hog Industry in Manitoba", and in other documents, about publicly funded research and development for specific purposes, projects and problems of the industry that is a subsidization. The increases that are experienced in municipal infrastructure expenditures on such things as roads, which are necessitated by the development of Intensive Livestock Operations, the increase is a subsidy.

The other one, which is probably the most significant, from the point of view of assessing the amount of viability of the industry, has to do with CASE, the CASE program, which my neighbour calls the chartered accountant's income security program. And, apparently, it has been explicitly tailored to meet the requirements of Intensive Livestock Operations, at least that's what I was told when a person in the Department of Agriculture gave a lecture on it in one of my classes. And the limit on these payouts was raised through negotiation between the Federal and
Provincial Government to $3 million per barn. This is potentially the largest direct subsidy program around. The difficulty that they have is attempting, in terms of the assessing how much, is to get any information on the payouts that have been made to various commodity groups, including hog producers.

I would like to list now, or talk a bit next, about what you would call social subsidization. There are two forms that can be identified immediately here. One of them involves increased health treatment costs, and increased health treatment activities, due to the increases in incidence of respiratory illnesses, for example, asthma, among both hog barn workers, in amongst people, especially children, living in areas in close proximity to hog barns.

Iowa, the Government of Iowa -- the Governor of Iowa, I believe, has commissioned a -- a committee of scientists to examine, review, et cetera, the refereed journal literature on this -- on this type of stuff. And they also were apprised of, and it's available through the Iowa Government, a bunch of studies that were done by medical practitioners and the incidence of
respiratory illness. And they found significant increases in that incidence, and that is a cost of production that's borne by the public, both in real terms, in terms of the deterioration of health, and the way in which people have to manage that, and also in health costs. And I have copies of those. I don't have them with me. But I do have copies of them, and I will make them available to you.

The point here is that, while it may be true that the rates of incidence cannot be immediately transferred from the Iowa numbers to the Manitoba ones, based on the characteristics, it is equally true that medical health records in this province would reveal the extent of that, of this increased incidence, as well as the costs associated with it.

The second thing that is an aspect of social subsidization involves the notion of residential property value decreases. Ample evidence of a significant decline in property values of residences locating in proximity to hog barns has been found in a variety of jurisdictions. There is a bunch of material from Bill Weida that's included in the stuff that I'm
giving you today. There is a couple of journal articles, at least one journal article that I have, that I will make available to you. And there is some stuff from the Province of Alberta, in terms of decisions about altering property assessments in relation to the distances from Intensive Livestock Operations.

The Pork Council claims that property values in Manitoba have, actually, gone up in close proximity to hog barns. That's based on a study by Royal LePage. I am familiar with the circumstances of one of the cases that they included in that study as evidence, and that's the Dutch barn in Woodworth Municipality north of us. Here the increased value of a residence near a barn was as a result of a court action forestalling buy-out. In other words, the evidence or the claim that property values, particularly in residential areas, amongst residences, is not supported by the Royal LePage study. And they more or less admit that at the beginning of their -- at the beginning of that study.

The last area that I would like to talk about, and I've got about ten minutes, so
this will be just enough time, is the -- is one which is important for the purpose of the Clean Environment Commission. And that is the subsidy that is most connected with environmental sustainability, and that subsidy is the pollution subsidy that the industry receives, and has received on an ongoing basis, which is a cost that is absorbed by the environment in terms of its capacities for reproduction, and by the people who utilize that environment in Manitoba.

And this matters arises out of the very nature of swine Intensive Livestock Operation production itself, and is one of the features that distinguishes Intensive Livestock Operations from agricultural operations. And it is also one that unambiguously -- that unambiguously defines an Intensive Livestock Operation, the Intensive Livestock Operations in swine, as being non-sustainable environmentally.

The matter is succinctly defined in the following way: All livestock production units generate manure. In agriculture, as opposed to industry, all animal waste is generated and applied generally at agronomic rates, rates that are consistent with what crops use. Indeed, for a
traditional peasant family, or peasant family forum, the problem is not having enough, given the land base that is being utilized for growing crops, and so on.

Here in that setting, manure is a soil amendment, right? However, in Intensive Livestock Operations, manure presents a waste disposal problem. The land base economically available for spreading is small. This means that manure is overapplied relative to crop requirements, and is available for transport to surface waterways without deleterious consequences -- or with deleterious consequences on those waterways. And the whole issue of transport into rivers and into Lake Winnipeg hinges on that or centers on that, right?

Now, there is a regulation under the Livestock Manure Management Program, the LMNR. The regulation, it is given re-numbered in the stuff that you have. But I believe it is now re-numbered as 11. I have it as 12 in my copy of it, anyways. And it says:

"No person shall handle, use or dispose of store livestock manure in an agricultural operation in such a
manner that it is discharged or
otherwise released into surface water,
the surface water course or
groundwater.
An operator shall ensure that
livestock manure that is handled,
used, disposed of, or stored in an
agricultural operation, is not
discharged or otherwise released into
surface water, a surface water course
or groundwater."

And that's the regulation.

Last year, at the end of the year,
right before Christmas, the Manitoba Pork Council
called a press conference in Winnipeg to announce
to the world, right, that the hog industry, as a
whole, had violated this regulation, had broken
the law, and no enforcement action was taken. But
that this was okay because the hog industry, they
claimed, accounted for only one percent of the
nutrient loading to Lake Winnipeg. They broke the
law, right? At any rate, the intention of that
kind of -- of that approach, at that press
conference, it seems to me, anyways, was to
deflect attention from their activities, the
fundamental Achilles heel of the intensive livestock producers, which is manure, right, and to just focus attention on other people's activities.

Incidentally, there is a can opener assumption in this argument that they have made. The can opener assumption that they used was that synthetic fertilizer in the manure are transported at equal rates off of fields and into waterways, which substantially reduces the amount that is attributable mathematically, anyways, to Intensive Livestock Operations. And that their calculations are a mathematical impossibility, well, in the absence of that assumption.

Subsequently, and a little later on, the Pork Council did a press release on a study conducted through the University of Manitoba, which purported to estimate the cost of industry compliance with the new phosphorous regulation. That regulation is perhaps one of the most ludicrous that has been -- that has been promulgated in the Province of Manitoba, or any jurisdiction that I've seen. It permits 838 pounds of phosphorous per acre to be placed on soil, right, where crop utilization rates are
substantially lower than that.

Anyways, the cost estimates that they -- for compliance, vary from $17.9 million to $27.86 million, or 18 to 28 percent of net returns for the year, I think, for 2005, as they have them. The fact is that this is a low estimate. This is an estimate, a low estimate, of the amount of environmental subsidization in waste disposal handling, waste disposal handling, that is conveyed upon the industry. And they have admitted this, right?

It is also a low estimate because there is a can opener assumption that is used in that report. The can opener assumption is that it assumes that every Intensive Livestock Operation in the province uses phytase in feed, which is supposed to reduce the amount of phosphorous generated, and is required to be carried away, by 30 percent to 40 percent. But there is no information on the distribution of phytase use. There is one piece that I saw that show only a minority of one type of Intensive Livestock Operations in Manitoba uses phytase. So that means that the costs are underestimated substantially, likely between 30 percent and 40
percent.

The government also provides us with another estimate of the cost of the benefit conveyed through this environmental subsidy to Intensive Livestock Operators. They have just announced that there is a new program, a loan program available for Intensive Livestock Operators. The will pay them $150,000 to help deal with manure movement problems or up to another $150,000 to deal with storage or with lagoons that need re-vamping, right? This is making available capital funds, publicly sponsored, which is, in effect, rewarding people, rewarding livestock operations for destroying surface waters.

The other area of cost that's important is groundwater contamination. Lagoon seepage is something that is well recognized. In fact, my understanding is that engineers built in the seepage rate into their -- into their -- into their designs.

In Kansas, there was a study published a number of years ago that showed that they did a de-commissioning, and they did core samples, that seepage occurs at a rate of about 18-inches a
year. There is also seepage of unknown rates below, in the unregulated manure storages, that are temporary under barns, right? The implication is that groundwater contamination is only a matter of time. And as we have seen, there is, again, through an access to information request that was put out of a group of people in Winnipeg, that something around the order of 40 percent of the lagoons that had monitoring wells showed seepage.

The notion is that this all involves mitigation costs. This all involves costs of living with this stuff. Mitigation costs for water supplies, for example, includes building infrastructure to bring pipe to -- to pipe the water, to treat the water, and that sort of thing for rural residents, and to upgrade water treatment -- existing water treatments facilities and pipelines. Those costs are costs that are avoided, or shifted, rather, to the public as a direct consequence of the operation of Intensive Livestock Operations.

Consequently, these have to be included in the estimates for the -- in relation to the question of whether or not this stuff is economically viable, and how much it is not.
So I will conclude now, very briefly, by saying that I would like to reiterate the recommendations that I made to you earlier. That rather than focusing on ways to facilitate further expansion of swine ILO production into Manitoba, I would recommend that -- I strongly recommend, in the strongest terms possible, that the Clean Environment Commission should recommend a permanent moratorium on Intensive Livestock Operation expansion and should seriously be considering and recommending to the government exit strategies that will provide for an efficient and orderly downsizing and de-commissioning of the industry.

The fact of the matter is, notwithstanding the assurances and the genuine beliefs of the people in rural Manitoba, in my opinion, ILOs cannot be done right. Thank you.

THE CHAIRMAN: Thank you very much, Mr. Dolecki. Now, I understand that you will be submitting a fair bit of stuff.

MR. DOLECKI: Yes.

THE CHAIRMAN: This presentation this afternoon, plus some calculations based on the
census. And you mentioned some journal articles as well?

MR. DOLECKI: Yes. I have for you here a package of some material, which I was able to photocopy without, how would you say it, before my tape ran out.

THE CHAIRMAN: Okay, good.

MR. DOLECKI: It includes in there all of the documentation, including the letters and everything on the Daly episodes and by-laws. It contains a couple of submissions that I have made in respect of conditional use hearings in a couple of municipalities. And it includes a couple of papers by Bill Weida. One is on the rationales of factory farming and impact calculations for concentrated animal feeding operations on hogs. There are a couple of calculations that are based on American data from the 1990s and 2000 that are contained in there, in Weida's work, that try to address the question of costs of manure transport by distance, the number of spread land acreage per nutrients of nitrogen and phosphorous, and that kind of stuff, which may be of interest and may be of use to you.

THE CHAIRMAN: Okay. Thank you very
much. And we will certainly read through this
stuff that you are giving us here today, and the
stuff that you send to us in the near future. And
if we have any need for clarification, we will be
in touch.

MR. DOLECKI: Thank you.

THE CHAIRMAN: So thank you very much
for coming out here this afternoon.

MR. DOLECKI: Thank you for your
patience.

THE CHAIRMAN: Zack Penner. Please
state your name for the record?

MR. PENNER: My name is Zack Penner.

I'm with Amber D Farms.

ZACK PENNER, having been sworn, presents as
follows:

MR. PENNER: Good afternoon,

Mr. Chairman, members of the Commission Review
Panel, ladies and gentlemen. Thank you for the
opportunity to speak at this important hearing
regarding the hog industry in Manitoba. We have
reviewed the guide prepared by the Clean
Environment Commission and, in response, have
composed a presentation for our family farm
operations.
Our family operates a mixed grain and hog farming operation near the small village of Kola, Manitoba. Our land base straddles the Manitoba/Saskatchewan border, approximately 20 miles west of Virden. Four generations of the family have been farming in the area for almost 50 years, and the fifth is following close behind. We certainly hope that they will be able to continue farming if they choose to do so in the future.

Our farm has been through dramatic changes during the past 50 years. One of the most significant of our generation was the decision to diversify our grain farm and begin livestock production in the mid-nineties, when prairie farmers were facing abolition of the Crow Freight Benefit. Given our geographic location, loss of the freight subsidy, and the increased cost of transporting low value grains to distant markets and ports for export, would surely reduce returns on grains, which were already marginal, at best. We were concerned for our ability to compete with highly subsidized, low-value grain on the world markets. It would be risky to continue to rely solely on grain production, and we were
searching for options to sustain viability by adding value to our production and diversifying operations. In doing so, we were also hoping to provide an opportunity for the next generation to remain on the farm, if they chose to do so.

Livestock production appeared to provide many of the answers we were looking for, and would benefit existing farm operations by utilizing the grain production, reduce input costs with the use of the nutrient by-products, as well as provide an opportunity for year-round full-time jobs and other economic benefits for the community at large.

We started our first hog operation in 1994, which has since grown to 6,000 sows on multiple sites. Approximately 50 percent of our production is marketed within Manitoba, both as market hogs, and to other producers who grow them to market weight. The other 50 percent are exported to the U.S.

The development of this industry required huge capital investment, which stimulated economic activity and growth in our community. In addition to the jobs and other benefits during the development and construction phase, our farms now
provide full-time employment for more than 30 employees, with an average salary exceeding $34,000, an annual payroll of more than $1 million, and our purchases of feed and other local supplies, exceed $5 million.

Practically all of our input costs are local Manitoba products and services, and there are tremendous spin-off benefits:

The local feed mill has increased its operations and employment, and currently provides 20 full-time jobs, and a local marketing option for over one million bushels of grain per year.

Other local producers have access to our feeder pig supply for diversifying their own operations.

The local hog operations add more than $100,000 annually to municipal property and education taxes, and have recently participated with substantial additional funding towards a tremendous new municipal water system.

In a small community of only 100, in a region where population continues to decline, every one of these jobs is tremendously important.

We see growth within our community, most noticeably in the school, which was previously
threatened with closure and has since had two
expansions in recent years.

The hog industry is very important to
our farm, our community, and the Province of
Manitoba, in general. All of the jobs and
spin-off benefits add to our quality of life and
well-being. We are most concerned that the
industry will proceed in a sustainable manner, and
all of us have to make every effort to ensure that
it does.

Since first becoming involved in the
industry, we have seen many changes and
improvements. Management techniques, economics
and ever-increasing regulations have changed the
way the industry operates today. From initial
design of the facilities, through to the
development and operation, we follow a strict set
of guidelines and regulations, which we understand
are among the strictest anywhere.

The safety and health of staff are of
prime importance, and the well-being, handling and
management of the livestock are taken into
consideration in all of our management and
operational decisions. The hogs are housed in
well-ventilated, climate-controlled facilities,
for the comfort of both staff and livestock.

Following are our comments, experiences and opinions of the topics that the Clean Environment Commission is particularly interested in.

We acknowledge and value the support of scientific evidence and all of the expertise that is available, and we realize that research continues.

Nutrient Management. Our farm currently utilizes professional swine nutrient services. The nutritionists design feed using ingredients which will best stimulate health and growth in all stages of the pig's growth.

Since phosphorous has been identified as a potential increasing problem to the environment, we have included "phytase", which is a product added to the feed to assist in the breakdown of phosphorous, which, in turn, leads to a lower phosphorous level in the animal's waste.

Manure management. The majority of the content inside manure storage is water. We prefer to have the manure in liquid form, in order to handle it properly and to ensure the contents of the manure storage is being injected into the
spread fields in a controlled fashion.

The hog industry is leading the way in methods of recycling manure. We have taken a product that was perceived to have no value, and have turned it into a cost-saving, rich nutrient. With spring application in our often dry area, we have found to have increased the germination of our crops due to the extra moisture applied through injection which, in turn, helps to obtain higher crop fields in the fall. Most of what we take out of the ground is returned to the soil, and the process continues.

Our farm abides by the Manitoba Provincial Manure and Mortalities Regulations. We utilize professional manure management services to assist us in filing of our Manure Management Plan. The Manure Management Plan is designed and regulated by the Province, in order to properly monitor manure application. The plan includes many regulations, such as setbacks from water bodies and water courses, maximum application rates for a specific crop that is intended to be grown, and a summary of total product applied and its economic benefit to the farmer.
To properly complete a Manure Management Plan, we must first perform soil tests on all land where manure is intended to be applied. We must submit multiple manure analysis tests showing nitrogen and phosphorous levels. These tests are utilized, in order to determine an application rate suitable for the land and plant use. Our manure management and application costs exceed $273,000 annually.

Soil quality. Our farm has been doing soil tests for over 25 years, in order to apply soil nutrients at proper levels. Through these tests, we have found our land to be phosphorous deficient. We consistently need to apply nitrogen and phosphorous at controlled rates in order to grow a suitable crop.

Through soil testing, we have also discovered other benefit of applying manure to the land. Much of our land has a low organic matter. On land where we have applied manure for a number of years, we have seen increases to organic matter levels which, in turn, leads to increased productivity. Not only is it rich in nitrogen and phosphorous, but also contains vital nutrients, such as potassium, sodium and calcium. All of
these nutrients are required for producing a high
grade crop.

The use of manure eliminates the use
of synthetic fertilizers which, in turn, saves our
grain operation thousands of dollars in
fertilizing costs. We own a majority of the land
on which we apply manure and do not want to
jeopardize it in any way. When applying the
manure to the spread fields, we use a GPS guidance
system to minimize overlap and to maintain
consistency in application.

Quality of water and supply. One of
our greatest concerns is water. We take every
precaution to ensure that there is no
contamination of surface and groundwater. We
prefer to use manure as fertilizer because of its
ability to adhere with the soil.

We believe that regulations applied by
the government to the hog industry ensure that
every possible measure is taken to protect our
ground and surface water quality. We further
believe that the Manitoba government should be as
concerned with the practices of waste disposal
from our cities, and other large populations which
reside near waterways, to ensure our lakes and
waterways are not being polluted. The Manitoba hog industry is only one of the many sources contributing to the phosphorous levels in Lake Winnipeg. We have come to understand that the hog industry is responsible for only 1 percent to 1.5 percent of the phosphorous loading in Lake Winnipeg, but is the only industry that the government has targeted. This is unfair, and it is hurting farmers and other agri-businesses.

The public now has the perception that the hog industry is the main contributing factor; when, in fact, there are many large and small offenders, and no action appears to be taken against them this. That perception was confirmed in a recent issue of a popular farm paper, in the opinion section, and the quote stated:

"We do have a problem in Manitoba. Otherwise, why would we have a moratorium on further construction of factory hog facilities?"

Odour. The hog industry is not much different than any other livestock industry when it comes to odour issues. There are times when the odour from one type of operation may be stronger than
another, but at all times we are aware of this and attempt to be good neighbours. During the winter months, the manure storage is frozen over, which greatly reduces odour. And in order to decrease odour during the summer months, we cover the manure storage with a layer of straw. In addition, we plant a shelterbelt of trees around our barn sites. At all times, we follow the Conditional Use Permit requirements. The industry continues to research this issue, and we are confident that odour will be reduced in the future.

Bio-security and disease transmission. Our hog operation follows exceedingly strict guidelines when it comes to protecting against disease in our animals. Our veterinarians closely monitor the health status of our animals, and we apply any recommendations that they might have. And we ensure, when hauling our own pigs, that the transport equipment gets a complete daily wash to help prevent the possible transfer of bio-hazards.

All of our farm sites follow the C.Q.A., which is the Canadian Quality Assurance Program. This is an on-farm food safety program, based on an internationally-recognized, effective
food safety control system known as HACCP, which stands for Hazard Analysis Critical Control Point. C.Q.A. has been developed and maintained by the Canadian Pork Council, and is formally recognized by the Canadian Food Inspection Agency, CFIA, as a technically sound food safety program.

Climate change. Global warming is a problem that involves everyone, not just pig farmers. We are concerned about the effects of global warming and attempt to take the steps necessary and able to minimize pollution.

Conclusion. The industry is extremely important to us and our community. As residents of Manitoba, we rely on our government to make decisions based on scientific facts and common sense. In our opinion, to put a "pause" on an entire industry in order to gather information is clearly not common sense. It appears that there may be a larger underlying problem that is being blamed on the hog industry. The spin-off effects of implementing a moratorium on the industry is clearly negative. The public is being mislead on how the industry operates.

The application process for permitting a facility must change. Municipal Councils can
now turn down a proposal without giving valid reasons, and the proponent has no chance of an appeal. An appeal process should be available to hear a case at a higher level and allow Municipal Councils relief to not have to be both judge and jury and often have to "pick sides" for or against a neighbour. Municipal Councils are often not experts, and do not have the expertise, or the desire, to properly make these sometimes very difficult situations.

Manitoba livestock regulations are among the strictest in North America. Regulations change so often, that it is hard to measure the progress of any regulations that are currently in place. And the more regulations that are introduced, the higher the cost. And as a result, the operations must become larger in order to be a success.

Thank you for your time. And we wish you the best in your difficult task.

THE CHAIRMAN: Thank you very much, Mr. Penner. You said you have 6,000 sows. Is this a farrow operation?

MR. PENNER: That would be our total. Like, that's our total sows.
MR. L. PENNER: Total sow base, they are on different sites, but there is 6,000 sows.

THE CHAIRMAN: Are these all farrow sows or finishing?

MR. L. PENNER: No, the sows are farrowing.

THE CHAIRMAN: So you have 6,000 farrowing sows?

MR. L. PENNER: Yes. And then we will finish half of that production to market.

THE CHAIRMAN: And so how many pigs, then, goes through your operation in an average year?

MR. L. PENNER: 140,000.

THE CHAIRMAN: 140,000?

MR. L. PENNER: Yes.

THE CHAIRMAN: Okay. Thank you. And are there many other -- how many sites do you have?

MR. L. PENNER: Six.

THE CHAIRMAN: Six sites, for the record. And are there other hog farmers in the area of your community?

MR. PENNER: Yes.

THE CHAIRMAN: How many, more or less?
Are they big operations?

MR. OSTROMAN: There is two other than us, you know, the Hutterites.

THE CHAIRMAN: What I am looking at is you talked about the benefits to your community. So you are not the only ones that are benefitting your community?

MR. PENNER: Yes.

THE CHAIRMAN: Edwin?

MR. YEE: Yes. Just a few questions, Mr. Penner. You mentioned the size of your operation. And how much spread field size do you have? Do you have sufficient spread fields on your farm?

MR. PENNER: I will direct that question to Lawrence.

MR. L. PENNER: According to the regulations, we have sufficient spread acres. Some of it is neighbouring farmers that have signed on to a manure agreement.

THE CHAIRMAN: Okay. Are you getting that?

MR. YEE: And so you have sufficient spread fields, for the record. And some of those spread fields are on other farms that you have
agreements with?

MR. L. PENNER: Right.

MR. YEE: In terms of manure application, you mentioned that you were injecting the manure. Do you do it yourself or do you have a professional?

MR. PENNER: We hire a professional outside firm to do it.

MR. YEE: And do they utilize GPS and new technologies and those sorts of things?

MR. PENNER: Yes.

MR. YEE: And just for clarification, again, you mentioned that you performed soil testing. How frequently do you perform the soil testing?

MR. L. PENNER: Twice a year.

THE CHAIRMAN: Twice a year?

MR. PENNER: Twice a year.

MR. YEE: And you mentioned, in terms of meeting all of the requirements, you also meet the requirements of your Conditional Use Permit. Is there a lot of onerous requirements, in terms of the conditional use, or do you find them onerous, or what's your comment on the Conditional Use Permit?
THE CHAIRMAN: Could you come to the microphone, please.

MR. L. PENNER: There are conditional use sections that are sometimes difficult to deal with. But as a rule, no, we can abide by them quite easily.

THE CHAIRMAN: What, in particular, would be the more difficult ones?

MR. L. PENNER: Well, when we have to control the odour, that is probably the most difficult to control.

MR. YEE: Thank you.

THE CHAIRMAN: Wayne?

MR. MOTHERAL: Thank you, Mr. Chairman. Sometimes my mind wanders, and it's scary.

When I hear your presentation, and the one previous, it reminds me of one time I sang at a music festival, and it was contrasting numbers. And I sang Ava Maria and then I yodeled. And I feel as though these two presentations are similar to that.

When you said an appeal process, of course, in the new Planning Act, municipalities don't have to be answerable. They can say no,
even if everything is complied with. Do you feel
as though -- do you feel strongly, at all, that
that should not be the case? And if they didn't
have -- if you had an appeal process, should it be
by another body?

MR. PENNER: I think it should be by
an outside body. Like, because what it's doing is
it is pitting one neighbour against the other,
like.

MR. MOTHERAL: Well, I realize that.
I know that.

MR. PENNER: Yes.

MR. MOTHERAL: That's why your
councillors get paid the big dollars.

MR. PENNER: Right.

MR. MOTHERAL: What municipality is
that, Pipestone or Wallace?

MR. PENNER: Wallace.

MR. MOTHERAL: It's Wallace.

MR. PENNER: And Pipestone, I guess,
as well.

MR. MOTHERAL: You've got barns in
both?

MR. PENNER: Yes.

MR. MOTHERAL: Okay. And then there
is another question for me. For the development plans -- for your development permit, in the different municipalities, was one more -- were they in compliance with each other? Was it more difficult in one municipality than it was in the other to get your development permit?

MR. L. PENNER: Yes. In Wallace it was more difficult because they had -- they have a form of conditional use or a form of planning. And in Pipestone, the planning district was not assembled, and they were easier to get a development permit.

MR. MOTHERAL: And was there -- what about was there any concerns in the neighbouring province?

MR. L. PENNER: In the neighbouring province?

MR. MOTHERAL: In Saskatchewan?

THE CHAIRMAN: You said your land was very close to the border.

MR. L. PENNER: Oh, I am not aware of any concerns in their province.

THE CHAIRMAN: Do you have any hog operations on the Saskatchewan side?

MR. L. PENNER: No, we don't.
THE CHAIRMAN: Okay. Just one final question. You described it as a family farm. Is the whole operation owned by members of your family?

MR. L. PENNER: Yes, it is.

THE CHAIRMAN: Thank you very much. Thank you for your presentation today.

Irene Cousins. Could you please state your name for the record?

MS. COUSINS: Irene Cousins.

IRENE COUSINS, having been sworn, presents as follows:

MS. COUSINS: Mr. Chairman, fellow Manitobans. I commend and applaud all of the work that has been done in documenting reports, filing statistics and recommendations, in response to the many concerns of Manitobans regarding the present and future impact of intensive hog operations on our communities and on our future.

I appreciate the opportunity to voice my concern today.

My name is Irene Cousins. I live in the municipality of Wallace, on the northwest quarter of 28-11-29; which, unfortunately, is situated between two large hog operations.
I have not come to dispute or debate, but as a concerned grandmother and great-grandmother, to implore the stakeholders of the hog industry to carefully consider their decisions regarding building and maintaining huge intensive operations. Those decisions may hinge on profit-making versus irreparable damage to our water supply.

When confronted with a decision that may have an impact on another, I try to put myself in his shoes, and look at from his point of view, which led to an incident that I would like to relate.

A number of summers ago, we were looking forward to visitors from the industrial City of Huddersfield, England, and were anxious that they should have a few weeks of relaxation on our farm in "Friendly Manitoba".

My husband and I had spent mega hours getting the yard and garden looking its best. We were just finishing up when, all of a sudden, this horrible, indescribable smell invaded us, carried along by the northwest wind.

I thought about the kind of reception that our visitors were going to encounter. So I
decided that I would go to the colony and ask in
the "person in charge" to come to our place and
experience the intensity of the odour in our yard.
I got in the truck and drove there, and was
directed to a man's home, where he met me on the
doorstep.
I remember that I politely asked him
if he would please come over to our place to
understand what we were experiencing. He said
that he didn't need to come. He knew what it was
like. And he added:
"The ditches are full and the sloughs
are full and you are the only one that
complains."
That was it, that was the end of the discussion.
There was no attempt, on his part, to either
listen or to explain. And it was a fact that the
roadside ditches were full of liquid manure, but I
never went and looked at the sloughs.
I was upset by his attitude, and
disappointed that it would now be impossible to
give our visitors a royal Manitoba welcome because
of the circumstances.
Odour from the hog barns still
interferes with our planned summer activities.
Barbecues sometimes have to be cancelled. Evenings are not as pleasant as they once were. If the wind blows from the northwest, it affects us, and a south wind blows the smell from Boundary Lane Hog Enterprise. And, by the way, there is bluffs in between us. The trees don't make any difference. It is impossible to enjoy the outdoors because of the odour. And often, at night, we are forced to sleep with the windows closed. It is annoying, especially if the day has been hot and sultry, and you are looking forward to a cool night breeze coming in the window, and suddenly the aroma of pigs fills the air.

It's times like this that I get up, close all the windows and realize that I cannot do a thing about it, so I might as well accept it the way it is, and that is the reality!

Is there a reason why intensive hog operations are not being located and developed on some of the marginal land in Manitoba where there are no residences? I realize that transportation and accessibility to market might pose a problem, but I'm sure that the difficulties could be overcome.

From past observation, I've noticed
that where there is a will, a way can be found.

Prior to the establishment of the hog barn on 16-11-29, the builders were forewarned by neighbours that there was a severe shortage of water in the area. The barn proceeded to be built and then filled with pigs, and water was hauled from the Village of Elkhorn. And when -- this is not on my presentation. But when the roads came up today, I thought of our road and what goes on because of all of the trucks that are hauling water.

It is my humble opinion that forward-looking management practices could alleviate some of the controversy that now exists regarding intensive hog operations. And as an example, I will refer to an incident which occurred November 7, 2003, when liquid manure was spread on section 3-12-29, after the ground was frozen.

Now, as a farmer, I can understand the dilemma. The manure was in the pit, and the field hadn't been spread yet. The decision was made to go ahead and spread the manure, despite the rule that stated no spreading of liquid manure after the ground was frozen. And, as I said, I
understand the dilemma, but I don't condone the
decision. Could better management have avoided
the resulting conflict?

The chart on page 37 of, "An
Examination of the Environmental Sustainability of
the Hog Industry in Manitoba," shows the
prosecutions, warnings and orders of enforcements.
There seems to have been a large number of
warnings. And I ask you these three questions:
Do these warnings often go unheeded? What is the
incidence of repeat offenders? And is there
evidence of a disregard for the rules?

I believe that it's everybody's right
to a decent living, unless it is at the expense of
others. And can the hog industry survive and
thrive in Manitoba without having a negative
impact on our environment and the health and
opportunities of future generations? There is
technology available to help safeguard a workable
solution. And the decisions that are made now
will impact not only on those of us living here at
the present time, but even more on the lives of
future generations who choose Manitoba as their
home.

And it seems to me that the conflict
over the hog barn issue is not so much different
than the conflict that exists all over the world
when people, who are interested in power and
control, forget to love their neighbour.

Is it a realistic expectation to hope
that those interested primarily in making money
are either going to recognize or take into
consideration the adverse effect an intensive hog
operation can have on the health and well-being of
a community? Thank you.

THE CHAIRMAN: Thank you, Ms. Cousins.

Wayne?

MR. MOTHERAL: I did have one
question. Oh, yeah. Ms. Cousins, when you talked
about the operation with the water being hauled
from the Village of Elkhorn, is that still being
done?

MS. COUSINS: Just until recently. I
think that they have got a new system of water
coming from the Assiniboine. Pete Watt could tell
you more about that than I can.

MR. MOTHERAL: That is fine if it's no
longer happening, the hauling of water?

MS. COUSINS: No. It did for many
years. And those of us in the district knew that
there was no water supply there.

MR. MOTHERAL: I think that's the only question that I had. There are other things I could comment on, and I could speak to you afterwards about, but nothing from this report right now.

MS. COUSINS: Anybody else?

MR. YEE: Yes. I just had a couple of points, Ms. Cousins. I guess, with the water -- I will just ask you the question, I realize it may not be happening right now, but when they were hauling water, was there a large amount of water up and down those roads?

MS. COUSINS: Yes, they hauled water many times a day. And, you know, I tried not to get upset about these kinds of things. I didn't keep track of it. But, no, they were going and coming all the time. You see, we have two colonies. And both Plain View and Border Lane were hauling water from Elkhorn. Like, Elkhorn used to have a water tank for the train. And they have got a really good source of water. And the water was being continually hauled. Well, that has been remedied.

MR. YEE: And did you notice
significant damage to the roads as a result of the hauling?

MS. COUSINS: Oh, definitely, oh, yeah.

MR. MOTHERAL: Was that a common practice with everybody at that time?

MS. COUSINS: Hauling water?

MR. MOTHERAL: They were hauling water?

MS. COUSINS: A great many did haul water. We spent many years trying to find a good water source. And, finally, going back, we found an old log from 1911 that indicated that there might be water in a place, and then we finally found water. I mean, it is an area that it is difficult.

MR. MOTHERAL: There are several areas in Manitoba that are that way.

MS. COUSINS: Yes. Well, it is surprising because, just to the east, it isn't like that, you know.

THE CHAIRMAN: Thank you very much.

MS. COUSINS: Thank you.

THE CHAIRMAN: Okay. Next is Dean Gurney. Would you state your name for the record,
please?

MR. GURNEY: Dean Gurney.

DEAN GURNEY, having been sworn, presents as follows:

THE CHAIRMAN: Go ahead, please.

MR. GURNEY: Good afternoon. My name is Dean Gurney. I am the Environmental Manager for The Puratone Corporation. My position requires me to inspect, monitor, audit and report on Puratone's Environmental Management System, which we call EMS. During my presentation, I will outline some of the procedures and programs that the Puratone Corporation has taken to monitor their environmental sustainability. But first I would like to give you a bit of a background of the Puratone Corporation.

Puratone was established in 1973 as Niverville Feed and Farm Supply Ltd., and began contracting pig production in 1982. We began partnership farming in the early 1990s, and today we produce over one million pigs annually.

The 360 employees are based in communities in and around southern Manitoba. Our corporate office is located in Niverville, Manitoba. We have farms in 18 rural
municipalities around the province and are proud to help fund projects in those communities to benefit the local residents. Our feed mills are located in Niverville, Winkler, Arborg and Bassano, Alberta, and produce high quality commercial swine and poultry feed.

The backbone of our Environmental Management System is our ISO 14001 certification. ISO, which is The International Organization for Standardization, based in Geneva, Switzerland, is a worldwide federation of national standards institutes of some 157 countries. To obtain ISO certification, a company must meet a thorough and broad set of requirements and criteria developed by more than 2,000 experts worldwide. The certification process is conducted by an accredited third-party auditor and ensures that anyone receiving certification has mechanisms in place to ensure environmental stewardship. The Puratone Corporation is externally audited by the Canadian General Standards Board. The Canadian General Standards Board is one of the largest standards development and conformity assessment organizations in Canada. The Canadian General Standards Board is accredited by the Standards
Council of Canada to assess and register environmental management systems for conformance to the ISO commitment of sustainable development. Since sustainable development itself is a social-economic-technical dynamic, rather than a scientific blueprint, environmental health and ISO 14001 standard is inherently about ecosystem integrity, environmental health and social assurance. An ISO designation attests that an operation complies with regulatory requirements, has appropriate management systems in place to prevent pollution, and has demonstrated a management commitment to continuous improvement, and to open communication.

Although the size and needs of two ISO 14001 registered organizations could be quite different, their EMS would contain seven common elements.

1. Process to define, communicate, and modify an environmental policy.

2. A formal planning, implementation and review process to determine environmental aspects, to set environmental goals and to initiate programs.

3. Systems of operational control to
ensure compliance with all legal, regulatory and corporate requirements, assess the progress and results of environmental programs, and take corrective action.

4. An appropriate training and evaluation system to ensure that staff is aware of the environmental policy of the organization, understands the environmental impact of their activities and trained in procedures, processes and equipment that minimize environmental risks.

5. A system to prepare for and respond to foreseeable emergencies.

6. A system for internal and external communication.

7. A system to document the performance and audit the effectiveness of the EMS.

And the first common element of our Environmental Management System is:

Process to define, communicate, and modify an environmental policy.

The Puratone Corporation defined an Environmental Policy in 2003.

On an annual basis, the Environmental Manager, Executive Management Committee and the
Board of Directors will review the Environmental Policy for its suitability, and scope, and will change the policy if it is deemed necessary.

The Puratone Corporation's Environmental Policy is explained and communicated to all employees via the monthly new employee orientation. The Policy is also located in the EMS and posted in company and facility lunch rooms. TPC's Environmental Policy is also available on our company website at www.puratone.com.

And I would like to read off the five key points of TPC's Environmental Policy.

Specifically, The Puratone Corporation will:

1. Comply with all environmental legislation and regulation and other requirements to which the organization subscribes which relates to its environmental aspects.

2. Work to continuously improve its facilities and management practice with respect to pollution prevention and community relations.

3. Address honestly and respectfully the concerns of our workers, neighbours and the wider community as to the environmental impact of
our operations.

4. Review the environmental outcomes and progress towards environmental goals on a monthly basis and, once a year; formally adopt an environmental management plan.

5. Communicate to all persons working for, or on behalf of the organization, outcomes and goals to all employees and to the wider community.

The second common element is:

A formal planning, implementation, and review process to determine environmental aspects to set environmental goals and to initiate programs.

Environmental Aspects - are elements of an operation which interacts with the natural or human environment. TPC's aspects have been identified using the definitions of "pollutant" and "waste" as defined the Manitoba Environment Act. TPC's aspects are listed, along with their potential impact, in the EMS. The significant aspects can also be seen on our website.

On a bi-annual basis, the Environmental Manager, Executive Management Committee, Farm Managers, Office Managers and Mill Managers assess the overall TPC environmental
aspects as well as the site specific aspects, environmental programs and goals to determine if changes/additions/deletions need to be made.

I would like to briefly overview four of the environmental programs that TPC has adopted.

Manure Management. Manure Management Plans are completed by Professional Agrologists, in accordance with provincial regulation and registered with Manitoba Conservation. And our goals are to maximize the use of manure as a nutrient source for crops and to minimize the risk of soil, ground and surface water pollution.

Odour Management. Our pits are pulled Monday to Friday. Our manure storage are covered with barley straw. Our mortalities are promptly disposed of and/or cooling. Our manure application is injected to crop fields where feasible.

Manure Removal Procedure. We have a procedure to ensure that manure removal is accomplished while maintaining the structural and environmental integrity of the manure storage.

Manure Applicator Training. All manure application crews must attend a training session to discuss environmentally sustainable
manure removal and application procedures.

The third common element is:

Systems of operational control to ensure compliance with all legal, regulatory and corporate requirements, assess the progress and results of environmental programs, and take corrective action.

On a monthly basis, all farm managers complete and submit a four page environmental checklist to the Environmental Manager to ensure compliance with regulations and corporate requirements.

Checklists are thoroughly reviewed. And any non-conformances that are identified are required to be corrected immediately.

Failure to comply with timely submission of the monthly checklist will result in termination of employment.

On a monthly basis, an Environment Report is prepared by the Environmental Manager that compiles all of the monthly farm reports, current environmental issues, manure application, and ISO/EMS information, and it is submitted to each Executive Management Committee member for their review and comments. The report is then
addressed at the next Executive Management Committee meeting. On a quarterly basis, the Environmental Manager provides the EMC with site-specific corrective and preventative actions for review.

The fourth common element is:

An appropriate training and evaluation system to ensure that staff is aware of the environmental policy of the organization, understands the environmental impact of their activities and trained in procedures, processes and equipment that minimize environmental risks.

The third Wednesday of every month, a training orientation is provided for all new staff or a variety of issues. During that orientation, the Environmental Manager delivers the EMS training, making new staff aware of the role that they play in ensuring the environmental standards of TPC are upheld. The EMS goes through constant revisions and staff is kept up to date on all changes that occur through a variety of media. On-site staff undergo training and follow a set of standard operating procedures which provide the training necessary to properly and safely handle and use the equipment.
The fifth common element is:

A system to prepare for and respond to foreseeable emergencies. Emergency response plans have been established and are in use at our operations. Response plans for fire chemical spill and manure spill have been posted at strategic locations throughout our facilities. These emergency response plans are also detailed in our EMS.

The sixth common element is:

A system for internal and external communication.

All environmental calls that are received are forwarded to the Environmental Manager.

External complaints that are received by on-farm employees must be forwarded to the Environmental Manager in order to be addressed.

External communication on the EMS is done primarily through TPC's website.

Internal communication uses numerous media sources, including e-mail, site visits, newsletters, calendars, skits and meetings.

And the seventh and final common element is:

A system to document the performance and audit the effectiveness of the EMS.
Along with the monthly environmental checks that are performed by the farm managers, annual internal audits are conducted of each site to determine the effectiveness of the EMS.

A document/record matrix has been established to determine the responsibility, location and retention time for all of the EMS related documentation.

And an annual external audit of the entire EMS system is performed by the Canadian General Standards Board.

The scope of the ISO 14001 EMS for TPC includes wholly owned hog operations, feed mills, a truck wash and offices. Yet the protocols, procedures and documentation are mandatory at all of our managed facilities.

Puratone gladly accepts our role as an environmental steward and the accountability that comes along with it. We believe in being proactive and are committed to ensuring that we do all we can to protect the valuable natural resources that this province treasures.

And so for some more information about The Puratone Corporation, visit our website at www.puratone.com. And for more information about
the ISO 14001, visit www.iso.org. And for more information about the Canadian General Standards Board, visit their website at www.pwgsc.gc.ca/cgsb/home/index-e.html.

And thank you for allowing The Puratone Corporation this opportunity to make this presentation to you.

THE CHAIRMAN: Thank you, Mr. Gurney.

Edwin, do you have any questions?

MR. YEE: Yes, just a few questions for clarification. For all of the different farms that you work with, in regards to their manure and nutrient needs, do you look at all the different tests that comes from those farms and what the numbers are saying?

MR. GURNEY: Yes, we scrutinize all of the soil testing, the manure application rates, et cetera, at the end of every year to assess how each area of the province, in each one of our farms, are doing.

MR. YEE: Do you find a lot of variance in terms of -- because realizing where these operations are located, some of these operations have different soil variations. And do you find it harder for some farms to meet
compliance than in others?

MR. GURNEY: There are some areas that are a little more of a challenge, definitely. But overall, we're doing all right.

MR. YEE: And I've also noticed under your Environmental Policy, statement number 3:

"Address honestly and respectfully the concerns of our workers, neighbours in the wider community."

Have you had many complaints from any of your operations from neighbours, as we've heard earlier on this afternoon?

MR. GURNEY: We've had a few. Not many, but there have been a few, and they are mainly odour issues.

MR. YEE: And how does Puratone address the odour issues?

MR. GURNEY: Well, we hope to solve it and get a communication going between the land owner. If it's an odour issue coming from the manure storage, we can look at covering the manure storage with straw. We're currently working with a company called AGCERT dealing with climate change and greenhouse gas emissions. And we're working with them and potentially looking at
putting covers on some of our lagoons, synthetic covers on some of our lagoons, so we are looking at those issues as well.

MR. YEE: And, I guess, I am really looking at the perspective that it's important, especially for the industries, really how they are observed by the general public. If you respond right away to complaints, it's important to do that. And I am just wondering how it was done, so I am glad to hear that if you get a complaint you respond.

MR. GURNEY: Generally we do it as soon as we can. And because, you know, we are spaced out quite a bit in the province, if I get a complaint, I can honestly say that I do try to make it out there that today, if it's a serious complaint from a neighbour.

MR. YEE: Thank you.

THE CHAIRMAN: Wayne?

MR. MOTHERAL: Yes. I have just got one question, Mr. Gurney. In your one million hogs that you have in the province, and obviously I can see the majority are in eastern Manitoba, when I look at the municipalities, I see Pembina, Louise, Turtle Mountain. Those are the only three
that I can think that are leaning towards the west.

MR. GURNEY: Yes.

MR. MOTHERAL: And is there any future -- is your emphasis going to be in western Manitoba?

MR. GURNEY: I don't think I could answer that.

MR. MOTHERAL: Okay.

MR. GURNEY: But not that I'm aware of.

MR. MOTHERAL: I am just saying that because of the concentration in the east and possibly a company looking at more opportunities in the west.

MR. GURNEY: Yes.

THE CHAIRMAN: And what is this other document that you gave us?

MR. GURNEY: Sorry, I provided you with the environmental management system, the entire document, which is what I was speaking of today.

THE CHAIRMAN: Thank you very much for coming out here today.

MR. GURNEY: Thank you.
THE CHAIRMAN: And that brings us to the end of the afternoon sessions, so we will break now. We will resume at 7:00. And so far, we have one person who has indicated that he wants to make a presentation after supper. We will be back here at 7:00.

(PROCEEDING RECESSSED AT 5:15 P.M. AND RECONVENED AT 7:05 P.M.)

THE CHAIRMAN: Okay. We will come back to order. We have one presenter registered for this evening. Mr. Heaman. Could you introduce yourself for the record and then the secretary will administer the oath?

MR. HEAMAN: My name is Vince Heaman. I farm in the area, and I'm the Reeve for the R.M. of Wallace.

VINCE HEAMAN, having been sworn, presents as follows:

THE CHAIRMAN: Go ahead, sir.

MR. HEAMAN: Okay. Thank you very much for the opportunity to speak to you. I won't be very long.

For an agriculture and a rural community to prosper and survive, we have to diversify and add value to our products. And you
may also, as a farmer, have to intensify.

I myself am a cattle producer, and do not want to see what happened to the cattle industry happen to the hog industry. We do not want to chase the slaughterhouse businesses away from this province, because if we do, they will not come back. There would be a major cost to rural Manitoba if we did. And, ultimately, this would injure urban communities financially, as well.

The hog industry brings jobs, more tax dollars, more investors and brings us many new businesses.

In our local community, the hog industry has done all of these things, plus it has brought to our community a younger group of people, with young families and more kids in the schools. And it has increased the population of our community and has helped support local urban centers as well.

For example, in this -- statistically, in the area of Kola, they used to have 22 students in the school. Because of this population increase, we now have 60 some students in that school as a result of the pork industry. And the
problem they have is that we don't have enough housing, so these people have left our community and gone elsewhere. And so there has actually been a larger growth than that.

As a local politician, I am totally confused by this moratorium that the government has placed on the pork industry. We are told that Intensive Livestock Operations do not distinguish -- or that Intensive Livestock Operations do not distinguish between animal species, and yet the government selects the hog industry with a difference.

The hog industry has abided by the government rules and regulations in our area, and we have done this through conditional uses in the industry. If the conditional uses have located on qualifying land, they have stayed away from streams. They have injected and incorporated their manure properly. And they have located, as well as possible, away from residential status.

This has all been guided by the Manitoba Farm Practice Guidelines for both setbacks from streams and residences, as well as proper manure applications on Manitoba soils.

Through direction from the government,
we are setting up new development plans in our planning districts to deal with zoning and requirements of intensive livestock. And my question, knowing that we are doing that, is: Why is there a moratorium? The rules and regulations that are in place are doing a very good job. What do we need more rules and regulations for? And why is the government playing games with their own rules?

Agriculture producers operate responsibly, as stewards of the land and of the water. We hear stories of human disposal in our river systems. What is being done to stop this, that is the question we have to ask.

The government of this province should be dealing with the facts and not fears, beliefs or perceptions. And where I come from with that is that when we are dealing with conditional uses, we have a lot of presenters, yeah and nay for these projects. And we hear a lot of stories: Well, I read in the paper this story and read in that story, and to us that's not fact. And, I guess, I encourage you people to do the same and not deal with the fears and perceptions that are out there.
People can say anything, but where are the truthful facts behind it? Perhaps what the government of this province should be doing is promoting the hog industry, instead of creating a pause. They could be educating the consumer, instead of accepting the fears, beliefs and perceptions. The government should be a leader in educating the public.

Well, that is my presentation, and I thank you for the time.

THE CHAIRMAN: Thank you, sir. You're the Reeve of Wallace?

MR. HEAMAN: Yes, I am.

THE CHAIRMAN: And there aren't a lot of hog operations in Wallace, but there are some, are there?

MR. HEAMAN: We have either eight or ten. I can't remember exactly. I think we have eight.

THE CHAIRMAN: And most of them are located around Kola?

MR. HEAMAN: All of them, except -- well, basically, they are. There are two a little further north than Kola, but I will say yes to that.
THE CHAIRMAN: And when you talk about the benefits to the community, are you referring to the Rural Municipalities of Kola or Wallace, in general, or Virden?

MR. HEAMAN: I'm referring to Maryfield, Elkhorn, Virden, the R.M. of Wallace, Cramer.

THE CHAIRMAN: All of them?

MR. HEAMAN: All of those.

THE CHAIRMAN: And so all of these communities have benefited from the increased growth in the hog industry or from all agriculture?

MR. HEAMAN: From the hog industry, simply because there has been an influx of younger people bringing families in, you know, encouraging the population in the school, which brings grants into our community through the education system. You know, these people, as they create wages, you know, buy cars, you know, groceries, all of those. So a major center that would prosper there would be Virden.

THE CHAIRMAN: And then has there been a significant growth in the oil industry in recent years? Has any of that affected the population
growth?

MR. HEAMAN: Starting two years ago, yes. The area of Sinclair has had an area explosion. But we have seen this growth prior to that.

THE CHAIRMAN: Okay, thank you. Edwin?

MR. YEE: Yes. Mr. Heaman, you mentioned the need to diversify and add value to your products. You also state: "We may also have to intensify."

Can you elaborate more on what you mean by "intensify"?

MR. HEAMAN: Okay. Well, I, myself, am a farmer. And what I mean by "intensify" is I have to, in my mind, create the cheapest value for my product. For example, I worked as a chemical rep at one time, and I was involved very heavily with the green trade. And we have organic farmers out there that will say: You know, this is the way we want to go, because we don't believe in chemicals. But at the end of the day, you know, by spending $20 and doubling your yield, and taking the cost of that bushel of grain and seeing a $3.50 break-even cost, versus a $5 break-even
cost, it is necessary to intensify to get that lower cost of production.

And when I say that for the livestock industry, it's the same thing. You know, we have to produce larger units. Because when you sell through auction marts or slaughterhouses, you sell by truck loads now, not one animal at a time.

MR. YEE: And in terms of your conditional use hearings, you mentioned, you know, that you get people that are on both sides of the -- you know, in opposition, as well as the proponent. Is there anything you see in your mind, in terms of improving that process, that should be done? And I guess it also includes dealing with the Technical Review Committees. Is there any way of improving that?

MR. HEAMAN: I'm not sure if it would be related to the process itself. I do see a need for policing and enforcement. I don't see anything wrong with the rules that are in place. You know, as a salesman, I have travelled in a lot of countries. I have been in a lot of yards where there is hog operations. And, you know, we here have odour, but I don't see it in all operations. So, therefore, that's not a pig problem, that's a
management issue. And for that reason, I believe that we should be involved in policing and enforcement to try to control that.

I also believe that we should be promoting research. And this is where the government could come in with research to try and make things, you know, better all the time. And with that, you know, we should be accepting new technology. And I also believe that, through the conditional use that, as time goes by, even though you have set a condition, that you should be accepting of new technology at a later date, as well.

MR. YEE: Does your municipality add a lot of conditions to the use permit with respect to the hog industry?

MR. HEAMAN: We follow the guidelines of the province as much as possible. And, you know, we do listen to the concerns of the people. And, of course, if we have some concerns, yes, we will go beyond that duty, from the guidelines and the principles of the province. But as far as setting a lot of conditions, we don't in excess, no.

MR. YEE: And does the municipality
police the compliance with the conditions?

MR. HEAMAN: We have hired an officer in charge of policing in the last two years. And we haven't had a lot of incidents, but we have sent him out to deal with it. We have sent out -- you know, since I have been Reeve, in the last four and a half years, we have dealt with one incident where we gave them the choice of either: You fix the problem or we will shut you down. We are willing to go there.

MR. YEE: Thank you, Mr. Heaman.

THE CHAIRMAN: Do you, as a municipality, have the authority to shut down the hog operation?

MR. HEAMAN: If the conditional use says so, and you don't comply with the conditional use, yes, I think we do.

THE CHAIRMAN: Thank you. Wayne?

MR. MOTHERAL: Thank you. Most of my concerns have been answered. Edwin asked a lot of the things that I was going to.

Just a question to you about the new Municipal Act, or in the Planning Act, the municipalities still have the final say as to whether any development is allowed, I mean any hog
development. We are hearing both sides of that.

And some areas say that, you know, if you set your conditions and all of that, in your development plan, that you should be allowing them. But yet the municipalities have the right to say no and don't even have to be accountable for it. Do you think that is good?

MR. HEAMAN: Well, I guess, as far as a local council body goes, I would think that we would be closer to the situation than what someone else would be not living here. You know, we also have to live in the community with the people that are in the area of conditional use. And so, you know, you try to do your best, within reason, to satisfy the needs of everyone. And so, therefore, I believe that the local jurisdiction should have the most say, you know. And that would be -- you know, I think -- I have no problem with the provincial regulations, the standards, we follow those as a minimum. But as a provincial body, there is nothing stopping us from increasing them, if need be, depending on, you know, the presentations that we hear at these conditional uses.

MR. MOTHERAL: Do you, as a
municipality -- in the new Planning Act, also municipalities have to come up with a livestock operation policy. Is there any changes that you can see would be made as a result of that, especially with the new phosphorous regulations that have come in? I am just curious with your -- what your views are of coming up with this livestock operation policy? I'll let you answer this, and then I will come up with another question.

MR. HEAMAN: I am not sure that I am fully prepared to answer this one.

MR. MOTHERAL: The reason why I am saying this that is a lot of municipalities are reluctant to do anything because of this particular review that's on right now because things may change.

MR. HEAMAN: And we are presently involved in developing a development plan. And, you know, we were hoping to have it done last fall, but we have had some delays. So, as a result, yes, we will be influenced by these hearings. We are fully aware of some of the provincial guidelines that have been coming out, and are prepared to go there through our
development plan, because we are not in the final
stages at this point in time. So I guess,
basically, to answer your question: Yes, we are
aware of that, and yes, we are willing to deal
with that.

MR. MOTHERAL: And just one more
comment. I know there is a lot of people that get
information from papers. It's safe to say that
our review will not be based on information coming
from the newspapers.

MR. HEAMAN: I am very glad to hear
that.

THE CHAIRMAN: Anything else?

MR. HEAMAN: I guess this is a little
off topic, but when I was a chemical rep, and you
deal with perceptions, we had a meeting to tell
people, you know, about the benefits of the
chemistry versus the negatives. And we invited
people out to a meal one time. And there was a
zero visibility storm, and so we provided booze at
that meeting. And we had an individual come to
that meeting that ate as much as he could, chain
smoked in one hand and had a beer in the other
hand. And he drove in that zero visibility storm.
And he told us chemicals are killing the world.
And when you ask the insurance companies about what are the highest risks in the world: Eating, cigarettes, travelling in a car during a storm, and booze are the four leading killers on a percentage basis. And so that just comes down to people's perception. And so I do hope that you listen to the facts in this round of hearings.

THE CHAIRMAN: Anything else?

MR. MOTHERAL: No, that's all, thank you.

THE CHAIRMAN: Thank you very much, Mr. Heaman.

MR. HEAMAN: Thank you very much for this opportunity.

THE CHAIRMAN: Anybody else? Well, just about everybody else in the room has already made a presentation. No other presenters this evening?

Well, thank you all very much. Those of you who were here this afternoon who made presentations, thank you for doing that. And thank you for coming out to hear us.

And we are resuming again tomorrow afternoon at 1:00 in Hamiota. And on Wednesday
and Thursday morning in Brandon. Thank you very much. Good evening.

(PROCEEDINGS ADJOURNED AT 7:25)
CERTIFICATE

I, LISA REID, Court Reporter, in the Province of Manitoba, do hereby certify the foregoing pages are a true and correct transcript of my Stenotype notes as taken by me at the time and place hereinbefore stated.

Lisa Reid