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
Upon commencing at 1:02 p.m.

THE CHAIRMAN: Good afternoon, ladies and gentlemen. Welcome to our second last day of hearings, after a couple of months of traveling around Southern Manitoba.

My name is Terry Sargeant, I'm the chair of the Manitoba Clean Environment Commission. I'm also the chair of this panel. With me on the panel are Edwin Yee and Wayne Motheral.

Now, I have a few openings comments, and I apologize to those who have sat in before and heard these before. 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 plans or 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. This will be by means of public meetings in the various regions of the province. We have also been asked to take into account efforts under way in other jurisdictions to manage hog production in a sustainable manner. Further, we are to review the contents of the 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 the environmental sustainability of hog production in this province.

To ensure that our review includes issues of importance to all Manitobans, the panel has undertaken to hold 17 days of hearings in 14 communities throughout the agricultural sector of the province. These meetings started in early March and will conclude on Friday, the 27th, in Winnipeg.

It is open, at these meetings 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 made be made where a presenter needs more time, provided that arrangements have been made prior to the meeting. All those making presentations will be asked to take an oath promising to tell the truth. Presentations should be relative to the mandate given the Commission by the Minister and to the issues described in the guide to public participation in this review.

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

In addition to the meetings, the CEC is engaging consultants to assist us in the review. The results of those research endeavors will be posted on our website upon receipt. For the most part, that will be in late June. Parties or individuals will be invited to provide comment on any of those reports, if they so wish. A reasonable, but 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 at the back of the room.
The deadline for such submissions is May 7th.

As well, we realize that many people
are reluctant to make presentations in public, for
a number of reasons. To address that we have
engaged a student from the University of Manitoba
to meet with or to talk on the phone with persons
who would rather not speak at public meetings.
These conversations will be kept in confidence.
Information as to how to contact this person is
available on our website, as well as at the back
of the room.

Some administrative matters. As is
our normal practice, we are recording these
sessions. Transcripts will be available on line
in a day or so. You can find the link from our
website.

In respect of cell phones, I would ask
that you turn them off, or at least turn the ring
tone off. If you must take a call, I would ask
that you leave the room. I would also ask that
there be no conversations in the audience while
people are making presentations.

Finally, I would note that we have a
full schedule today, so I'm going to be very tight
on the time allowed. Some people have been given
the usual 15 minutes slot, others have requested
30 minutes. I'm going to be pretty tight on
enforcing those times today because we have no
room to make up for extended presentations.
The first presenter on the agenda is
Matt Adema. Is Matt here?
Well, the next person on the agenda is
Ed Kleinsasser. I know he is here because we have
a paper from him. Would you come up to the table
at the front, please, sir?
ED KLEINSASSER, having first been sworn, presented
as follows:
THE CHAIRMAN: Go ahead, sir.
MR. KLEINSASSER: Good afternoon. My
name is Ed Kleinsasser, I'm a member of Sunnyside
Colony which is located about 20 kilometres
southeast of here. I am in charge of the egg
laying hens and the pullets. We have roughly
16,600 laying hens and raise 66,000 pullets
annually.
I would like to say thank you to the
CEC for the opportunity to make a presentation
this afternoon, but you may wonder why a poultry
producer would want to make a presentation at these hearings? I feel that any regulations that are adopted for the hog industry will affect all of animal agriculture.

I would like to take a few moments to tell our story of how we retooled our layer and pullet operations to be more environmentally sustainable. In late 2005, we started to look at retooing our pullet facilities, and after that the layer facility. After much discussion and planning, we decided to build a new pullet facility and a manure storage building, and retool the layer barn when the pullet facility was finished. In late 2006, we applied to the Rural Portage Municipal Council for a permit to build a pullet barn, and then to Manitoba Conservation for the manure storage building permit. After a hearing, a conditional permit was issued to build a pullet barn. The manure storage building process was a lot longer and involved hiring an engineering firm, appointing a person on site to do our environmental farm plan, filing manure management plans, and to make sure that we were complying with all conditions in effect at that time.
We wanted to do our part to help protect our water in Manitoba and are aware of the importance of the environmental protection and wanted to operate our poultry operations accordingly. The system we decided to go with was a dry manure system with manure belts under the birds for the droppings to drop on to. Those belts then take the manure to the end of the barn where a cross belt takes the manure to the manure storage building, which is separate from the barns. We considered the dry manure system far superior and more environmentally sustainable than the liquid systems which we were operating at the time.

We finished the pullet barn in the late fall of 2005, and installed the equipment in early winter of 2006, and housed the first chicks in early 2006. We still didn't have the manure storage building built, as the process took much longer than we had anticipated, so we left it until the next spring. We got it erected the next spring, and by mid summer in 2006 got Manitoba Conservation's approval to store manure in it.

Last fall in 2006, we retooled the layer barn to the same manure management system as
the pullet barn. Now both barns have the same
manure management system and share the same manure
storage building.

We went to this dry manure system to
do our part to help protect the waters of
Manitoba. We are aware of the importance of
environmental protection and operate our layer and
pullet operations accordingly. We are concerned
about the health of land and water. We made these
decisions about our poultry operation in the
context of today, as well as planning for the
future, for future generations. We have made
these improvements. As before, we were running a
liquid manure system where a lot of water was
added to the manure. Pits had to be emptied and
the manure spread every six weeks, regardless if
it was summer or winter, dry or wet, or nice or
stormy weather. Now with the dry manure system,
the manure is stored for a year or longer, no
water is added, and the manure is a lot friendlier
to the environment.

We also use considerably more
resources to retool our layer and pullet
operations than we would have by just retooling
the cages and leaving the manure systems as they
were.

We are aware of animal care and follow the code of practice guidelines and participate in on-farm food safety programs. Also being under the umbrella of the Manitoba Egg Producers allows effective communication to producers regarding important issues, changes, and strategic planning for the industry.

We utilize manure as a valuable fertilizer and soil conditioner. We file manure management plans, have done an environmental farm plan, do soil tests, and make the best use of manure in an environmentally sustainable way. Why wouldn't we, as we plan to live on the land and our children and grandchildren do too?

In closing, I would like to say many poultry producers that I know have retooled and have made improvements to manure storage and handling. There is a trend away from liquid manure systems to dry manure systems, which reduce odours, manure concentrations and volume, and improves the overall ability to manage manure properly. We are willing to do our part, along with cities, towns, cottage owners and urban people that choose to live in the country, to
ensure that Manitoba's water and environment are protected.

I would encourage the CEC and the Province of Manitoba to consider the changes made by farmers who have embraced our environmental farm plans. The considerable financial commitments sends an important message to the public and the Government of Manitoba that we are concerned about the environment. Thank you.

THE CHAIRMAN: Thank you, Mr. Kleinsasser. When you spread -- we have heard over the last six or eight weeks, we have heard an awful lot about spreading of pig manure. When you spread the chicken manure, is it the same rules and same principles? You have to test the phosphorous and test the soil before you spread it?

MR. KLEINSASSER: Yes, I think all of the rules are the same.

THE CHAIRMAN: Okay. And how much -- you have got a considerable number of chickens, but chickens are small animals, how much land do you require to spread your manure on an annual basis?

MR. KLEINSASSER: I'm not sure. Ray
is our nutritional manager, he would know that
better than I would.

THE CHAIRMAN: Can Ray provide that
information for us?

MR. R. KLEINSASSER: We need about
100 acres.

THE CHAIRMAN: So about 100 acres,
thank you.

MR. YEE: Yes, Mr. Kleinsasser, your
spread fields, these 100 acres are owned by the
Colony, or are they within this general area?

MR. KLEINSASSER: Yes, they are all
within our, southeast of, or right around the
colony, yes.

MR. YEE: What type of applicator, or
how do you spread the manure or apply the manure?

MR. KLEINSASSER: This type of manure
would probably be spread by spreader, either
mounted on the truck or tractor driven or
something like that.

MR. YEE: Thank you.

THE CHAIRMAN: Is it injected or
worked in?

MR. KLEINSASSER: It would probably
have to be just after, like within 48 hours I
think.

THE CHAIRMAN: Wayne.

MR. MOTHERAL: Yes, Mr. Kleinsasser, just a couple of questions. When you said you consider the dry manure system far superior and more environmentally sustainable, why do you say that?

MR. KLEINSASSER: With the liquid manure systems we were using before, you had to haul winter and summer. The storage was only good for six weeks at the most, so you had to haul in all kinds of weather, and a lot of times in the winter time.

MR. MOTHERAL: I didn't know what you meant when you said far superior. You mean it in the fact that you only have to spread once a year, that is probably --

MR. KLEINSASSER: No. Well, that is part of it too, but I think it is more environmentally friendly because we don't spread in the winter any more.

MR. MOTHERAL: Okay. The manure is stored in a shed. This is straight manure, there is no straw in this or anything, is there? Like, the manure that comes from the cages and it goes
outside into a covered storage area, that would be
on cement, would it?

MR. KLEINSASSER: Yes, totally

enclosed in this case.

MR. MOTHERAL: And then that is just
taken out with your spreaders in the spring time
then and put on land?

MR. KLEINSASSER: Yes, spring or fall.

MR. MOTHERAL: That is all I have got,
thank you.

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

MR. KLEINSASSER: Thank you.

Mr. Adema has arrived, Matt Adema.

MATT ADEMA, having first been sworn, presented as
follows:

THE CHAIRMAN: Go ahead, sir.

MR. ADEMA: Good afternoon. My name

is Matt Adema. I'm 26 years old and I am a hog
farmer. I manage a 270 sow farrow to finish
operation by St. Eustache. I was born and raised
on a hog farm in Southern Ontario and I have
wanted to be a farmer my entire life. Ever since
I was old enough to walk, I was in the barn. Some
of my earliest childhood memories are of the good
times I had playing around the barn with my
sisters or helping my dad in the barn. My mom
says I learned how to count by helping dad count
piglets on the sows. My first paying job was
taking care of a neighbour's hog operation while
they went away on holidays. I started a steady
part-time job, at about the age of 16, feeding
pigs in a quarantine barn before they were shipped
to international destinations. At the age of 18,
I worked with my dad for two weeks while the
Ontario high school teachers went on strike. I
still remember the good times I had with dad for
those two short weeks. Later that year I began
working for another neighbour in his finishing
barn. I would take care of the pigs in his barn
every day and worked full time every Saturday.
The summer between my first and second year of
college, I worked for him full time and began
working for him full time right after graduation.
I worked for him until the summer of 2003.

In July of 2003, me and my wife and
our six month old daughter moved out to St.
Eustache to pursue my dream of owning my own farm.
We knew no one here in Manitoba and had spent only
a total of seven days in the province before
moving here. I entered into a long-term contract with the owners of the farm I manage to earn an equity position to hopefully be able to one day purchase them out at some time in the future. I want my kids to have the same kinds of experiences as I did growing up. I want them to learn the value of hard work. I want them to learn what it means to care for animals, to watch the miracle of birth, to see that animal grow under their care, and to feel the satisfaction of knowing they helped make it all possible.

I tell you all of this because I am scared my children will not get the same opportunity to have those valuable and life changing experiences as I did. It is becoming harder and harder to start farming these days. There are not many young people like myself willing to start farming. The cost of farms make it next to impossible for the average person to start a new operation. Many are turned off with what they see as ever increasing government bureaucracy limiting their ability to farm. I would like to present some solutions that will hopefully see -- to see the hog industry continue in an environmentally sustainable manner.
Manitoba farmers face some of the toughest environmental laws anywhere in North America. Livestock operations over 300 animal units are required to file manure management plans, detailing how their manure will be applied and what crops will be grown to utilize the manure. There are new regulations in place limiting the amount of phosphorous that can be applied to the soil and preventing phosphorous from being spread where levels are already high.

I would encourage the CEC to recommend to the Government of Manitoba to increase the funding for research in manure management. In the last 30 years, advancements have been made in our understanding of manure and how it interacts with the soil.

THE CHAIRMAN: Could you just slow down a touch? Our recorder is having a little trouble keeping up.

MR. ADEMA: Sorry, I am just a little nervous.

THE CHAIRMAN: That is okay. You don't need to be, we are not scary.

MR. ADEMA: New products have emerged to help reduce the amount of phosphorous in
manure. Better understanding of plant development and nutrient needs have given agronomists better understanding of what a crop actually needs to grow. Advancements in agricultural equipment have also lead to better manure spreading equipment. New technologies are able to convert liquid manure into electricity. If our government was willing to commit to spending more money in this area, I think we would continue to see new technologies be developed to lessen the environmental impact of manure.

Nutrient requirements for pigs have also come a long way in the last 30 years. Today producers have a better understanding of what the pig requires for optimal growth. Additives can be included in diets to help reduce the total nutrient load in the manure. Phase feeding diets helps to ensure the pigs receive only the proper level of nutrients for their stage of growth.

In our operation we are continually conducting feed tests to make sure our pigs are growing the best they can. It not only makes environmental sense, it makes economic sense too. Why pay to include nutrients the pig does not need and will only excrete in their manure?
Research by itself is great, but is only part of the picture. The other key component is education. Advancements in science and technology are useless unless people are trained how to use them properly. Farmers as a whole want to do what is right. We are no different than the rest of society. The farms where fertilizer is spread is where we make our homes and raise our children. It does us no good to destroy the very land that we depend on for our livelihood through mismanagement of manure. I say fertilizer, as I see no difference between manure and synthetic chemicals. Phosphorous is phosphorous, nitrogen is nitrogen, it doesn't matter where it comes from. If it is used properly it can be an invaluable asset in crop production.

In my mind, manure management is all about simple economics. Crops require certain levels of nutrients to produce optimal yields. Manure is nothing more than nutrients. If you apply too little manure to the land, the crop growing the following year will not perform up to its maximum potential. If you apply too much manure, not only do you risk contaminating the environment, you also have to purchase more
synthetic fertilizer than would have been necessary had the manure been applied properly.

This is the whole basis for the manure management program. If all farmers could be shown the economic value of manure and how applying the manure properly could save them thousands of dollars a year in reduced fertilizer bills, or give them increased crop yields, manure would be looked at as an asset and not as a waste product.

Since farming economics is about producing the most amount of product with the least amount of cost, producers would be quick to adopt new environmentally sound procedures.

If the government were to hold workshops around the province showing farmers simple, practical steps they can take to reduce the amount of nitrogen and phosphorous leaking into the environment, I believe it would have a greater impact than any new law ever would.

Encourage people to take practical steps, show them how to take them, and proving the economic impact of making these simple changes will be easier than enforcing new regulations. Teach farmers what are the best plants to grow along the edges of fields to help capture any runoff. What
are the benefits of shelter belts in capturing runoff? Are there certain types of grasses that are better at soaking up nutrients that could be seeded into ditch banks to help prevent any leakage into the water system? Simple solutions will be adopted and enhanced by farmers faster than any law.

Technological advancements have been made in many areas other than farming over the last 30 years as well. In 1977, if I said the word internet, most people would not have a clue what I was talking about. Today I was able to talk to a relative over in the Netherlands via our web cam in the basement. It cost me more in gas to get here today than to have a video conversation with someone on the other side of the world.

GPS technology has also taken off in the last few years. Now tractors are able to map out a field and follow signals from a satellite to make sure they do not overlap while working in the field. What other new technologies are out there just waiting to be discovered to show producers how they can save money and reduce their economic impact on the environment? I do not know. But I
do know that research and education will help speed their use on Manitoba farms.

On our farm we installed heat pads in our farrowing room to supply supplemental heat to the newborn piglets. We were previously using heat lamps to supply the heat. We have been able to reduce our hydro consumption by about $5,000 a year since we installed the heat pads. This has reduced the size of our environmental footprint.

Not only did installing the heat pads help to reduce our environmental footprint, it has also lowered our pre-weaning mortality and increased our weaning weights. We installed the heat pads only a few weeks after being educated about the impact they would have on our operation. Once we were shown how practical they are, it made total sense to switch. No law was required, just education.

The biggest problem facing farmers today is that we are price takers not price setters. Any new laws requiring paperwork, detailed soil testing, manure testing, facility upgrades, which are all paid for by the producer, we have no way of being able to pass those costs on to the end consumer. If the government were to
pass new regulations that increased the cost of
production, the producer would most likely see a
lower return. This in turn makes it harder for
producers to continue farming and many will exit
the industry. As well, some may leave for other
parts of the country or even move to a new country
where the environmental laws are more relaxed and
cost of production is lower. This will have a
very negative impact on the provincial economy.
Manitoba hog farms alone contribute $1 billion to
the provincial economy and employ 15,000 workers.
Consumers always vote with their
wallet. They want a steady supply of high quality
food and they want it cheap. The Government of
Manitoba is now telling us that the consumer also
wants the food to be produced in an
environmentally sustainable manner. I propose the
government adopt a similar system to what the
United States is proposing. The Americans are
considering country of origin labeling, or COOL
for short. It is designed to let the consumer
know where the food product they are purchasing
came from. If it was a Manitoba born pig, but
raised and processed in the U.S., the product
would be labeled as such.
I propose that Manitoba adopt environment of origin labeling. This way the consumer would be able to tell at the grocery store where the product was produced, and if it was produced at or below standards acceptable here in Manitoba. I also propose all food produced at a lower standard than here in Manitoba be given an environmental levy similar to the one currently on plastic pop bottles. The consumer should be forced to pay for a product that carries a higher level of environmental risk. The levy could be used to fund government research and education programs, as well as funding projects by producers to decrease their environmental impact. This would have a profound effect on the food production industry in Manitoba. If the consumer chose to purchase products produced at a lower standard of environmental regulations, the levy fund would grow large enough to fund projects across the province to help reduce the impact Manitoba producers have on the environment. But if the consumer chose instead to purchase Manitoba products only, it would drive up demand for locally produced food. Not only would the consumer be purchasing a locally produced product
with a smaller environmental footprint, they would also be helping to support the local agriculture industry.

According to the Lake Winnipeg Water Stewardship Board final report in December of 2006, it was estimated 35 per cent of the nutrient loading in Lake Winnipeg came from the U.S. and 18 per cent from other provinces. If the Manitoba consumer stopped buying food products from these places to avoid paying an environmental levy, the demand for their products would drop. If the producers in those locations knew all they had to do was improve their environmental practices and the levy would be removed, I don't think it would take them long to start pressuring their governments to make changes. It will be much easier for the Manitoba consumer to change their government's mind by not buying their products, than it will be for our politicians to change their politicians' minds. Politicians want to get re-elected, and if they think their constituents want change, they will campaign for change. But if they think their constituents are happy with the status quo, nothing will happen.

If the Manitoba consumer is not
willing to pay a price for environmentally
responsible food, then we are falling into the not
in my backyard trap. It is okay to ruin the
environment so I can have cheap food, but just
don't do it in this province. That kind of
attitude does not sit well with me.

Normally, I wouldn't be advocating for
trade levies with our neighbors, but it seems that
more and more environmental issues are at the top
of peoples' priority list. Most nights the
evening news has a story on climate change or
global warming and what we can do to be better
stewards of the environment.

If the Government of Manitoba wants to
take the lead and develop some of the toughest
regulations for food production, why not continue
to take the lead and demand that all food sold in
the province be produced according to our
standards? Some of the countries we export food
to do not want genetically modified food products,
so why can't we say we don't want food products
produced below our environmental standards? The
government had no problem implementing a
province-wide smoking ban to help protect the
health of all Manitobans. Why not do the same to
protect our environment? After all, if our
neighbors account for 53 per cent of the nutrient
loading in Lake Winnipeg, and they don't increase
their environmental standards, by how much will
this nutrient loading increase? But if they came
in line with our environmental standards, how much
could we reduce the total nutrient load in our
lakes and streams?

     In closing, I would like to say that I
believe hog production in Manitoba is being done
under some of the toughest rules and regulations
anywhere in North America. Research, education,
innovation and adaptability will go a long way in
continuing to reduce the environmental impact of
food production in Manitoba. A government willing
to make tough environmental rules should also be
willing to take measures against those who
contribute to the nutrient loading of our lakes
and rivers. By working together, the consumer and
producer, we can make a difference.

     THE CHAIRMAN: Thank you, Mr. Adema.

This is -- you have made some very provocative
suggestions here. Whether we accept them or how
far we go with them remains to be seen, but you
certainly have given us some food for thought.
Needless to say, we haven't heard some of these -- your specific suggestion about an environmental levy, we haven't heard that anywhere else.

I do have one question, though, you talked about the country of origin labeling. My understanding, though, is that Canadian farmers are quite concerned about that?

MR. ADEMA: That's correct, I agree absolutely that as hog producers we are concerned about that. I guess my concern is that if costs of production here in our province go up based on stronger environmental regulations, the consumer at the grocery store never sees those results. Yet if they had an environment of origin labeling and knew that they were purchasing food produced according to the standards that Manitoba producers have to comply, then they would know what it is they are indeed receiving.

THE CHAIRMAN: In a way we could give them an environmental seal of approval similar to an organic seal or something?

MR. ADEMA: That's correct.

THE CHAIRMAN: Thank you.

MR. YEE: Yes, Mr. Adema, you mentioned that there is new advances in technology
as well as -- and you monitor your feeds for your
animals to reduce the amount of phosphate. Do you
incorporate some of the new enzymes in your
process?

MR. ADEMA: If I'm correct, I believe
that we currently have phytase in our rations, and
if not, we are looking at bringing it in. I have
a meeting set up with my feed salesman for Friday
afternoon where we will be going over some of the
latest results from my last feed test, and looking
at trying to just make some of those kinds of
changes to our rations.

MR. YEE: And in terms of the
advancement of equipment for better manure
spreading, can you elaborate on that a bit more?
What specifically are you employing?

MR. ADEMA: I'm referring to the
manure incorporation technologies, as over the
years those technologies, they have been further
enhanced and adapted so that it is easier and the
manure is better incorporated, better mixed in,
sooner, rather than say the broadcast spreading,
or with the large injection hose where they are
spraying it across the fields in the past, those
kind of technologies have been advanced on. And
it has been realized that incorporating the manure into the soil is a much better way of retaining the nutrients for the following crop years.

MR. YEE: And do you apply the manure yourself or do you have a professional applicator?

MR. ADEMA: We have a custom applicator come in and apply the manure.

MR. YEE: Just one other question, and I am a little bit ignorant on this, but I realize that cross border trading and NAFTA, there may be issues with various levies and it may be viewed in the context of negative. So I don't know if you have had any consideration or any thoughts on this?

MR. ADEMA: I have had thoughts on that, and I guess I was looking more, like Mr. Sargeant said, I guess as an environmental seal of approval. If the Manitoba producer is required to produce food according to a certain set of standards, yet we can go out and purchase food that was produced at a lower set of standards, like if that is really what the Manitoba consumer wants is environmentally sustainable food, they need to know what it is that they are purchasing and then how to go about
doing it. Whether a levy is the best way to go or not, that is maybe not -- maybe that is not the right way. I guess I suggested it as an idea. It is a provocative statement, and if it gets people thinking and discussing about the idea, then to me that was the whole point, to get people thinking about the food that they purchase and according to what standards was it produced.

MR. YEE: Thank you very much.

MR. MOTHERAL: Thank you, Mr. Chairman.

Mr. Adema, congratulations, I feel as though I'm adjudicator at a musical festival. You had an excellent presentation. I would like to mark you on it.

You suggest education, and we have heard that from several presentations around, in our travels around Manitoba, and education both to the producer and to the consumer, and we have had the emphasis on the consumer. That is one point that you have brought forward and I think it is very interesting. And as I said, we are hearing a lot about it.

I might even go to the point to suggest that when you said that the government
should be holding workshops, et cetera, in trying
to train everybody, I would almost turn it around
and say maybe the farmers should be holding
workshops for the government.

That is all. I have got no technical
stuff, but it is a presentation that I'm going to
read over again and put more thought into it.

MR. ADEMA: Thanks.

THE CHAIRMAN: Thank you very much,

Mr. Adema.

Ted Ross.

(OFF THE RECORD DISCUSSION)

MR. ROSS: I'm ready.

THE CHAIRMAN: We can administer the
oath and then we will wait for Wayne.

TED ROSS, having been sworn, presented as follows:

MR. ROSS: Okay. Again, my name is
Ted Ross. I'm with the Roseisle Creek Watershed
Association. We are located in the RM of Lorne in
the south central planning district. Our area is
characterized by a rolling topography, high to
severe risk of soil erosion, and is generally
classified as being water deficient.

I want to talk about our experiences
with water quantity in the area and water quality
in the Roseisle and Lyle creeks. These creeks
flow into the Stephenfield Lake, or more properly
a reservoir, which provides drinking water for
many towns and municipalities. The town of
Carman, the RM of Dufferin, the RM of Gray, just
to name a few. I will also talk about the manure
storage approval process and land use and
approval.

This is just our water shed boundary,
it runs from Roseisle, Notre Dame, Altamont areas.
Our experience over the last five years, first in
our municipality, human activity, changes of risk
to our water. While although we have welcomed
hogs into our area, the population has decreased.
Hog production is the only new and growing
industry. We have the St. Leon Wind Farm, but
that is not a water quantity or quality issue.

Now I will talk about our experiences
with hog production, and our development plan and
zoning. Both of these reflect process and/or
regulation issues, incompetence, and priority on
pig production at the sacrifice of our water.
That is in our opinion anyway.

I have six case studies on hog
productions and I will go through them very
quickly. The first on highway 245; drilling at
the site showed that there was water approximately
three metres below ground level, an obvious water
issue. An aerial photo we have showed the lagoon
being constructed too close to a water source. We
estimate that the water is about 100 to 150 feet
from the lagoon, rather than the required
300 feet, which was with the Environment Act in
force at that time. That Environment Act has been
changed but that is what it called for at that
time.

There is a photograph of the lagoon
construction on the left and the water source on
the right. You can tell by the maintainer, the
top most yellow piece of equipment, that the
lagoon construction is about 150 feet, I would
say. I note too that this photograph was taken in
July and the water level is much higher in the
spring. The lagoon is also -- actually the whole
operation is right in an area of first order
drains. You can see it in the photograph, just
around the bush edge there, actually it shows that
the water has been flowing from there, and it
flows right into the Stephenfield Lake.

Another case study, this is near St.
Lupicin, the Environment Act calls for a site inspection after receipt of an application and before issuance of a lagoon permit. The applicant applied on October 10th. The permit was issued out of Steinbach on October 11th, so I don't know how a site inspection was done. This operation near St. Lupicin is adjacent to a marsh which is typically an entry point to an aquifer. The proponents are using two, perhaps three water sources, and all three water sources are in a water deficient area, risking water quantity and quality for St. Lupicin residents and nearby traditional farmers.

Also with that operation there was conflicting and maybe fudged technical review reports. The Lorne council asked the proponent, or told the proponent that he must meet the Farm Practices Guidelines and the proponent said he would.

The first technical review report in September declared that the operation did not meet the Farm Practices Guidelines as there were eleven residences within one mile of the site. The technical report was reissued in November stating that now the operation met the Farm Practices
Guidelines as there were only ten residences. The count is, or was and still is eleven. And these operations, both operations I have talked about were built anyway.

Three more cases, one, the top one, the shale bedrock aquifer may exist too close to surface. Two of these on this page did not meet the Farm Practices Guidelines. One is being built near the head of Tobacco Creek in an area that is very water deficient. And then the bottom one, just east of Notre Dame, nine quarter sections in the manure plan, manure management plan, are traversed by second order drains into the Boyne River. One area too has a first order drain into the Lyle Creek, and again into the Stephenfield Reservoir. And the bottom one, that operation is located in an area full of gravel pits. All of these were built anyway.

And my last case study, and I think this one is a perfect example of some absurdity. And this one is currently, it is near Swan Lake, it is currently held by the temporary pause. It is to be located over the aquifer providing drinking water to Swan lake and the nearby First Nations community. It is in area where, and this
is a quote from the technical review report, the underlying aquifers are not very well protected. And it was stated by the technical review committee that the surface water flows north away from the reserve, so why should the First Nations people have any issue? But, in fact, the water flows south through the reserve, and that is documented right on the maps at the government's own website. So I don't know what happened there. I guess the Technical Review Committee doesn't know about that website and those maps.

And the siting of hog operations, as we discovered, ignore homes situated in First Nations communities. Namely, their dwellings are not counted in determining setback distances for barns and lagoons. One has to wonder why.

Next, I want to talk about our development plan. The first development plan made public in 2003, noted that our district is very dependent on this groundwater because it has none piped in. Consequently, a water sensitivity map was developed by the planning consultant based on conservation maps and input from the Natural Resources Institute. That map identified about 75 per cent of the area as being water sensitive and,
of course, would be subject to conditional use in
the zoning bylaws. And there is that map that
they produced. The gray area is what was
classified as combined environmental sensitivity
areas, and this was based on surface and
groundwater sensitivity maps.

Lorne, this is the entire district, the RM of Lorne is the bottom portion that I signify with that black arrow. In my estimate 70 per cent of that area that is shaded is environmentally sensitive.

That map lined up quite nicely with a combined surface and groundwater sensitivity map — or I am sorry, that map lined up quite nicely with a map that we had from Agriculture Canada, which showed soil suitability limitations for earth and manure storage. And you can look at that map. I won't go through that one.

The water sensitivity map that was put together also lined up well with the province's own groundwater pollution hazard map. Now, what happened to that map? Well, it was changed to an agricultural map, and Manitoba Agriculture rejected this water sensitivity map and had it replaced with a map showing nutrient management
areas. And the nutrient management area 4 is most like the water sensitivity areas in the original maps. And I would say now the water sensitivity areas are about 5 per cent of the district, versus 70 per cent before Manitoba Agriculture imposed their obvious pig priority map. I don't know why Water Stewardship didn't lead this process, but anyway, they didn't.

There is the new map. The orange area, I don't know why it doesn't show up so good on here and I'm sorry, but group 4 is orange. And if you could see it in colour, better colour, the bottom area, you can hardly see the orange anymore.

Consequences of this; well, once clear and potable creek water has been replaced by murky, smelly and polluted water. As the oldtimers in the area say, Stephenfield Lake looks like pea soup, where at one time you could see to the bottom of that lake.

Boyne River Watershed Riparian Assessment Survey produced this year has water samples for the Roseisle Creek. Out of 190 samples, they always exceeded the Manitoba Water Quality Guideline for phosphorous. And the
highest concentration of phosphorous measured in that creek was 5.6 milligrams per litre, more than 100 times the acceptable limit.

For the Lyle Creek they had 83 samples. On average total phosphorous levels were greater than 25 times the guideline. And this one is really good; on four separate sampling dates total phosphorous was greater than 100 times the objective at a single site. And this site was located downstream of a hog farm operation. On the same sampling dates, at the nearest site upstream of the hog barns, total phosphorous concentrations were always less than 0.5. Is that just one poor operator, and if it is, then why is he allowed to stay in business?

Other issues: Access to water for pig production, based on our experience anyway, is given the highest priority, even if the usage puts local residents and other agriculture at risk of water shortage. The proposed Swan Lake barns will require 11.7 million litres of water per year, and I'm curious what the total consumption is across the province.

In our area we are seeing deforestation as proponents or owners of hog
operations need acreage for their manure spread. There was a report produced last year from the United Nations titled "Livestock's Long Shadow" and in there they make note that most livestock pollution goes unrecorded. I found that interesting because that is certainly the case in Manitoba. It makes it very difficult for groups like ours, with few resources, to try and find information. Although it is not relative to water issues, in that report, and this was specific to hogs, and I quote, "As a species, pig production contributes the largest share of methane emissions." I would like to talk about regulations quickly, because I keep hearing Manitoba Pork talk about the tough regulations. Well, here is some examples of how these regulations protect our drinking water. Under the proposed water quality management zones manure can be applied within just 30 metres or 100 feet from a surface water body used as a source for drinking water. Manure pits can be located adjacent to marshes or any other water body that does not flow
off the property. And the contents of a manure pit can be spread as close as 16 feet from a well, and a manure pit can be 100 metres or 328 feet from a well. I don't think anyone in this room would want to drink drinking water that close to manure.

Recommendations: We don't think we need any more pigs in this province and there should be a moratorium. Put the poor operators out of business; change the regulations to really protect our water, using input from unbiased organizations; phase out the manure pits posing the most risk to our water, and make the RM's more accountable for water quality. It bugs me to no end when our council says that water quality is not their problem. Make them responsible and measure them against required improvements.

I have said we would like to see no more pigs, but the reality is there probably will be. So when the moratorium is lifted, abandon the Technical Review Committee, replace it with a proper and independent environmental assessment group, and that new group will recommend or not recommend the operation, but the RM should be the final authority. Restrict the size of the
operations allowed, get rid of the factories, and
the owners should live on the barn site, no more
liquid manure, strict enforcement, and promote
organic production.

And just in closing, as an aside, I hear too often people saying, like our Premier, that most of the pollution comes from outside of the province. Well, Stephenfield Lake or Reservoir would show as a good case study on the pollution of Manitoba's waterways internally within our borders, because it is fed only by creeks within our province's border.

That is it. Thank you.

THE CHAIRMAN: Thank you, Mr. Ross.

Edwin?

MR. YEE: Yes, Mr. Ross, in your first case study you indicated that the location of the lagoon was within 100 to 150 feet and the regulations are 300. Was that before the regulations? I just want clarification on that.

MR. ROSS: That was according to the Environment Act within the manure management regulations at the time of construction of this lagoon. That has since changed. I don't think that the regulations now care if the water is
sitting on the property like that, it is more
concerned about water that flows away from the
property.

MR. YEE: So you are saying at the
time of the siting it was contrary to the current
regulatory requirements?

MR. ROSS: Yes, and we raised that
with Manitoba Conservation at the time.

MR. YEE: Okay. You mentioned
throughout your presentation about water deficient
areas. Are you referring to aquifer capacity in
terms of the water deficiency?

MR. ROSS: I can't really answer that.
I picked that up, I have it in quotes because that
is from the Stephenfield Watershed Management
Plan. They say the area is generally
characterized as being "water deficient." From my
own experience in the area and others, there is
pockets of water where some people have all of the
water they want in the world, and then you go
where I am and it is a struggle all of the time
for water.

MR. YEE: Just a couple of more
questions, Mr. Ross. Does your watershed group
undertake its own sampling of the rivers you have
mentioned in your presentation?

MR. ROSS: We did in 1998 and 1999, but we haven't since then. We are part of the Stephenfield Watershed Management Plan group, and we convinced them to continue to do sampling of our creeks.

MR. YEE: Okay. So in terms of, I was going to ask you, my other questions were, what is the frequency of sampling? And I know you have the number of samples, but how many sample location sites are there in the frequency of sampling?

MR. ROSS: That I don't have with me. It is within the report. I could give you that report that is on the internet. It is not our report, it is held by the LaSalle Redboine Conservation District. It was produced for them by a consultant and it was just published this year, by the way.

MR. YEE: We will get the report and it will answer my questions. Thank you.

MR. ROSS: I know the report shows all of the sampling areas along each creek.

MR. MOTHERAL: Yes, Mr. Ross, my questions are on your association. First of all,
I would like to know when was it formed and why was it formed?

MR. ROSS: It was formed back in the '70s, okay. Our main corporation, we have a corporation called Pumpkin Creek Fair, and it was put together to provide recreation in the area and also to provide, look after the environment. And then we eventually, there was so much environmental issues in the area, we formed a sub group called the Roseisle Creek Watershed Association. We have a directorship of eight, 15 paying members, and backers of about another 50. It is a small organization.

MR. MOTHERAL: Would it get funding say from the -- well, I know Lorne is in the Pembina Valley Conservation District, and then you approach another district too? Do you get funding from them at all?

MR. ROSS: No. Our only funding is what we get from memberships, and we give our own time with no remuneration.

MR. MOTHERAL: And do you put dollars aside for research at all, like to research, you know, environmental issues like water quality and that?
MR. ROSS: No. That is -- within our group most of the people are working except me, so I'm the researcher because I'm retired. I use the computer for that. But, no, we don't have any funding for that.

MR. MOTHERAL: And just one technical question. You had mentioned that you had taken some samples of phosphorous, and I'm not sure of the numbers, there was 183, it was far, far over the guidelines that you said. I'm wondering if you knew -- if you had any idea what percentage of that was from hogs and --

MR. ROSS: No, in the report -- and that is not our report, that is from the Stephenfield Lake Watershed people who hired a consultant to produce the report. But if it was known, it is not identified in the report, except for the one page that I talked about, the measurements of Lyle Creek downstream from a hog operation, and then they measured upstream from it. Okay. So they knew -- well, I mean it said there was somebody dumping, obviously, although they didn't say that in their report. Sorry, I don't know if I answered your question.

MR. MOTHERAL: Actually, you didn't,
but it is something that we have to get a handle on, and any kind of research that we can get our hands on, we will.

MR. ROSS: Yes. And not to apologize for this, but it is hard to do this in 15 minutes. Like I could have talked about that report for 15 minutes on its own.

MR. MOTHERAL: That is all I have got.

THE CHAIRMAN: Pardon my ignorance, but what is a first order drain and a second order drain?

MR. ROSS: Well, I don't know if I can define it that well. Actually, I don't know if I can. No. I couldn't. I know that first order drains, you don't want any kind of pollutants going into it, because -- I know of a first order drain near that operation, okay, and it is a deep gully, and anything that goes in there is going to flow real quick because it is hilly. What the difference is to a second order, I don't know, but I know the province does, Conservation does.

THE CHAIRMAN: Is a second order a smaller drain?

MR. ROSS: I don't know. Conservation would have to answer that question.
THE CHAIRMAN: Okay. We will inquire.
And I had some other questions that also arise out
of that same report, so we will find that
Redboine, or LaSalle Redboine report and look at
that. Thank you very much for your time.

MR. ROSS: Do you want my phone
numbers or whatever if you can't find some of this
stuff?

THE CHAIRMAN: I think we have that.

Thank you. We know where to find you.

MR. ROSS: Thank you very much.

THE CHAIRMAN: Thank you, sir.

Raymond Kleinsasser.

RAYMOND KLEINSASSER, having been sworn, presented
as follows:

THE CHAIRMAN: Go ahead, sir.

MR. KLEINSASSER: First of all I would
like to thank the CEC for the opportunity to make
the presentation today. And hello, my name is
Raymond Kleinsasser. I reside at Sunnyside
Colony, a mixed farming operation, roughly about
20 miles southeast of here.

My responsibilities at the colony
include the manure nutrient management manure
application and ensuring the operation is
following all applicable requirements of the
various acts and regulations. I'm qualified to
operate a class one water treatment plant as well
as a small waterwaste collection and treatment
facility. As such I oversee our domestic sewage
and water.

We farm around 7,000 acres and have a
1,200 sow farrow to finish hog operation.
Agriculture, both animals and land, have always
been and now are more than ever the cornerstone of
our existence. Our future and the future of our
next generation hinges on the sustainability of
the agriculture industry.

At this point I would like to address
some of the issues that the CEC has been mandated
to examine, the first issue being nutrient
management or manure nutrient management. The
next issue I will talk about is ground and surface
water management. The issue following that will
be odour control.

We look at manure as a valuable
fertilizer and soil conditioner. Currently, we
fertilize between 1,000 and 1,200 acres annually.
For storage we use a clay-lined earthen manure
storage. This earthen manure storage is
engineering and is situated a couple of miles from our hog operation. We chose this location since our land lies within close proximity and to eliminate odour issues.

Our livestock industry, not unlike the rest of Manitoba's, has undergone significant changes, both in size and production methods. In the past, hog operations in general were part of a mixed farming operation. Our operation, like these, has experienced growth in production and significant increases in production unit size and capital intensity.

The earthen manure storage was designed and built ten years ago with future expansion in mind. There is enough capacity for 1,400 sows for 400 days of operation. We choose to direct inject our manure with a drag hose system. This practice allows us to maximize the efficiency and minimize the impact of the operation. There are virtually no losses due to volitization. Less equipment and therefore less manpower is required.

The equipment we use is equipped with the latest in technology. Equipment like GPS guided auto steer, field mapping capability, and
accurate flow meters allows us to precisely place
the nutrients where they are required. It should
be noted this leading edge technology is not
really required by law. The fact is, this
technology requires considerably more resources
than what one can get away with. We choose to
following leading edge technology because we
believe it is better to be proactive rather than
reactive. But manure nutrient management involves
more than storage and injection. We work closely
with local agronomists to ensure that crops we
plant and crop rotations we use don't allow
unnecessarily buildup of nutrients. Manure and
soil is sampled and sent for analysis. Field
samples of manure are taken for every quarter. On
the feed nutrition side, the feed additives and
enzymes are added to reduce the phosphorous and
solid content of the manure.

Education and communication are also
key components of our manure management team. We
try to be aware of and comply with, or better yet
exceed all legal requirements for our operation.
We achieve this with meetings, planning sessions
and summary meetings after each cleanout.

Communication with local neighbors
takes place to inform them of proposed application
dates, and also pipeline road crossing and things
like that.

Our operation takes into account the
huge importance of water quality, both surface and
groundwater. Properly managed manure
applications, like properly applied commercial
fertilizers, propose very little risk of nitrate
leaching and groundwater contamination. Not only
does this include observing and following setbacks
from water courses during injections, but also how
we manage our hog facility. Water is conserved
with more efficient drinking systems, better
washdown equipment and leak detection alarms.
Another example is the conversion of our poultry
facility from a liquid manure to a dry manure
system. To help us be aware of the quality of
water, we sample and test our supply water
frequently throughout the year.

As with all farms, it is the
application and agitation that gets people
complaining about odours. In our area, as in many
areas of Manitoba, the character of the rural
residential population has changed. For various
reasons, people have built or bought houses in and
around land that had been previously used for agriculture alone. These rural properties represent a major personal investment and owners are sensitive to any active that might interfere with their enjoyment of the property or affect the property value. The result of the changes in the livestock industry and in rural residential development has been the creation of a situation where conflicts may occur.

Unwanted odours are a common cause of conflicts between neighbors. And the best opportunity for avoiding potential odour problems occur during land use planning. Ideally, agriculture land should be protected to ensure a full range of agriculture activities, including modern large scale livestock production. However, we are continuing to take steps to reduce odours. One step is through nutrition. We are currently experimenting with bacterial feed additives to reduce the solid content of the manure. But there is no standing still. We are always looking for better, more efficient and economical ways to manage our nutrients. We feel there is no silver bullet to manure nutrient management. It is a constant and evolving
In conclusion, I would like to encourage the CEC and the Manitoba Government to recognize the importance of programs like the Environmental Farm Planning Process. I myself was certified in 2006. Programs like the Environmental Farm Planning Process challenge farmers to see the importance of best management practices and offer financial assistance to help achieve them. The government could go one step further and promote these farms that strive to operate their farm in an environmentally sustainable fashion. Government could also provide funding for positive public perception campaigns.

Like I indicated at the beginning of my presentation, agriculture, both animals and land, have always been and now are more than ever the cornerstone of our existence. Our future and the future of our next generation hinges on the sustainability of the agriculture industry. Our hearts beat with the land, we breathe the air of the land, agriculture is our livelihood. Therefore, it is vitally important for us to be good stewards of the land. Our children depend on
us and we owe it to them to leave the land as good or better than it was left for us. Thank you.

THE CHAIRMAN: Thank you, Mr. Kleinsasser. As I was driving out here from Winnipeg this morning, I drove by, I came out highway 1, and there is crop fields on both sides of the road. And I noticed that every one or two or 300 yards there was just a little indentation where a stream would run from the middle a field across the field and into a ditch. What is the risk of fertilizer, whether it is manure or chemical fertilizer, getting into the those little runoffs and running into the ditch?

MR. KLEINSASSER: The risk -- it depends on incorporation of the fertilizers, I would think. If you incorporate it into the ground, the risk is much less than if you would be spreading it on top. That is one of the reasons why we incorporate it into the ground in the fall.

THE CHAIRMAN: So if it is incorporated, it is not likely to run off, or very little is likely to run off?

MR. KLEINSASSER: Yes, I believe very little will run off.

THE CHAIRMAN: Okay, thank you.
MR. YEE: Thank you, Mr. Chairman.

Mr. Kleinsasser, you mentioned in your presentation the fact, that referring to the GPS and field mapping capability and meter flows of the manure application, you mentioned this technology requires considerably more resources. Can you clarify that for me, in terms of resources, do you mean cost or --

MR. KLEINSASSER: Yes, cost.

MR. YEE: Just strictly cost, not manpower?

MR. KLEINSASSER: Not manpower, costs.

MR. YEE: One other question, in terms of you mentioned, we have heard from many presenters about the issue of odour, you mentioned one of the things that you are doing is communication with local neighbors. How frequently do you communicate with the local neighbors? Do you just go over and say when we are applying, or how do you do this?

MR. KLEINSASSER: Well, basically, the neighbors are around the yard quite often and there is a lot of dialogue between the neighbors and ourselves. And basically before a cleanout, we would let them know it is coming up here in a
couple of weeks. And during cleanout, sometimes
there is a field right next to the neighbour,
within close proximity, and we let them know and
he is okay with that. And they always thank us
for that, to be upfront, rather than have them
find out on their way home and stuff like that.

MR. YEE: Thank you. Just one other
question, maybe it is more of a comment. We heard
from the previous presenter about the government
going a step further and providing some assistance
in promoting sustainable environmental
agricultural activities in Manitoba. Your
thoughts on your colony itself, in terms of what
can you offer in terms education to your
surrounding neighbors, like inviting them to see
how you manage your manure and how your operation
works, do you see that as being beneficial?

MR. KLEINSASSER: Yes, that is very
beneficial. However, there is biosecurity issues
that do come up if you plan to invite people out
to the yard, especially with hogs. But we do have
tours on the colony quite often -- well, maybe not
quite often, but they do happen, where a group of
people come out and tour the whole colony and we
go through how we run our business, how we do
MR. YEE: Yes, I realize the biosecurity measures. I'm thinking more in the terms of the big issues of odour and manure management, showing them how the manure is managed and even how it is applied?

MR. KLEINSASSER: There is -- one of the ways that we do, not only do we apply manure to our land but to adjacent land that is owned by other landowners and they actually pay for the manure, and they see the benefits with their yields and with their soil sampling, of how the nutrients are applied and how accurate everything is. And the cost, it is considerably less than applying commercial fertilizers and it does the same thing.

MR. YEE: Thank you, Mr. Kleinsasser.

MR. MOTHERAL: Thank you, Mr. Chairman. I wasn't going to ask any questions, but the farmer came out in me when you said you were selling some of the manure to your neighbors. I'm just curious, and I know the price of nitrogen, et cetera, it is way over 50 cents a pound. What do you get for your fertilizer? How much, or do you mind telling me that?
MR. KLEINSASSER: Well, it is around half the cost.

MR. MOTHERAL: Half the cost, okay.

MR. KLEINSASSER: And it is only based on the nitrogen, not the phosphorous, because that is an added bonus.

MR. MOTHERAL: That is all I have got.

THE CHAIRMAN: You said that your lagoon or your -- is about two miles from the barn?

MR. KLEINSASSER: Um-hum.

THE CHAIRMAN: How do you move it? Is it above ground piping, underground piping?

THE WITNESS: It is an underground pipeline.

THE CHAIRMAN: Is that expensive to install?

MR. KLEINSASSER: Yes, quite.

THE CHAIRMAN: What is a ballpark say for two miles of underground piping?

MR. R. KLEINSASSER: It is not quite two miles, it is about 1.7. I think it was around 60.

THE CHAIRMAN: 60,000, that is a fair chunk. How big a pipe is it?
MR. KLEINSASSER: Six inch.

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

MR. KLEINSASSER: Thank you.

THE CHAIRMAN: Ian Wishart.

IAN WISHART, having first been sworn, presented as follows:

THE CHAIRMAN: Go ahead, sir.

MR. WISHART: I would like to thank the commissioners for the opportunity to speak to you today. My name is Ian Wishart, and together with my wife, Leslie, we operate Agassiz Farms north of Portage la Prairie. Our farm is 1,200 acres of specialty crops, including potatoes, beans, cereals and oil seeds. We also have 1,300 acres of hay and pasture and 160 beef cow/calf operation, plus a beef feed lot for 450 head. We are not hog producers.

THE CHAIRMAN: Can you just slow down a touch, Mr. Wishart?

MR. WISHART: Sure. We are not hog producers, and although I understand that is your focus, precedents you set for that industry will become the industry standards for all.

Farmers are very aware of
environmental issues. We live the impacts
directly and see the results far more clearly than
most Manitobans. We are in fact one of the groups
that have taken action to deal with issues, some
by regulation and some by voluntary efforts.

Let me give you an idea of the amount
of reporting and documentation that we do on an
ongoing basis. Annually, we file manure
management plans, in our case for two locations.

We do food safety manuals which contain
substantial environment details, in our case, for
both processors; nutrient management plans, which
are voluntary but necessary to manage nutrients
carefully. A substantial portion of our farm is
located over a known aquifer. Environmental farm
plans, which are voluntary, and good for several
years, the process has been worthwhile but has
generated a long list of activities we would like
to complete. Some of the actions we have already
undertaken include a managed marshland to deal
with the feed lot runoff, well sealing, forage
buffer strips and portable livestock shelters.

Earlier I mentioned nutrient
management planning. This is something that we
have been doing in a fairly formal manner for our
own purposes for more than ten years. It is very similar to the approach being taken by Water Stewardship to deal with nutrient losses from land. To make this work effectively, it must be done on a site specific basis and integrate good economic farm management practices that make sense to producers. This I believe can be accomplished but it requires a learning process for both industry and government.

Government is often tempted into thinking they can get real change in landscape management simply by regulating. They also often believe that this is the most cost effective way. The real cost of regulation is a lot more than the cost of conservation officers or other forms of environmental police. The real cost is the impact on the industry, the high startup costs that drive a young farmer out of business or influence them never to start. It is the cost of rural depopulation and loss of infrastructure, and the cost of building that infrastructure somewhere else. As an industry we have lots of regulation, but other jurisdictions have achieved better results by the proper use of incentives.

Programs like alternative land use
services, which is a Manitoba pilot, are an example. This is an innovative program that rewards farmers for the environmental benefits they provide for all Manitobans. Things like clean water, clean air, biodiversity and habitat, things that are not rewarded in the marketplace that we sell our food and fiber into. These are things that all Manitobans want from those that manage the landscape, and like education and health care, they are public benefits for all and should be funded accordingly.

Programs like the Riparian Tax Credit here in Manitoba, although limited in scope, certainly move in that direction. Even some of the beneficial management practices available through the environmental farm plans touch on this, but leave the farmer to deal with ongoing costs. Ultimately, however, it is incentive programs like these that will accomplish the necessary change in thinking on the part of both government and industry that is required to create the sustainable industry we all seek.

Part of your mandate is to look at how other jurisdictions have handled these issues. I encourage you to do this, but take the opportunity
to learn of the shortcomings and strengths, not simply to copy them. Our situation in Manitoba is unique and we need an unique solution. I believe that the use of site specific nutrient management plans is an excellent first step. Learning how to manage nutrients by crop removal is key to finding the solution.

I would like to refer you to the European attempt to regulate nutrient use and application via the checkbook method. This strictly measured nutrients in and nutrients out on each farm for many years, only to find that they could not account for a substantial amount of natural source origins, origins in both nitrogen and phosphorous. This approach has now been abandoned in many areas in favour of the site specific approach.

Carbon, phosphorous and nitrogen, along with sunlight, are the natural building blocks of life. The only way to achieve a sustainable industry for all of agriculture is to learn how to manage the resources for the benefit of all. Poorly designed policy will only limit the potential, not only for the hog industry, but ultimately for all Manitobans. Thank you.
THE CHAIRMAN: Thank you, Mr. Wishart.

Can you give us an example of poorly designed policy in Manitoba, in your opinion?

MR. WISHART: Yes, I can. If you wish to do an on-farm water storage, anything more than four acre feet, it will take you a year and a half to get permits to do that. If you wish to drain that same site, you can probably have permits to do that within three months.

THE CHAIRMAN: Why?

MR. WISHART: You will have to ask the people who put the regulations in place. It certainly wasn't farmers' choice.

THE CHAIRMAN: Any other examples?

MR. WISHART: Quite a few when you get looking at the details. Field shelter belts are a good example. We certainly promote the use of them and they have been widely adopted by farmers, but PMRA, Pesticide Management Review Agency, has a regulation in place when they license pesticides requiring a 15 metre setback on either side for application of pesticides. Fortunately, that is not enforced. If it ever was, there would be no shelter belts left in Western Canada, they would be removed. You can't afford to lose that much
land simply on a regulation. There is quite a
long list of specific examples, but regulation I
believe is not the way to go. I believe
incentives, which get the engagement of the farm
community and clearly send them -- send them a
very clear message as to what type of practices we
as Manitobans want to see is a much better
solution.

THE CHAIRMAN: You referred to that,
you said other jurisdictions have achieved better
results by proper use of incentives. Can you give
us examples of some of those?

MR. WISHART: I can give you some
examples. In the U.S., for instance, the
conservation program has a number of different
clauses in it, or sections in it, actually 17 if
you want to look at them all, which include things
like swamp management, where producers are paid to
maintain these water sources to deal with nutrient
issues. Europe has had for many years programs
designed around multi-functionality, which are
environmental programs really. They also have an
impact on the rural population, they are a social
program as well as an environmental program. But
they certainly have been very successful in terms
of maintaining the rural population in those areas and maintaining the number of farmers, much more so than we have in North America. Even in Canada, some of the Quebec programs are very similar to this, providing fairly substantial incentives for the right type of practices, particularly those focused around riparian zones, where a lot of the agriculture in Quebec in particular does occur in river valleys.

THE CHAIRMAN: Are there some that could be applied relatively simply or easy in Manitoba?

MR. WISHART: Well, the pilot that is being run in Manitoba, the ALUS pilot, applies four different ones, which includes riparian, watershed preservation management, natural areas and fragile lands, sloped areas. In the first year out they signed up 75 per cent of the farmers in that particularly RM, RM of Blanshard. Very large uptake as far as these programs go. We were told that we might see a 15 per cent uptake and instead got 75 per cent, so that is obviously substantially more. It is not big dollars for the producer, but it is a clear message that if you do the right thing, you will be rewarded for doing
THE CHAIRMAN: Is it big dollars for the province?

MR. WISHART: Well, we, through Keystone Ag Producers, we have done a cost analysis on this. It provides more benefits to the province than it does cost. We have done that nationally as well, and the cost nationally is in the neighborhood of $750 million, providing benefits in the neighborhood of $900 million. We went one step further and identified sources of funding from various government programs that we would argue have been less effective, and found available funds in excess of $1 billion.

THE CHAIRMAN: Can we get access to some of that information?

MR. WISHART: We would be more than happy to share that with you.

THE CHAIRMAN: Thank you, Edwin.

MR. YEE: Thank you, Mr. Chairman.

Yes, Mr. Wishart, you mentioned the Alternative Land Use Services program. Can you just elaborate a bit for me? I don't know that program.

MR. WISHART: It is a pilot program,
Manitoba is the first in the country to have a program like that and the province has been instrumental in getting it put in place. In the RM of Blanshard, producers can elect, it is a voluntary program, producers can elect to put a portion of their farm into these types of services and they get a cash payment at the end of the year for the service rendered. As I said, it is not necessarily big dollars on a per acre basis, but has been very well received. The average farmer there is getting in the neighborhood, runs about 1,200 acres and is getting something in the neighbourhood of around $2,000 per year for the environmental benefits. It has been particularly very effective in -- that area has a lot of potholes, it is pothole country -- has been very effective in maintaining them, stopping the ongoing drainage that was occurring.

MR. YEE: So that is putting land aside for biodiversity and habitat?

MR. WISHART: And water quality, wetlands in particular are well known for their characteristics on water quality. Greenhouse gas mitigation also occurs in these same type of habitats. One of the things that is often missed
when government looks at their desire to have an impact on the landscape is they break it into the different pieces that their different departments deal with. But on the landscape, we deal with it all, all at one time. So what we need is something that sends very clear signals to producers that if you do these types of activities, you will get rewarded for doing it. We argue that they are in fact good public benefits, a good portion of the benefit does flow beyond the farm gate.

MR. YEE: Thank you very much.
MR. MOTHERAL: Thank you.

Mr. Wishart, you have mentioned in your own operation that you have done some things to help, as far as, you said managed marshland to deal with feedlot runoff, and well sealing, forage buffer strips, et cetera. Did you get any assistance to do those, to do those projects?

MR. WISHART: The managed marshland, because it was an innovative project, I did get some assistance from the conservation district. Most of it we did ourselves. The well sealing is an ongoing program. Some of the others we have gone through the Environmental Farm Plan. The
forage buffer strips are at our own cost.

MR. MOTHERAL: And just maybe a
comment more than anything, here is your -- the
natural source, sources of nutrients, you know, we
just don't know where they are, how much they are.
And it just, every time I hear that I think of the
Tobacco Creek Watershed who are studying that
issue, and they are going to continue the study if
they have ongoing funding, and finding out that
lots of -- from the phosphorous, that they found
out their phosphorous check strip off natural land
was higher than the stuff coming off the fields.
And this is something that it is hard to get a
handle on. So I'm sure that we will be
encouraging more studying on that.

MR. WISHART: Yes, I think that is
obviously part of the solution. One of the
disadvantages of ongoing studies is you can study
anything to death, the analysis -- or paralysis by
analysis. You need to start taking actions. Many
of the things that can be accomplished are things
that farmers traditionally would do and have done,
but with the economic pressures that we've seen in
the last few years, some of these initiatives have
been abandoned, simply trying to maximize return.
We need to get the right signals back into the marketplace to get the producers to do the right things.

MR. MOTHERAL: And I was busy reading something here, when you mentioned on the alternative land use, some of the examples of payments were around $5?

MR. WISHART: The low end is five, the high end is 25. I mean, in terms of the alternative of growing a crop on those acres, it is not substantial dollars. I think it bodes well for producers that generally it doesn't take a very significant economic signal to get them to do their change in practices. And I made reference to the need to get change in thinking. And this sort of thing has been fairly successful, it sends a very clear message to me as producer, in a dollar figure, if that is what it takes. And I will get the changes done. I have talked to a couple of producers out of that area who farm around these wetlands all of the time, and they said it was the first time in their entire life that they farmed around a wetland and didn't think about how to drain it.

MR. MOTHERAL: Just one more,
Mr. Chairman. And I think this is very important, the $5 or $10 you say is not a very large amount of money, and you and I know that. Does the average consumer know that that is not very much?

MR. WISHART: Well, the message on the environmental issues clearly hasn't gotten to the consumers yet. They buy, as one of the earlier speakers said, based on costs. They don't realize that very often something they buy has a huge environmental cost, whether it is in their backyard or whether it is half a world away. I believe that we can bring that message to the consumers and get them to buy the products that are produced in an environmentally friendly way, it doesn't have to be organic or anything. But the marketplace fails to pass that back to producers. When you increase a product in the marketplace by a dollar a pound, you will be lucky if you get two cents of that back to the producer, it is absorbed in the chain. So we need to find another market mechanism beside increased price, because that is simply not passed back to the person or organization that provided the service.

MR. MOTHERAL: Thank you.

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

Janine Gibson.

MS. GIBSON: While we are setting up,

I will introduce myself.

MS. JOHNSON: Could you use the

microphone, please, so it can be recorded?

MS. GIBSON: Okay. While we are

getting this technology set up, I will just

introduce myself because I value everyone's time.

As you heard, I'm Janine Gibson. I

have lived on family farms my whole life. My

grandpa always raised about 50 sows just outside

of Minnedosa, Manitoba, outside on pasture. And

the combination of being raised on his family farm

and my father's quarter horse ranch, and

eventually a PMU operation, pregnant mare's urine,
gave me an idea that animals could suffer for

production. He got out of it after ten years

because we couldn't really find a production

system where the horses were as healthy as he

wanted them to be.

I currently live in Hanover. And I'm

sorry I wasn't able to attend the Steinbach one,

but I'm very delighted to be here and appreciate

your time this afternoon.
I live on a small mixed farm. We raise about ten pigs a year, so we are very small scale. But I have been working -- I'm not doing direct farming myself, I earn my living as an organic inspector and I am the past president of Canadian Organic Growers and the current chairperson of our Manitoba chapter, which is the Organic Food Council of Manitoba.

MS. JOHNSON: Could we just stop for a second, and we will get you sworn in and then you can take it away. You did state your name.

JANINE GIBSON, having been sworn, presented as follows:

MS. GIBSON: Thank you.

THE CHAIRMAN: I would note also that, Ms. Gibson, we are on a tight schedule today, you have 30 minutes.

MS. GIBSON: And I will be talking as quickly as I have already been to try and get through, I will be getting it all through.

THE CHAIRMAN: You can't talk too quickly because our recorder has to be able to get it down.

MS. GIBSON: Okay. I have given you a copy and they are available at the back, copies of
my presentation, and so I will be adding
supplemental information.

So the Organic Food Council of
Manitoba is the organization that I'm representing
here. It is a chapter of Canadian Organic
Growers. And I just wanted to start off by saying
that I was pleased that the wind has been blowing
in Manitoba, as it usually does, because this
presentation was put together using only wind
power and solar power. Our farm is off the grid,
and that is how it was put together. And contrary
to the popular notion that Manitoba is so windy
because Saskatchewan sucks and Ontario blows, I
think that it is great to be looking at
alternative production methods. So I'm glad to be
here.

So basically my presentation is in
four parts; an overview of the sector and the
standards as they exist today, a very brief
overview of the environmental benefits of organic,
some organic industry development needs, and I
have got a list of websites and references for
further research.

To follow up on what the colleague
just before me said, there actually is a demand
for environmentally produced food in Canada and that is reflected in these organic statistics. Roughly 40 per cent of Canadians now buy organic products, 18 per cent regularly, 22 per cent several times, we call those light buyers, another 31 per cent occasionally. And 64 per cent of Canadians believe strongly or somewhat that organic food is better, and that better is both for their health and for the environment.

And again for those of you that have copies of it, I have referenced all of the statements that I make, so you can check it. This was research done by Rosalee Cunningham of Alberta Agriculture in 2001. It is the most recent profile, and you will see from some of my other statistics that this has been increasing, not decreasing in any way.

So organic production standards have evolved internationally in response to a phenomena known as ethical consumerism. They are based on the precautionary principle which is that inputs and processes are allowed only when proof exists that they are the safest known alternatives for both health and the environment.

There are over 25 organic
certification agencies in Canada accredited to meet the standards by four internationally recognized third party accreditors. All require an organic farm plan based on this precautionary principle, which is exclusion of the worst known toxins, and that the organic farm plan is a systems approach to preventative measures. So the farms need to document how they are maintaining healthy water systems in their environments.

So organic farmers produce food using locally based integrated management systems that are monitored annually. A consultant such as myself, an independent third party person that is very familiar with agriculture, monitors and assesses their management plan, and this is done every year.

Manitoba currently has about 250 certified operators. Canada has over almost 4,000 certified operators. The International Federation of Organic Agriculture Movements has guidelines for how the Canadian standard has been developed, for how all countries can develop standards. So this is not something that a bunch of folks have just pulled out of a hat, this is an international movement. Also working, IFOAM has worked with
representatives to the World Health Organization, Codex Alimentarius, and again I'm providing you with their websites, have standards on organic agriculture and what is requested, what is required to call something certified organic.

So the group I'm representing, the Organic Food Council of Manitoba, has about 90 members in Manitoba. We are part of almost 2,500 across the country who are supporting local production and consumption of organic food.

We have an organization in Manitoba called OPAM, the Organic Producers Association of Manitoba, which is a cooperative. They are the primary certification body in Manitoba. They have about 300 members, and as I said earlier, I believe the most recent statistic is they are certifying around 250. And these two organizations have selected a Manitoba representative to the Organic Federation of Canada, that is what OFC stands for. I'm afraid there is quite a number of acronyms that are defined throughout this piece. The Organic Federation of Canada is working with the Canadian Food Inspection Agency on a Canadian organic regulation to enforce the standards that the
So just briefly, our national standard harmonizes with all of our international trading partners. Our Organic Federation of Canada is designing with the Canadian Food Inspection Agency Canada's organic office and a regulatory system to oversee the standard. But as agriculture is a provincial jurisdiction, provincial standards and regulations are needed for products produced and traded within the province. So the new federal standard and regulation applies only to inter-provincial and international sales.

So the Manitoba Government is in the process of drafting a regulation and standard for organic production within Manitoba, based on the recently adopted federal regulation under the Canadian Agricultural Products Act and the CGSB, Canadian General Standards Board, organic standard maintained by Agriculture and Agri Food Canada.

Here is small portion of the pigs being raised organically. This operation is near Forrest, Manitoba.

So now I'm briefly going to shift into some of the concrete principles and standards in
what makes an operation organic. So management methods must be selected in order to restore and then sustain ecological stability within the enterprise and the surrounding area. So this is a key component, that is why I'm very pleased to be talking to you about the potential problem solving benefits of organic agriculture and how we can support more of our producers to produce hogs organically.

So under an organic production system, these are all in the preamble of our national standard that has been ratified, a system of organic production, livestock are provided with living conditions and space allowances appropriate to their behavioral needs and organically produced feed. Now, the point there is that means they have to be straw based, pigs root so they have to be on straw based rooting system. And they have to have access to the outdoors. They have to have minimum space requirements.

And the organically produced feed, why that is very important is when the manure is composted and used to apply to the fields near to where the barns are, that greatly reduces the greenhouse gas emissions of trucking the manure in
a liquid form and then trucking in the feed. So it is a closed loop system that has to be created in organic, which has very big environmental impacts.

And the minimizing of stress in promoting the good health and disease just about does away with antibiotic use. There is no prophylactic use of the antibiotics. So these are the principle statements that are then interpreted. And I didn't go into, we don't have time for me to go into all of the specific standards, so I just wanted you to see the principles that override the specifics.

So the six basic principles, and I will just be referring, and I have listed them all in the handout, but I'm just going to refer to the ones that directly impact the environment. And that is the number one principle of organic agriculture is to protect the environment, minimize soil degradation and erosion, decrease pollution, optimize the biological productivity and promote health. So there you go.

The next is about soil, and then this one, I will draw your attention to number 5 -- well, number 4 is pretty interesting, recycling
materials and resources to the greatest extent possible. So that is a requirement of a farm if they are to be certified organic. And 5, provide attentive care that promotes the health and meets the behavioral needs of the livestock, hence the straw based systems and the access to outdoors, the being housed in social groups, relative social groups. We all know that hogs are very social creatures and how stressful it is when those social groups are broken up.

Number 6 basically just says that anything that comes in, or anything that is produced has to be treated in a way that maintains its organic integrity, so they can not be commingled with non-organic hogs or meat.

Number 7, rely on renewable resources in locally organized agricultural systems. So the emphasis is on our watersheds and local systems being as healthy as possible. So those are the principles under which certified operators have to function.

So in the organic plan, section 4, 4.1, the operator of an enterprise shall prepare an organic plan outlining the details of how they are going to farm. And that is what is checked
every year to make sure they are doing what they say they are doing. And they pay through their certification company for an independent auditor to check every year that their management plan is, in fact, not polluting the local watershed. So the organic plan has to be updated annually to address any changes and any challenges in executing the plan. So this is very preventative. So it is being assessed in a way that offers a chance to prevent problems from developing. It has to have a detailed internal record keeping system with documents sufficient to meet audit trail and record keeping requirements. So it is not the way our current Manitoba system is, sort of the honour system, I think it is less than 3 per cent of our manure management plans are actually audited in the province. If they are certified organic, they are audited every year and they have to have detailed records of what they have done with their manure for the entire year.

So the records have to trace all of the inputs, so that would include compost, if they are composting or bringing compost in, the nature and the qualities, the quantity that is coming in, anything that leaves the unit, and any other
information such as the origin, nature and
quantities of agreements. I have put this in
because this is all about how organics insist on
quality composting, which really reduces nutrient
loss, really ensures that those valuable nutrients
in the manure are being cycled properly, and you
are not losing them to nitrification either in the
air or in the surface or groundwater.

So here we have what 32.310-2006
requires. The livestock section in its specifics
is section six. So it is just saying these are
the benefits that livestock make primarily around
fertility of the soil and biodiversity. And there
is a lot of research now, especially in the
States, I wasn't able to include it simply for
time, about the incredible beneficial aspects of
promoting biodiversity, and organic has clearly
been proven to promote biodiversity in a watershed
and in an eco-system.

So organic agriculture defines
livestock production as land related, that
herbivores have to be access to pasture, all
animals have to have open air runs, and there can
be exceptions for inclement weather or for the
state of the land, if it is too dry and they are
going to destroy it, or it is too wet, whatever.
So there are exceptions, it is not an all or
nothing situation.

Stocking rates have to recognize what
is appropriate for the region, and feed production
has to be considered, stock health, nutrient
balances, and once again environmental impacts.
So these are all assessed on every operation every
year.

The other areas of the standard
headings, which I'm not going into, but these are
specified, I wanted to focus a little bit more on
6.9, which is manure management. So manure
management practices used to maintain areas in
which livestock are housed, penned or pastured
shall be implemented in a manner that minimizes
soil and water degradation. So, for example, when
I have been on a certified organic operation, I
have had occasion to say, I'm really glad that you
are stockpiling your manure. I would like you to
notice this leaching, you have got it on a slope
and it is leaching down. So that would be written
up in my report and the certification committee
would make a requirement that the siting be
changed for the composting facility, that it is on
an even grade, that there is no leaching. In this
case it was into an on farm pond, but that is
still not appropriate under organic standards.

6.9.2, manure storage and handling.

All facilities shall be designed, constructed and
operated to prevent contamination of ground and
surface water. You will see a little later on, I
will make reference to how Europe has used this
extensively to protect watersheds for cities. And
that research, I have just cited the City of
Munich, but there are several countries in Europe
that have used organic agriculture in a
preventative way. When they know how expensive
watersheds are to clean up, they actually pay
their operators to convert.

So here you have a whole series of
acronyms. These are the International Organic
Accreditation Service, the Standards Council of
Canada, the National Organic Program of the USDA,
Certified Organic Associations of British
Columbia, and the Conseil des Appellations
Agroalimentaires du Quebec, and these are the
accreditors that oversee the certifiers with whom
the organic producers are working. So if you
don't, you probably don't recognize any of them
but perhaps the Standards Council of Canada. It is very important, this is an international oversight here, so this is not -- if they don't maintain these standards, there is serious repercussions. So the standards are verified in an annual inspection that they are complying with what they have signed that they are doing. So I train organic inspectors. I am an organic inspector. I'm a member of the Independent Organic Inspectors Association, and what we train our inspectors to do is risk assessment, risk management, go in there and help the operator understand that to preserve the local watershed, you can't have your compost pile on sloping land down to a creek. And that sure we may have a buffer of, what is it, 100 feet before an open waterway, but if you have got a slope, if it is graded at all, then to meet the organic standards it has to be much greater than that. So the compliance with specific certification agency policies are in addition to the organic standards that are national and, hopefully, soon to be a provincial regulation here in Manitoba. But I think it is quite something to know that our Provincial Government is drafting an
organic regulation for Manitoba. So they see the potential benefits of this. So organic food has an organic premium as part of its price. This premium covers the costs for the operation as part of their cost of production. Far too many of our farmers are not getting back their cost of production. So we have increasing numbers of ethical consumers who are choosing to pay this premium as a way of rewarding organic farmers for the environmental services that they provide to the communities. And also because Canadians care about farmers. We have long been an agricultural country and we want our local producers to stay financially viable.

This is I know too confusing for you to follow, but this is the national organic regime that the CFIA, you see at the top, Canadian Food Inspection Agency, I'm the Manitoba representative on the advisory committee over there on this side, which is advising the CFIA on how to put this regime into place based on what is currently being practiced in the country. So I'm ensuring that the Manitoba producers of whatever scale, small, medium and large, are met within this system of basically ensuring integrity. This whole system
is set up to ensure integrity, that people do what
they say they are doing.

So in that we have members of both the
Independent Inspectors Association and Canadian
Organic Growers. As I said, that is a national
organization that promotes organic agriculture.
Locally we produced this directory, I have a
couple here, of where to find organic food in
Manitoba. Nationally we have also produced this,
"Gaining Ground, Making a Successful Transition to
Organic Agriculture," how important that is. And
I have passed out some of our booklets, a
quarterly magazine, and we have a library on how
to produce organic. That is our role, to educate
people. Through all of this, we have been around
since 1975, we have had a role in ensuring that
our national standard harmonizes with our
international trading partners so that what is
organic in Canada can be traded around the world.
We also, we have had quite a bit of consultation
on the regulation, and we also train inspectors as
well as training farmers. So we offer classes, I
teach through Assiniboine Community College
organic livestock production.

And Canadian Organic Growers has
gathered the organic statistics in Canada since 1991. And we believe that a sustainable food system is economically viable to all participants, is socially supportive, ecologically sound, and meets the needs of future generations. So that is how we define sustainable agriculture and why we support it.

Now, if this were a cardiogram this guy would be dead, but nonetheless it is going up, and it is continuing to go up. This is some of our Canadian Organic statistics from 2001. You can see just over 3,000 producers in 2001. Here is our latest, and you can see there, it is up and down and up and down, and we have got some weather difficulties that we feel are contributing to that. Also there is Quebec and BC are two of the largest producers, and when Quebec put requirements on maple syrup production, that has impacted the figures somewhat. But we still feel there is excellent growth, we are now up to just under 4,000 producers across Canada.

Same thing, same nice upward curve in terms of processors and handlers. This would include abattoirs, this would include on-farm slaughter facilities, this would include, you
know, the cleaning and processing of feed for organic. So it is going up. Now, most processors and handlers, organic is a small percentage of what they are doing, but more and more know the importance of niche marketing and want to offer those services.

So Canada, and people are surprised to learn this, is in the top five world producers of organic grains and oilseeds. So we have the capacity to grow the organic feed that an organic livestock sector would require. And it is over a billion dollars now, which includes processed and non-processed product. This is not just a small little niche market that many people think of it as. It is very big on the coast. We are in the middle of the country and sometimes we are a little behind in adopting to change, but we really have a tremendous opportunity here to convert some of these operations that are causing environmental impacts into more sustainable systems.

So our standards give a guarantee to consumers. They promote good practice by guiding the organic producers. They maintain a base for inspection. Here again you have the international accreditors. You will notice that both Quebec and
B.C. have a level of oversight, they have their own accreditors, whereas the rest of us in Canada rely on the Standards Council of Canada, or National Organic Program, or the International Organic Accreditation Service, which is an offshoot of IFOAM, the International Federation of Organic Agriculture Movement. And it is a tool for this precautionary principle. It is easier to prevent a mistake than to clean it up.

So here I want to quote Helen Posey of the Environmental Green Paper on Agriculture.

"Farming is in crisis in Canada, so is the environment. Since agriculture and the environment are intimately entwined, both crisis must be addressed together."

And I think you are doing that by looking at this type of alternative production.

So my presentation does not address the social and the financial benefits of organic agriculture. There are clear studies, longitudinal studies showing that per acre return for organic production is higher. And I am sure that that could be for the newer market of hog production as well. This is the rationale that
now over 14 U.S. States subsidize organic
certification costs for their producers.

So now this next little bit that I'm
going to be rambling through, I don't know if I am
going to get an award for talking so fast, but I
hope I don't run out of breath here. It is just,
you can tell, I was so pleased to have the
opportunity to present this to you, I wanted to
give you so much information in such a little
time.

These were presented at the IFOAM,
International Federation of Organic Agriculture
Movements conference in Victoria in 2002.
Canadian organic growers hosted a meeting of over
93 countries around the world, and one of the
scientists presented a breakdown of direct
measures and indirect benefits to the environment
of organic agriculture.

So I'm going to very quickly, and I
have just touched on a few of them because of time
constraints. So for you to know that there are a
restrictive list of permitted inputs in organic
agriculture. That is a direct measure that we
have a positive impact on the environment.
Indirectly we have very good traceability systems,
so we know what is going on in all of our farms and we can track all of our products, right from the time they are born until where they get on the shelf and you pick up your pork chop, it is tracked. As well, again, special input criteria.

In terms of risks to the environment of parasites and bacteria, we have the same as chemical agriculture, but our indirect risk benefits are that we have pasture grazing, through rotational measures, the parasite load is reduced through very careful rotational grazing, and other preventative measures such as the nature of how the stock is rotated, the type of stock, the quality of the feed, that sort of way. Because we have very restrictive use of parasiticides.

In terms of bacteriological risks, strict exclusion of sewage and industrial manures. In fact, no food product, no grain product to be exported to Europe can be fertilized with a manure from a non-land based system. So all of our confinement manure cannot be composted and used on an organic system because it is a non-land base.

So this is an international standard.

However, we do support appropriate manure compost treatments. I have actually seen
organic slurry systems where they aerated the slurry. In Ontario they aerated the slurry and applied it to the manure. So it can be composted even if it is not in an organic straw based system, but appropriate manure compost treatment for the environment.

In terms of mycotoxin risks, again basically the same as chemical agriculture, but indirectly, because we have less intensive systems and a drastically reduced use of concentrates in animal production, we don't have the same kind of fungal problems, and there is more extensive grazing. So that also contributes indirectly to more beneficial healthy mycelium rather than mycotoxins.

Chemical contamination risks, we exclude a wide range of synthetic pesticides. Most synthetic pesticides are not allowed. Some are restricted, in certain special criteria, allowed for use. And, of course, there are natural pesticides that occur naturally, that are also restricted because they can be dangerous. We do have now a general background of contamination throughout the whole world, as we see with atrazine turning up in Inuit breast milk. We do
have pollution. So organic agriculture gets away from that. Organic hog production requires that the feed for the hogs be produced without chemical pesticides.

In terms of veterinarian medicines, organic exclusion of antibiotics in feed in all organic standards, and indirect because of our stress on preventative measures with longer withdrawal periods for antibiotic use. No animal that is sold for slaughter stock can have antibiotics administered, but breeding stock can, because it is a criteria in organic standards that animal welfare is number one priority. No animal should be withheld from treatment just to preserve its organic status. That's very strictly upheld.

Nitrates, nitrites and nitro amines; direct measures, complete exclusion of synthetic nitrogen, not allowed in organic agriculture. Most people don't know the production of synthetic nitrogen. It is an incredible greenhouse gas emitter and we are going to have to get away from that. I mean, global warming is all of our responsibility.

So organic is a less intensive production. There is very controlled use of
nitrogen sources primarily from legumes and
animals, which is more cost effective on the
farms.

Okay. I'm going to have to just buzz
through here. So less use of concentrates, no use
of growth hormones, only for physiological needs,
no use of genetically engineered. I have said
BSE, but this is the same for hog pneumonias, a
lot of contagious problems on farms have not been
found on organic operations, restrictions on
inclusion of animals from non-organic holdings.
Here I was referring to the City of Munich paying
its farmers. So contamination and production
concentration and improper manure management needs
overall monitoring to identify early potential
risks and ensure better documentation and better
risk management.

So here is some organic pigs up from
Poplarfield.

This is what our industry needs. So
many farmers do all they can to preserve and
protect water by establishing buffer zones,
protection, composting sites and reducing chemical
inputs, but we have record low farm incomes and we
cannot expect our farmers to do this alone.
Organic supports help with higher organic
premums, but we need more support.

So Haycrest Organics, which is run by
Robin Goodmundson and Eric Bjornson of Poplarfield
now produce, it varies between 100 and 400 hogs a
year. So I'm giving you some examples of current
organic operations here in Manitoba. They have
almost completely eliminated wastewater in
converting from a slurry barn. There were three
slurry system based barns on their property.

However, we need coordinated
provincial and federal support. The National Farm
Stewardship Program declined their request for
rubber matting, to help them pay for the rubber
matting. So they paid for two of barns to have
the rubber matting installed, but the third barn
is sitting unused because they couldn't pay for
any more matting. And that would have completely
eliminated their wastewater had they received that
support. So what are they thinking?

So 100 per cent of their pork is farm
gate sold, and they sell out regularly. They
could be selling a lot more. But the supports are
needed for them to market locally, and they want
to use the empty barn. A quote from Robin,
"People love the quality of our meat products and they want connection to farms."

They would really benefit from an advisor to help them apply to programs.

And this is a slide that I didn't have time to make -- advisors not only in terms of what grant possibilities are, but engineer advisors that understand organic standards to say here is how to convert a slurry based barn into a sustainable farm production, you need more windows, you need more air flow, this is how to get access to outdoors, and the rubber matting over the grids.

Bruce Daum, Krisandra Farms near Forrest, increased longer term supports for developing new markets. They tend to minimize just how much effort and private investment goes into the developing of these markets. He said he could be -- he has got an order now for 125 organic pigs a week into New York that he can't meet. And I know of several organic marketers who say the demand is greater than the supply right now.

So governments need to also educate the banks so that they will finance compost
facilities. I know applications have been turned
down, hog producers have been told, have an
inground slurry pit, you don't need a compost
facility. Well, we need to have a taxation system
that gives an economic break for farms that are
providing environmental services.

So we need alternative market
development support, a sustainable model needs to
come up with. Ian Smith, another producer, calls
for more custom and on-farm slaughter facilities
which could be certified organic, transition
supports to help people convert to local feed.

Ian is humane certified. And humane
certified has the same space and outdoor access
requirements as organic but they can be fed
whatever feed is available. Many of these would
be certified organic if there were a local source
of feed.

Assistance with farm labour costs.

Ontario actively promotes composting facilities.
PEI subsidizes 75 per cent of organic cost,
fourteen U.S. states do. So we need advisors on
complex labeling requirements for organic as well.

The moratorium wouldn't be needed if
we switched to a diverse sustainable model such as
the Swedish loose housing. Our livestock specialists in new business development do not seem to be aware of the demand for organic pork, or how to offer organic production and transition advice. We need expert in-house advisors, not just for grants, which is why I put it in brackets, but for converting our existing barns into more sustainable systems.

So to achieve ongoing sustainable environment risk management, indirect systems based approaches need to be developed, rather than single isolated issues. We need to work together locally, provincially, and nationally to support organic production and consumption as a needed tool for more sustainable environmental risk management.

Now the rest of my presentation is just all the websites, the COG website where you can find out how to order the books, the Organic Ag Centre of Canada, ATRA, excellent publication, "Considerations in Organic Hog Production"; University of Minnesota, "Hogs Your Way." These are all straw based organic certifiable production systems that are well recognized. The Canadian Environmental Green Paper on Agriculture. U.S.D.A
Economic Research Service, I didn't go into the
tremendous boon of organic. The Organic Trade
Association.

And thank you for your interest in
safe and sustainable organic hog production in
Manitoba.

THE CHAIRMAN: Thank you, Ms. Gibson.

Is it possible for all farmers to be organic or
will organic foods always be a niche market?

MS. GIBSON: I think it is possible.

I don't know if we would want such a thing,
because what organic strives for is diversity, and
in some bioregions -- that is why the standards
always say, given your bio region. For example,
is it possible for us to grow bananas in Canada?
Well, I have a friend with a living banana tree in
southern B.C. So we don’t know. But the fact of
the matter is we could be solving and preventing a
lot of environmental problems if a much higher
percentage -- we are at about 1 per cent now. I
think we could easily move to about 10 per cent
within the next five years. And it would be a
boon to our family farms in terms of economic
viability, as well as care of our watersheds.

THE CHAIRMAN: I think you are
suggesting towards the end of your presentation that it would require significant subsidization, at least to start up?

MS. GIBSON: To convert -- no, not to start up.

THE CHAIRMAN: Or to convert.

MS. GIBSON: If you are going to convert, and I wanted to talk to you primarily about the problems. I live in Hanover, you know, I have 72 ILOs within a five-mile range of my small 220 acre farm. So I want to -- that is what made me excited about doing a presentation -- I want to see us heal, like build on the investment that is already here in Manitoba. We don't have to say these are polluting, we should shut them all down. A hog moratorium would not be necessary if we could help some of them convert to a more environmentally sustainable method. But new operations, if someone wants to invest, and this investment is happening on the coasts, I just don't see it here in central Canada or the central U.S. to the same extent that it is happening say in Europe.

THE CHAIRMAN: Wayne?

MR. MOTHERAL: Just one question, and
I get confused every time I hear this, because you hear it in different presentations. Even when liquid hog manure, or whatever, the slurry you call it, can be separated into liquid and into a solid material, that can be composted?

MS. GIBSON: Yes.

MR. MOTHERAL: When that goes on the land, that goes on the land and it is perfectly all right for organic --

MS. GIBSON: Not if it comes from a confinement facility.

MR. MOTHERAL: Okay. Just going back to the ordinary compost that you talk about, what is the percentage of nitrogen and phosphorous left in that compost, and is it still not able to go into your streams also? This is what I'm concerned with or confused about.

MS. GIBSON: This is why I spent some time talking about the standards and the fact it is annually monitored, is because how much nitrogen and phosphorous is in your end product totally depends on the skill with which it is composted. You have to have nitrogen and carbon in an anywhere from 25 to 40 to one ratio, so your carbon to nitrogen ratio has to be just right.
You have to have the right amount of moisture and it has to be turned regularly. If it is not done, you could have phosphorous leaking from it. However, compost, that is one of the challenges in organics is phosphorous supplementation. So most organic farmers really treat their compost well, because they want that phosphorous, they want those nutrients cycling and staying on the farm, they do not want it leaching. So, yes, compost is very effective in holding on to nutrients and ensuring they get back into the soil. It can be abused, if is applied, if it is not built properly, if it is on a slope as I was saying, or if it is applied, it doesn't run off the same way that liquid slurry does, so it is much less likely a problem. But the problems come up with compost in the making of it. This is why it is important to know that an organic farmer is paying to have an independent third party person come in and say, you know what, this isn't quite up to snuff, I'm afraid I'm going to have write you up on this, and you will have to work with your certifier about improving your composting process. Basically what you are doing is just piling it and there is leaching or whatever. So there can be problems
from compost too, but it is much less likely. And if that operator is investing in paying their certification fees, which can be anywhere from 500 to $1,500 every year, as well as filling out, keeping all of that record keeping, they want to meet the grade, they want to get those returns.

MR. MOTHERAL: Thank you. That is all.

MR. YEE: Thank you, Mr. Chairman.

Ms. Gibson, you mentioned specific standards for organic hog production. Would one of those standards be a limitation as to the number of animal units?

MS. GIBSON: Yes, stocking rates, we call it stocking rates, because there has to be access to outdoors. And that would also be that the operator, if they didn't have sufficient acres for application of their compost, and I'm sure you are aware, the panel is aware that when manure is composted it is reduced usually by two-thirds in volume, so you don't have to truck it, you reduce your trucking expenses as well. But it is important that compost not be overapplied. So they have to have sufficient acres, or in some cases they sell it, because a lot of folks, you
know, need that nitrogen, need a nice balance. As well, compost is full of biological activity, which tends to be in demand in Canada because in the summer our soil gets baked and in the winter it gets frozen, so we lose a lot of the soil critters, the microorganisms that are so important in keeping nutrients cycling properly in a healthy soil.

MR. YEE: You mention in terms of standards for organic feed, would that exclude the use of certain enzymes like phytase that increase the uptake of phosphate?

MS. GIBSON: If the enzymes are produced naturally, again, because of the exclusion on prohibited processes such as anything that involves genetic engineering or radiation, those are prohibited. So enzymes are allowed, I have seen them used in silage and haylage production in organic dairies. It depends on the source and the production. There are not a lot of real black and whites in organics. That is why I went over the principles. If you meet the principles, you can make a case for what you need, but you have to be going with the most natural, you know, you can use natural yeasts or you can
use synthetically engineered yeasts. Those are not allowed in organic, but there is usually a natural alternative available.

THE CHAIRMAN: Thank you very much, Ms. Gibson. I think we can discuss this for quite some time, unfortunately, we don't have a lot of time today.

MS. GIBSON: No problem, I really appreciate the opportunity. Thank you.

THE CHAIRMAN: We will take a break and reconvene at 3:30 sharp, please.

(PROCEEDINGS RECESSSED AT 3:14 P.M. and RECONVENED AT 3:30 P.M.)

THE CHAIRMAN: Can we come back to order, please? We have four more presentations between now and dinner hour. First up is Mr. Glen Koroluk. He took the oath in Winnipeg, so we consider that to be still in effect.

Carry on, sir.

GLEN COROLUK, previously sworn, presented as follows:

MR. KOROLUK: Thank you, Mr. Chair.

Glen Koroluk with a national organization called Beyond Factory Farming. I work for them part time. There's four of us in the country. We've
got an annual budget of about $175,000 a year, and we focus our energies on stopping factory farming across the country.

We've heard a lot in the last month and a half that the pork industry is one of the most regulated industries in the province. And what I'm going to show today is that I don't believe that, basically. And I've gone through some of the legislation, and I have witnessed over the years some of the deregulation that has actually happened in this province. And not only in this province, it's happened across the continent. These are things that happened in other states and provinces in this continent.

And just to give you a few examples here. Single desk selling was removed in the hog sector back in 1996. You're quite familiar with the Wheat Board and the single desk in Canada for marketing wheat. We had a similar desk for marketing hogs in the province, and that was removed in the mid '90s to make way for the Maple Leaf slaughter house plant in Brandon.

Also, during this time, we had some modifications to the Farmland Ownership Act. It used to be that if you were a business or
corporation outside of the province, you had to
apply through the Farmland Ownership Board to make
your case that you could set up shop in this
province. That was changed to make it now only if
you're a company outside of the country, you would
have to apply for the board. And again, that was
to allow for corporate structures such as Maple
Leaf to purchase Elite Swine and get into a
vertically integrated operation system.

Also, you know, the Farmland Ownership
Act basically defines what a family farm
corporation is. We've seen some fights in not
allowing corporate operations in other states in
the U.S. It's called anticorporate legislation.
And Nebraska and South Dakota are two examples
where they specifically state that if you are a
corporation with shares that do not belong to the
majority of your family, you can't operate in that
jurisdiction.

Another change or deregulation we've
had in the last decade too is the introduction of
the Farm Practices Protection Act. What this
piece of legislation does basically is allow the
right for a factory farm to set up operation in
your community. It insulates this operation from
nuisance suits and it also defines normal farming practices. And normal farming practices in this instance for hog operations are these giant barns that house anywhere between 2,000 to 10,000 animals in a confined system, with a big hole in the ground that collects the untreated liquid slurry and spreads it out on the countryside as manure.

The Farm Practices Protection Act also sort of defines setback distances and siting criteria. And the last time the regulation under this piece of legislation was amended was almost 10 years ago, in the absence of acknowledgment of major health studies that had been conducted in the U.S. in the last five years about the impacts that these operations do pose on citizens who live close to them.

Another measure of deregulation has been the Planning Act. And we've got a new Planning Act now. The old Planning Act was amended a number of times over the past decade. The amendments basically enshrined sort of a quasi environmental assessment process called a technical review committee, which isn't an environmental assessment process. It's a process
that gives the false illusion that the environmental aspects of that operation will be taken care of.

The technical review committee process is inadequate and the public is not afforded the right to have input into the process. It's a black box process which avoids public scrutiny and claims to perform a preliminary environmental assessment.

Also, with the recent new Planning Act, there has been some major changes where now, when a community accepts an ILO, there is no flexibility in placing conditions on it, and local decision makers are not allowed to raise the bar for the protection of their citizen's health and environment.

Bill 33, the new Planning Act, is also very prescriptive as to what must be included in a livestock operational policy and these criteria are very limited and narrow in scope. So that's another form of deregulation. And of course, with the Manitoba's Pork Council's presentation of March 5th, in their opening statement they want to further make requests, or they are asking, they are lobbying for further changes to the Planning
Act, which will totally get rid of the limited
democracy clause in the Planning Act, and
basically they want to get rid of the conditional
use process for ILOs.

When Bill 33 was passed, the new
Planning Act a year and a half ago, the Pork
Council didn't get 100 per cent of the things they
wanted, they only got 95.

So anyway, I did show you these
pictures to you in Winnipeg. I just briefly want
to go through them for the sake of my second part
of the presentation. And you know, if the panel
has a question to ask as I go through them, maybe
it might be a good idea that you can ask a quick
question.

THE CHAIRMAN: Can you explain a bit
about when and where these were taken?

MR. KOROLUK: Basically, okay, this
would have been the June heavy rainfalls of 2002
in southeastern Manitoba, same time, same time,
southeastern Manitoba, June of 2002; April 2001,
near Steinbach; again, April 2001, southeastern
Manitoba.

THE CHAIRMAN: And what kind of
concerns should we be --
MR. KOROLUK: Well, for this one for instance, this was April 19, 2001, southeastern Manitoba, the soils are saturated. We just had the snow melt, and you could see three barns there and the lagoon, which has been emptied, you can see the freeboard on the side. So, you know, you empty your lagoon in the nearby fields onto saturated fields, you can see the ditches there are flowing, and the ditches, you know, end up in the drainage ditches into our streams, and this will eventually end up in Lake Winnipeg.

THE CHAIRMAN: Do you know that that lagoon was emptied in the spring or was it emptied in the fall?

MR. KOROLUK: Oh, I don't know that. It's possible it could be emptied in the fall. I mean, they are operating through the winter.

THE CHAIRMAN: No comments from the audience, please.

THE CHAIRMAN: Were those pigs just left there or was this taken immediately after they might have fallen off the truck?

MR. KOROLUK: A citizen just found them on the road as they were driving home and gave them to us.

THE CHAIRMAN: Okay.

MR. KOROLUK: Interlake, late '90s, I'd say '99, a manured field to the left, you can see the algae growth in the ditch; southwestern Manitoba, a drainage ditch going through a manured field.

THE CHAIRMAN: Can you tell by looking at that picture that it's a manured field, or did somebody report that this was?

MR. KOROLUK: The person who lives closest to the field knows that this is a manured field. When you live beside them, you know that they are there.

THE CHAIRMAN: Okay, I accept that.

MR. KOROLUK: Interlake, again, manured field, purification, algae growth, soil saturation. Southeastern Manitoba, 2001, this is only half of the whole operation. There is 16 barns on one section of land housing 32,000 pigs
in the bush. A broken pipe, leaking pipe, the
colour isn't good on this, but you could see the
manure escaping between the lagoon and the barn.
This is a guess, and we think this is manure
burn-outs, dumping the manure perhaps in the
winter time with a truck, and you could see the
burn-outs on the field.

A 10,000 operation barn in western
Manitoba, just wanted to show the emissions coming
out of the stacks of the barns. And we could see
the air pollution travelling across the
countryside onto someone else's property.

Is it an industry? Well, we are doing
the pork industry review. The Pork Council calls
it an industry and, you know, I think it is an
industry.

I want to give you two guiding
principles for the second part of my presentation.
It is important that the regulatory system
recognize the difference between high volume, high
speed production for export, and smaller scale
more labour intensive production for local,
regional and domestic markets. Inappropriate
regulations for the scale and purpose of the
operation have been used unfairly to push smaller
producers and processors out of the market.

And as a second principle, any publicly supported program contemplated by a new policy must acknowledge the distinction between ownership structures at the producer level. A family farm entity and family farm corporation, whereby most of the labour, management and investment are made by someone in the family is different from a corporate agri business investment scheme. And cooperatives can be considered to be a collective of family farms. And I know some of the Hutterite colonies probably fit into the cooperative or family farm corporation definition.

So is it an industry? Yes, it is an industry. Then it must be regulated like any other industry in this province. And just to talk more specifically of environmental and health issues, we've got a messy flow chart here, it's a typical process flow chart of the environmental impacts of pig farms. And I lifted this from the Manitoba Pork Council presentation of March 5th. And it's actually not too bad of a flow chart. It's got almost everything there that you should be looking at. If you look at the rations, they
talk about the addition of antibiotics and pro-biotics, and also meat, bone meal, blood, other dead animals. And if you trace the flow from the rations to when it ends up in the environment, you will see that, yeah, there are gases coming out and odours coming out from the barns, and collection gutters in the floors and the pipes, et cetera, et cetera. They identify the gases, carbon dioxide, methane, ammonia, hydrogen sulfide, other. So it's a good flow chart. Unfortunately, in the Pork Council's presentation, they didn't even talk about a number of these things.

So getting back to regulating this industry like other industries in the province, other industries are defined as developments under the Manitoba Environment Act. When a proponent proposes to build their operation, the public is provided the opportunity to comment on it. This does not happen right now with the technical review committee process. The public is not afforded the ability to comment on it. It's really important to get local ecological knowledge at the assessment table.

The province sets up a technical
advisory committee. It involves up to 14
departmental members who provide expertise. The
proposal is also sent to the Federal Government
for input. So it's heavily scrutinized and the
public is engaged in the process. This is not
what happens when a barn is being proposed.

And I want to point out that the
barns, the temporary storage pits underneath the
barns and the manure storage facilities are not
defined as a development under the Environment
Act, and it's only the manure storage facilities
and mortalities who are regulated through a
permitting system under the Environment Act.

Now I want to talk about air quality.
Now, if we remember from our Manitoba Pork Council
chart, they tell us that hydrogen sulfide,
ammonia, methane odour and other gases are emitted
from the barn and lagoon, but currently have no
regulatory oversight to protect human health and
the environment. So Manitoba, we don't regulate
the air emissions from these operations.

Other industries we do. For instance,
in the oil and gas industry, the Oil and Gas Act
to be specific, Manitoba regulation 116-2001
regulates acceptable concentrations of hydrogen
sulfide at the property level. And they got two
levels here in the schedule, 11 parts per billion
for the one hour average and four parts per
billion for the 24 hour average.

Manitoba also has air quality
guidelines for ammonia and the maximum acceptable
levels of concentration are set at 200 parts per
billion. That's any other industry in this
province, but not the pork industry.

Other industries have to follow
workplace safety and health legislation.
Currently, farm workers are not classified
compulsory under the new Workers Compensation Act.
Farm workers are also not covered under the
Employment Standards Code.

Contaminated sites legislation, I'm
actually not too sure if this legislation applies
to the pork industry. It does apply to other
industries in the province. We have asked for
figures as to how many of these operations have
been decommissioned over the last little while,
and whether these decommissioned sites are posing
an environmental hazard or if they've been
classified as contaminated sites. We currently
have guidelines for site investigation, guidelines
for designation of a site, and we have a Manitoba sites list. And I checked the list on-line and it's of course outdated like everything else on the government website, but there appears not to have any manure storage facilities on that listing.

THE CHAIRMAN: Could you back up to your previous slide, Glen, please? Wayne and I don't have slide 30 or 31.

MR. KOROLUK: Oh, sorry, is that contaminated sites or workplace safety?

THE CHAIRMAN: Workplace safety and the contaminated sites one, we don't have those pages.

MR. KOROLUK: I'll get copies of those. Sorry about that.

Public health, another area which is regulated in other industries in the province. Now, I haven't had a chance to go in detail on the Public Health Act, and I wish I had the resources to do that. So really I can't say if the Public Health Act is currently being utilized within the ILO hog industry. From reading it over roughly, I think it should, because there are community illnesses and occupational illnesses in this
industry, and the Public Health Act tells us that we should be tracking these and reporting these illnesses.

So that leads us to where we're at right now in Manitoba, North America basically. What's next? Well, it's a tough situation to be, I mean, you're going to have to come out with a report. If we want to move to a sustainable industry, as we just heard from a previous presentation, it's going to cost money to make that transition, and we're going to have to help some of our family farm corporations to do it. And family farms, right now the Canadian Pork Council, the Canada Pork International and the Canadian Meat Council is appealing, i.e., lobbying the Federal Government to assist in addressing long and short-term competitiveness issues in light of challenges currently facing the pork production and processing sectors in this industry. And some of those issues are, you know, high hog production costs, labour shortages, new disease outbreaks, and the requirement for more risk management programs.

A bit closer to home, Michael McCain,
who made a luncheon presentation last fall to the Brandon Chamber of Commerce, and he gave out some ideas of how the pork industry has to move, in his perspective. And he's looking at potential private public partnerships for a new wastewater treatment facility in Brandon. And he says, "Governments must find ways to deal with social and related problems arising from influx of workers at low wage jobs, low income housing, daycare, demands on healthcare system and justice system, the need for big expansion in English as a second language training for workers, their spouses and their children."

And this is a direct quote from someone who attended that luncheon.

Michael McCain also says to offset the appreciating Canadian dollar, we must apply biotechnology to pig production so that you get bigger pigs, faster, with less food. And we could also increase production of hogs, which will drive down their prices, which will be good for the kill plant. And he also said that we could reduce the cost of labour by reducing wages or speeding up
the line speed. That's how we could compete on the global market.

And what was Manitoba's -- what has been Manitoba's response? Well, a few days before this past Christmas, and with no public notification or public input, the Minister of Conservation used a discretionary clause in the Environment Act and licensed the Maple Leaf pork plant to increase their yearly kill capacity by 50 per cent, or more than one million hogs per year. Nice little Christmas present.

THE CHAIRMAN: Now, you said there was no public input into that, but wasn't that subject of review by the Clean Environment Commission in 2003?

MR. KOROLUK: No, no, that was in 2002 where they wanted to expand to two shifts. They expanded by 50 per cent, and the discretionary clause was determining whether this was a minor alteration or a major alteration, and they defined it as a minor alteration, therefore, no public review.

THE CHAIRMAN: Thank you.

MR. KOROLUK: Well, my conclusion, or my question, I guess, is the hog industry the most
regulated industry in Manitoba? And I guess
another question I have is, is the hog industry
sustainable?

Any bright spots for the future?

Well, this just came in a few days ago. It must
have been my lucky day. The State Senate in North
Dakota voted to permanently ban the construction
of lagoons for hog farms. This is basically what
our moratorium is with Manitoba regulation
238-2006. We are temporarily banning the
construction of liquid manure storage facilities.
And I think North Dakota has been a leader in
North America, and since they have taken a new
initiative, it's time for Manitoba to follow.

THE CHAIRMAN: North Carolina.

MR. KOROLUK: North Carolina, sorry.

THE CHAIRMAN: Now, I have sort of
been following this story on websites as well. I
believe it's only passed the Senate so far. It
hasn't passed the House of Representatives or the
Governor.

MR. KOROLUK: That's right, and I have
the new story on that for you in the package.

THE CHAIRMAN: Yes.

MR. KOROLUK: Just to conclude my
presentation, I found this quote on a piece of scrap paper this morning that I used to put together my presentation, sometimes you find these old ones kicking around. This one is from sociologist Doug Constance from the University of Minnesota. He says,

"It is important that we do not accept the industrialization process of agriculture as something natural, as something inevitable, as something predetermined. It is no such thing. It is a plan, a plan for certain people to benefit and other people to pay."

Thank you for your time.

THE CHAIRMAN: Thank you, Mr. Koroluk. Where would you draw the line? You say that industry farms should be regulated differently than family farms, where would you draw the line?

MR. KOROLUK: Actually, the line has already been drawn, the Farmland Ownership Act actually defines a family farm corporation and it defines a corporate structure, and to draw that line, if the public -- I mean, we tend to believe in the polluter pay principle, i.e., those who
pollute must pay. But if we're very supportive of sustainable agricultural systems and sustainable food systems, and we want to support our family farm and our family farm corporation, I mean, any transition program or subsidy program to fix the problem should just go to those entities.

THE CHAIRMAN: We've heard, during the last couple of months that we've been going around the province, about some family operations that have six or eight large barns and produce a couple of hundred thousand pigs a year. Where would that fit in? I mean, technically speaking it's probably a family farm by the definition in the Farmland Ownership Act, but it's a pretty large operation.

MR. KOROLUK: Well, if it's that large, I highly doubt if it fits within the definition of the Family Farm Corporation. And I'll just read it.

"The Family Farm Corporation means a corporation that is primarily engaged in the business of farming, that is under the control in fact of farmers or eligible individuals related to farmers, or a combination of both, and
of which a majority of the issued and outstanding shares of each class of share are legally and beneficially owned by farmers or eligible individuals related to farmers."

THE CHAIRMAN: Well, we've heard from at least a couple, and perhaps more, who fill that definition but run very large operations.

MR. KOROLUK: Okay. Well --

THE CHAIRMAN: So I'm not sure where we draw the line.

MR. KOROLUK: Where you want to draw a line, I mean, I would look at the State of Nebraska and their constitutional amendments, and their definition of a family farm corporation doesn't allow other farmers to be investors. If we want to define family farm corporations, it's only the immediate family.

THE CHAIRMAN: But what's immediate family? Are cousins --

MR. KOROLUK: That's right, yeah. And it says that in this legislation.

THE CHAIRMAN: But cousins are a part of the immediate family?

MR. KOROLUK: Well, let me quickly
look. It could be cousins.

THE CHAIRMAN: I mean, it becomes really difficult. I mean, if we are to recommend a different set of regulations for different kind of operations, it becomes really difficult to decide where to draw the line.

MR. KOROLUK: It is difficult, yes.

THE CHAIRMAN: It might be more fair, if there's going to be a line, that it be on the size of the operation, no matter how it's owned.

MR. KOROLUK: Well, of course, we want smaller sizes. Let's put it this way. In a different way, you tell me -- I don't know if you invest in the stock market, it doesn't really matter -- but can you tell me of any stocks you could buy on this planet where, if the market bottoms out, you get a business risk program to help you out in the future? I mean, that's a pretty defined line right there.

THE CHAIRMAN: Well, actually, I think there are probably a lot of different tax breaks that one can accrue if you have financial losses, but that's not our point here. Edwin?

MR. YEE: I guess just to expand on that, Mr. Koroluk, in terms of the issue of family
versus corporate farm, where would you classify --
I think you did mention the Hutterite operations.
Would you consider them an industry, a corporate
entity, or are they considered a family farm?
MR. KOROLUK: I'm not aware of their
business structure. I think they are probably a
combination of -- they could be family farm
corporation, they could be cooperatives, they
could be a corporation, yeah. You would have to
find that information yourself.
MR. YEE: I'm just, again along the
same lines of questioning as the Chairman in terms
of when we're looking at, if we're looking at
different regulations for the family farm versus
the corporate entities. We really have to make
that distinction.
You mentioned also in your
presentation about inappropriate regulations for
the scale and purpose and the operation have
unfairly pushed smaller producers and processors
around. Are you referring to the existing
legislative framework? Can you sort of clarify
that statement for me?
MR. KOROLUK: Existing, yes, and for
anything in the future, obviously. I mean, we
just, I mean, certain aspects of the industry, and 
very narrow aspects, there has been more 
regulation, and that's just dealing basically with 
the manure. So that has put some stress on the 
smaller operations. I mean, you've got a small 
holding facility. You don't have the cash on hand 
to build a new one or make it bigger or find more 
land. You just have to look at the stats. I 
mean, 10 years ago we had 2,000 hog farmers. This 
year we have, I don't know, 1,200, 1,000, 800. I 
don't know the number yet.

MR. YEE: Thank you.

MR. MOTHERAL: Yes, Mr. Koroluk, I 
have just one, I don't know if it is a question, 
comment, but it's on the planning issues. You 
have mentioned I think more than once about public 
input into plans, you know, into municipal plans, 
and maybe the public weren't aware of some things 
that are going on. Do you feel as though in the 
new Planning Act, with the requirement of 
municipalities to come up with a livestock 
operation policy which will be formulated through 
public meeting process, would you say that that is 
a proper means by which the public can have input 
into what happens in their own area?
MR. KOROLUK: That's only one process of many. You know, we like the checks and balances. It's very hard for a community to anticipate a development going up in their neighbourhood. Having input and up-front planning is good, but getting away from a political and democratic decision-making process such as conditional use hearings, I mean, that would be devastating. I find it very curious as to why a technical review committee has been established through the Planning Act where everyone is saying the province should be responsible for environmental manners. If that's the case, why isn't there environmental assessment?

We have a dual decision-making process in place that's worked very well for a long time. If it's a development, you apply for an environmental licence, and you do environmental assessment, and the public is engaged and there's a decision-making process established by the province. At the same time, we have community decision-making through conditional use hearings. That's the political decision-making process, and the siting issues, and that's separate. So that happens for any type of development. If you build
a landfill, the community does a conditional use hearing on it and they decide. The province has its political decision-making. With ILOs, for some reason, we combine that all into the Planning Act and it doesn't work. I mean, there is oversights. I mean, the technical review committee process is kind of like a checklist process. They don't even do, you know, they don't do the on-site inspection, you don't get public input. So this is where we get problems, this is where we get operations that are built in ecologically sensitive areas. This is where we get pollution escaping the farm site. And this is happening, you saw the pictures. So that process has to be changed. We have to go back to how everything else is licensed like an industry.

MR. MOTHERAL: I don't know how to take that, whether that was a yes or a no.

MR. KOROLUK: Well, your question is, are public input to development plans good? Well, yes, but that's only one part of it.

MR. MOTHERAL: Okay.

THE CHAIRMAN: Are you suggesting that lagoons and barns should both be subject to the development process, environmental assessment
process?

MR. KOROLUK: Yes, of course, yeah.

The barn is exempt. I mean, I showed you pictures of gases escaping from those barns. The Pork Council's flow chart defines those gases, where they escaped from.

THE CHAIRMAN: But that might have been steam or condensation.

MR. KOROLUK: Well, it would have been also, yeah, but it's also gases too. It's ammonia and hydrogen sulfide, it's methane, et cetera, et cetera.

THE CHAIRMAN: Have those been measured?

MR. KOROLUK: Yes, they have. They've been measured, I think they've been measured in some research in Manitoba. They've been measured everywhere across the continent, in Europe, I mean, they are well defined.

THE CHAIRMAN: Can you point us in the direction, you don't have to do it right now, but in the direction of Manitoba studies that have measured, or even North American, but certainly if there are Manitoba ones?

MR. KOROLUK: Yes, I can. In fact, on
the health section I want to put it on record that
I do have a stack of about a foot tall of all the
health studies that have been done on the
continent, peer reviewed and journaled in
professional, refereed, you know, they are in
professional journals -- I'm losing my words here.
THE CHAIRMAN: I don't know if we need
a foot of stuff.
MR. KOROLUK: I'll give you the
choice.
THE CHAIRMAN: If you can give us the
choice pieces, we can certainly have a look at
that.
MR. KOROLUK: I just want to tell you
that the measuring of gases in Manitoba have only
been at the stack and they haven't been at the
property line.
THE CHAIRMAN: Okay. Thank you very
much for coming out this afternoon.
MR. KOROLUK: Well, thank you.
THE CHAIRMAN: Next is Bev Froese.
BEVERLY FROESE, having been sworn, presented as
follows:
THE CHAIRMAN: Go ahead, please.
MS. FROESE: Thank you. Good
afternoon Mr. Chairman and members of the panel.

As I have just indicated, my name is Beverly Froese, I'm a lawyer at the Public Interest Law Centre. It's my pleasure to be here this afternoon and I thank the Commission for allowing me this time.

When I looked at the schedule of the public meetings that have stretched out over the past couple of months and I saw the number and diversity of presenters, I have to admit it didn't really surprise me, because I think it confirms the significance of this review of the hog industry to Manitobans. I know that very different views have been expressed at these meetings from a variety of perspectives. And I just think the importance of this opportunity for public debate and input can't be overstated, and particularly when the stakes are as high as they are here in terms of environmental impact of livestock operations.

I'd just like to talk a little bit about the Public Interest Law Centre. We celebrated our 25th anniversary this year, and over the course of those 25 years, we have participated in numerous hearings before
regulatory bodies such as this Commission. We regularly represent Manitoba consumers, Manitoba seniors and First Nations throughout this province, and we have appeared before the Public Utilities Board, the CRTC, and this Commission as you will recall in the Wuskwatim Dam Hearings.

Whenever we participate in a public process like this, the Public Interest Law Centre, of course, strives not only to zealously advocate on behalf of our clients, but we are also driven by a belief that encouraging and promoting public awareness and debate is equally important. And we believe that participating in a proceeding like this in a responsible manner means being able to test and challenge the evidence put forward by the parties to determine its credibility and reliability, and also by bringing forward as much information as we can so that well-informed and well-reasoned decisions can be made. We also believe there's much value in the decision-making process to have new ideas introduced and new interests heard.

The Public Interest Law Centre is mandated under the Legal Aid Act of Manitoba to take on cases that are in the public interest, and
that expressly includes environmental matters.

But the cases that we have been involved in over
the past 25 years have also given us deep roots in
promoting and protecting democracy, open and
transparent decision making, freedom from
arbitrary state action, citizen empowerment and
due process.

Our office was contacted by Mr. Glen
Koroluk of Beyond Factory Farming, who we've just
heard from, about whether we were interested in
also making a presentation. And it didn't take us
much convincing to realize the importance of these
meetings. And we recognize the Commission has no
easy task before it, but we believe we do have a
worthwhile contribution to make that will
hopefully address some of the questions you'll be
asking yourselves when you turn your minds to
preparing your report and recommendations.

It's a little bit different in this
proceeding, because in this case we are not
representing a specific client, we're making this
presentation solely on behalf of the Public
Interest Law Centre.

So to try to get a grasp of the issues
the Commission is going to be considering, I
reviewed material on the hog industry that was
provided to me by Beyond Factory Farming, but I
also read the lengthy written submission of the
Manitoba Pork Council to get the industry's
perspective. Two things immediately struck me.
One is how quickly the hog industry has changed in
Manitoba. As according to the Pork Council, pig
production in Manitoba is 10 times what it was 30
years ago. And to me, that's a pretty drastic
change in a short period of time. And so I
questioned right off the bat whether our laws have
captured up with those changes, or whether they lag
behind and they are no longer responsive to the
reality of today's agricultural operations. And I
also questioned whether our current laws have
advanced with the times or whether they are still
a remnant of the past before intensive livestock
operations were ever conceived of.

And the second thing that struck me,
and what I found rather disturbing was what the
industry admits we still don't know about the
environmental impacts of the intensive livestock
operations, and we really don't know yet how to
fix some of them.

So rapid changes, together with holes
in our knowledge of long-term effects and
effective solutions, made me wonder that when it
comes to intensive livestock operations, whether a
sort of full steam ahead, down the torpedos kind
of approach may have been taken up until this
point. So I therefore applaud this process and
this review, because I think it's always a good
idea to take a step back, take a deep breath and
take a sober second look before we go past the
point of return, where in this case we may be left
with irreparable harm to our environment.

So as a lawyer certainly not an expert
in the science or social impacts of the hog
industry, or how they operate, specifically, but I
have read the material on how they affect the
environment and our rural communities. As I
mentioned, where we believe we can make a
meaningful contribution is through a review and
analysis of the legislation and regulations
governing the hog industry.

Now, I know the Commission is going to
be making, or conducting its own review of the
legislative framework, but we wanted to provide
our comments, opinions and recommendations. And
so when we undertook this endeavour, we asked
ourselves several questions. First of all, what is the current legislative framework? Then we asked ourselves, is there sufficient regulation of the hog industry to mitigate its impacts on the environment to the greatest extent possible? And then we said, well, if there isn't, what more can be done to alleviate what we believe are very real and valid apprehensions and fears that many have about the state of the hog industry in Manitoba? And then we asked ourselves, what can be done so that Manitobans can take comfort and assurance that our environment will be protected?

So to answer those questions, we did what most lawyers do when they are faced with a complex issue and a complex regulatory regime, we went back to basics and we took a principled approach.

We will be filing a written submission with the Commission by the deadline date of May 7th, and yet although we haven't yet finalized our review and analysis, the purpose of my presentation this afternoon is just to sort of briefly highlight a few points. But to say that at this time, in our opinion, while there is regulation in place that is intended to reduce or
eliminate some of the environmental impacts, there is still cause for concern. In our view, we believe more can and should be done and that there are gaps in the law that need to be filled before we can comfortably say our environment and our natural resources will be sufficiently protected.

And in addition to that submission, we also felt we could contribute to the process by providing the Commission with additional information, and we have retained Professor Alan Diduk and Professor Patricia Fitzpatrick from the University of Winnipeg who will conduct a literature review and prepare their expert report that will focus on community based monitoring of the hog industry.

We expect their report will not take place in the theoretical plane, but will consider how to practically implement methods of monitoring the hog industry. And I have confirmed with both Professors Diduk and Fitzpatrick that they would be more than happy to appear before the Commission should it have any questions on their report, and we expect to have this report filed with the Commission by the deadline date of June 30th.

So as I mentioned, what I'd like to
talk today is not sort of a list of the specific legislation and what it states, but just some of the concepts that guided our legislative review, and there's three of them. And one is openness and transparency in decision-making, the second is monitoring of the industry, and the third is enforcement of existing laws.

So the first thing we looked at was openness and transparency in government decision-making. Because government action must be open and transparent, because our elected representatives are accountable to the public and the public is entitled to know what they are doing. And this concept has always been a cornerstone of a democracy, and it is particularly crucial, I think, in the context of intensive livestock operations and the hog industry, because of the profound impacts they have on the environment and the consequences that might flow if we make wrong decisions, or if ill-informed decisions without sufficient public input are made. And indeed I think it's trite to say that decisions made by governments after there have been a fair and open process instill greater public confidence and they carry with them a far
greater degree of legitimacy than decisions made
behind closed doors or without regard to the
voices of those affected by them.

So because of that, when we reviewed
the current legislation, and we are still
continuing our review, we kept that thought in
mind and we asked ourselves, where are there
opportunities for public input and scrutiny when
decisions are being made? And are there
circumstances where we need a full and fair
process so that the public can participate, where
evidence can be tested and challenged, where
decision makers must justify their decision, for
example, by giving written reasons that are
subject to review.

And it didn't take us very long to
find such a circumstance. And I'm sure there will
be more in our written submission, but at this
time, I am just going to focus on one as an
example because I think it's very significant.

Mr. Koroluk actually was just
referring to that, that intensive livestock
operations are currently not subject to any type
of environmental assessment under the Environment
Act. And we believe that that should change and
that there should be a process in place that is fair and open and transparent, and where there is an opportunity for meaningful participation by interested parties. And I say this for two reasons.

First, I don't think there's any question, and someone may correct me if I'm wrong, that intensive livestock operations pose a serious risk to the environment. And these, of course, include things like ammonia, nitrogen and phosphorus levels, contamination of our groundwater from runoff and erosion.

Second, the industry itself admits that there's much we don't know about the environmental impacts of intensive livestock operations. And I found that somewhat alarming. When I was reviewing the Pork Council's written submission, I kept coming across statements to the effect that either nothing or very little is known about how to deal with certain environmental concerns, or else while there may be "promising strategies" not enough time has passed to know whether what's being done right now is actually going to work. And I am going to just give you a few examples from the Pork Council's written
They said, "Information to adequately mitigate nutrient transfer by runoff and erosion is not yet available for the Manitoba situation. Much research is required to develop mitigation strategies that will prove to be effective in reducing transport of nutrients in various landscapes, soil types, cropping systems, et cetera."

And then it goes on to say, "Research is needed to develop methodology to economically and environmentally sustainably transfer manures and manure constituents from high livestock density areas to crop lands elsewhere. Studies on methods of economically and environmentally transporting nutrients among various agricultural systems warrants much more attention than that received to date."

And further, "Diets using amino acids to replace proteins in regular feeds are
challenging to formulate and adding particular amino acids to replace regular proteins are not yet cost effective. More research in this area is needed."

And again, "Strategies to reduce inputs and decrease outputs of nutrients are needed to increase environmental sustainability."

And again, "Further work and research relating to a reliable in-field test for estimating manure phosphorus is needed."

So when I looked at both of those things, the known environmental impacts and the things that we still don't know about, in our view, continuing to exempt them from any type of environmental assessment under the Act basically to me is like walking a high wire without a safety net. And not only doing that, but doing it blindfolded.

So I think the benefits of a fair and an open decision-making process are many. For
instance, it ensures that decisions are not one-sided, in the sense that the only information before the decision maker comes from the industry. Because in these types of circumstances, when all that's presented is one party's perspective, there's a very real risk that the decision maker, unknowingly and unintentionally, may become nothing more than a rubber stamp. And so to protect against that, there must be this meaningful process that leads to, as I mentioned, well-informed and well-reasoned decisions. And that means having an opportunity to test and to challenge the industry's evidence to assess its reliability and credibility. And it means having an opportunity for interested parties to present objective and independent scientific evidence. And it means allowing those affected by the decisions to express their views and have voices heard.

So when the Commission is conducting its legislative review, we simply want to urge it to look for ways to improve decision-making by incorporating these principles that relate to openness and transparency, and administrative law principles such as natural justice, procedural
fairness, written reasons and review.

The second point I want to briefly talk about is ongoing and vigilant monitoring of the industry so there can be as much accurate information gathered as possible. And I think that's particularly important in light of the things we may not know about the long-term environmental impacts. Because proper monitoring confirms that the decisions that are made are the right ones, an increased knowledge through research, testing, investigations and gathering of statistics means that if it turns out the problems continue, or if unforeseen or unpredicted events occur, or what we thought would work actually turns out not to work, then those decisions can be corrected.

My review of the legislation to date reveals that monitoring provisions are in place. For example, the Environment Act expressly states that one of the department's functions includes research, monitoring, studies, investigations, relating to the acquisition of knowledge, data or technological understanding necessary to perform its mandate. The Department of Agriculture, Food and Rural Initiatives Act contains a provision
that the Minister collect information and
statistics relating to agriculture. And then
further the Agri Food and Rural Development
Council is mandated by its enabling legislation to
provide the Minister with innovative ideas to
develop long-term strategies to work towards
vibrant rural communities.

I'm not certain what activities under
those acts are currently being carried out, but I
raise this point and certainly urge the Commission
to pay particular attention when it conducts its
review and makes its recommendations to ensure
that proper monitoring is a priority, so that
we're not operating in the dark when it comes to
the hog industry.

And hand in hand, I think with
accurate information gathering is accessibility.
And by that, I mean information be available --
made available to the public, because we believe
the public is entitled to know how intensive
livestock operations are being monitored and how
effective that monitoring is.

And one final point I wanted to raise
under the heading of monitor is to take note of a
recent press release, dated April 19th that was
entitled, "Province Introduces Legislative Changes That Will Close Loophole In Planning Act." And my understanding of this legislative amendment is to ensure that multiple livestock operators under the same ownership can't set up in close proximity to one another without first going through a local review. And I think this was a good illustration of monitoring the activities of livestock operators, in this case, those who may be trying to circumvent the law or find a so-called loophole, and that leads to necessary changes.

And the third and final thing I wanted to speak about this afternoon is enforcement of existing legislation. There must be public confidence that violaters will be prosecuted for non-compliance of the law. We feel that's very important. And there's several pieces of legislation that specifically contain offence provisions for failure to comply with either the legislation, a regulation, or a permit. For example, I am speaking of the Animal Care Act, the Contaminated Sites Remediation Act and the Water Rights Act, just to name a few.

The industry itself, in its written submission, acknowledge that there are violaters
out there. And I believe their estimation was that five to seven per cent of intensive livestock operators do not comply with their manure management plans. And while on its face that may not be a large percentage, given environmental impacts that may be caused by even one of these operations, I think a one is too many philosophy is the more prudent way of looking at it.

When I talk about enforcement, I am not sort of just talking about a sit back and respond to complaint type of approach. More is required, and we urge the Commission in its deliberations and when it's doing its legislative review to look for ways to ensure that there's consistent and vigilant enforcement of the law, for example, by ensuring that complaints are fully investigated and appropriate action taken, and having proactive enforcement, for example, through inspections and other means of ascertaining compliance with the law.

So to conclude, I have just highlighted some of the principles that have guided us on our legislative review journey so far and those that we believe are critical. Much more will be set out in our written submission that I
anticipate the Commission is waiting for with bated breath. I am hoping the Public Interest Law Centre's contribution will be of value to the Commission and to this process.

And subject to any questions you have, Mr. Chairman and members of the panel, those are my comments this afternoon.

THE CHAIRMAN: Thank you very much, Ms. Froese. I don't have any questions today, and while I might not be with bated breath, I certainly do look forward to your submission, because it's a topic that we have specifically had been asked to look at. And the fact that you are doing a comprehensive review will certainly help us in our overall review. I suspect quite strongly that once we see first your written submission and then your later expert report, we may well want to meet with you and/or some of the experts to seek some clarification or discuss some of the points you've made.

Any questions now?

MR. YEE: I think I'll wait until I see the reports as well, Mr. Chairman. I have some questions but I think it will be better served if I see the reports before I ask the
questions. Thank you.

MR. MOTHERAL: No questions. Just thank you very much. Our Commission is going to be looking after anything we can to make our report. That's all.

THE CHAIRMAN: Thank you very much for coming out this afternoon. Peter Manness.

STEWART PETER MANNESS, having been sworn, presented as follows:

MR. MANNESS: Good afternoon, Mr. Chairperson and members of the Clean Environment Commission. My name is Peter Manness, I am 28 years old. I farm with my dad and brother in Domain, Manitoba, about 20 minutes southwest of Winnipeg in the Red River Valley. I also work full time in the city as a farm management consultant. Up until December of this past year, I worked as a certified manure management planner for a large swine organization.

Today I come to you wearing the hat of a swine producer. My family has been involved in the swine business for over 40 years. We have a small finisher barn in our home yard and are involved with a group of producers in a large
operation where our home section is used for manure spread acres. My brother David and I are both interested in continuing our family's farming operation.

Ever since we began discussions on how we would grow our operation, we have always talked about hogs being a significant component to our plans. Not only do we see opportunity in the swine industry itself, but also with the ability to use manure to benefit our grain farm. By using manure, we are able to save thousands of dollars on commercial fertilizer and improve the productivity of our soil.

I understand the need for regulations for livestock producers. My concern is that the public pressure will force additional regulations on swine producers that will significantly harm their profitability, while having little or no effect on nutrient loading in our lakes and streams. I do not agree with swine producers continuing to be singled out and forced to defend our actions in the public arena. It is these reasons that I feel the need to speak to you today.

In the '90s and early 2000s, the hog
industry was looking for opportunities to expand. There were many good proposals that were turned down throughout Manitoba in the middle of wide open prairie because of political pressure, especially at the municipal level. Instead of providing an appeals process for producers or some type of certainty in the permitting process, the Provincial Government did very little to help. So hog operators built their barns in areas where there was less opposition. This in some part has contributed to the current situation of too many barns in the southeast corner of the province. In some cases, these barns were built with only the minimum land requirements available. Now, as the current spread acres are not adequate, there is no more land available.

Even with changes to the Planning Act, there continues to be no certainty for producers who wish to expand or build large livestock operations, especially hog barns. Applicants can meet all requirements set out by municipalities and the province, and still be turned down without reasons. And I think that's something I didn't put in on the sheet, but I think that's important, is that they seem to be able to be turned down
without any apparent reason.

Our farm exists in an area where there is low density of livestock operations. Our clay soils lend itself well to both manure storage and to retain nutrient in the soil for manure application. Manitoba needs more finishing barns to reduce our dependence on the U.S. market. This is especially important with the impending implementation of country of origin labeling which is coming in less than 18 months. This is the type of operation that we are hoping to build on our farm. These are also the barns that have historically come with the stiffest opposition because they tend to smell more and provide fewer jobs in the community.

The Provincial Government needs to step forward and establish a process where if producers meet the requirements for sustainable spread acres, acknowledge concerns from local neighbours, and meet land use planning guidelines, they should be able to build, or at minimum have some type of appeal to the decision. This is not only a hindrance to existing producers, but people moving in from other provinces or countries hoping to establish farms of their own.
How can you explain to a young farmer who has come from Germany, hoping to raise his family in the wide open spaces of the Red River Valley, that he cannot expand his hog operation on his farm when he has met all environmental approvals, land use planning requirements, and his operation sits almost two miles from his closest neighbour. And this is a true case of something that has actually occurred.

Currently in the technical review process, Manitoba Conservation and Manitoba Water Stewardship give two different recommendations for land requirement calculations. Both of these organizations sat on phosphorus expert committee, so why do they not use same formulas and assumptions for calculating what are acceptable amount of spread acres in application.

So much has been said about how hog farmers need to do their part. People talk about how the city is spending billions of dollars doing their part to reduce phosphorus. Well, the truth is, as hog farmers have been doing their part, consistently improving their practices over the last 10 years. As few as 12 years ago, most manure was applied using a process called big gun
irrigation. Now, I'm sure if you have not seen this process, I'm sure that you can imagine how it worked. Application rates were far in excess of crop requirements. Today the majority of liquid manure is injected or direct incorporated into the soil. Practices like GPS mapping, flow meters, and N to P rationing are common today. Producers are also trying out new technologies like in-crop application techniques and variable rate technology. Application rates are matched closely as possible to the individual crop nutrient requirements.

Now, at the same time in this ten-year time frame, the cost of manure application has more than doubled in price. Manure is treated now as a valuable resource, not as a waste product.

Hog producers have also focused their feeding programs to reduce the amount of excess nutrients in their feed through techniques like phase feeding and the use of enzymes like phytase. Through application and feed improvements, producers have reduced the amount of phosphorus being applied to each spread acre, in some cases by as much as 80 per cent. This is what we have accomplished in the last 10 years. Think of what
we can accomplish on our own in the next 10 years.

There is currently the opportunity to further reduce the phosphorus used in some swine diets, but restrictions put on the by the CFIA limit the full benefit of using phytase in feed. The CFIA sets out a minimum available phosphorus level in swine feed, and this is known in the industry as table 4. Because phytase in and of itself does not contain phosphorus, it does not count towards this minimum. There is an application for an exemption that can be used for individual feed rations, however, this is impractical because every time a producer uses a different ration, he would then have to reapply. For a feed company this could mean thousands of applications, and there's a cost every time you submit an application to be considered. This debate has been going on between swine nutritionists and CFIA for a number of years to no avail.

Finally, I have put together five, a list of five recommendations, I guess, or areas of action that I see as a possibility, and I have added a bit of commentary in here as well. As a citizen and a hog producer, I realize that there
will be a cost to reduce nutrient load in Lake Winnipeg. I am not, however, willing to open my wallet and be forced into making changes that will cost me money and provide no benefit. I will not be forced into changing for the sake of changing.

Our current hog barn at home was built in 1974 and is by no means new, however, we still think that it has a few good years left in it. It currently has enough storage for about three months. That means that we need to spread manure a couple of times in the winter on frozen ground. It has been established that most of the phosphorus entering Lake Winnipeg from agricultural lands comes in the springtime, so I see that we have a contradiction. I agree that this practice on our farm needs to cease. The government has imposed a winter spreading ban for all operations in the Red River Valley. Why do we not also include the rest of the province and municipalities as well?

For our operation, we will face a significant decision. Do we build a lagoon or manure storage and continue to run our barn at home, or do we shut it down? If the government is concerned with the cost to small producers, then
consider this: Currently the Quebec Government is offering to pay up to 90 per cent for producers to expand their manure storages. So if the Provincial Government is serious about this problem, why don't they do the same?

Number two, it has been well documented the benefits of injecting or incorporating manure. Nutrients worked into the soil are less likely to leave the field. It is time that injection or incorporation, after a short time, be mandated for all manure application on annual cropland. This technology currently exists to apply this to all manure types on most cropping systems, including minimum tillage.

The Provincial Government needs to assist producers in lowering the nutrients being excreted from the pig. The easiest way to do this is by limiting the nutrients going into the pig. Specifically, the Provincial Government needs to push the Federal Government and the CFIA to update the phosphorus requirements in swine feed. The Provincial Government should provide funding for the next step in this process as well, if they are not already doing so, which is for the production of low phytate feed grains. These grains will
further improve the ability of livestock to absorb phosphorus out of the course grain portion of their diet.

Number four, producers need more certainty in the approval process. There needs to be a way that sites that meet the necessary requirements have an opportunity for appeal. One possible idea will be to set up an appeal board with representation from impacted parties such as the livestock sector, municipal planning, and the Provincial Government.

I would say that, in general, the current existing regulations are adequate, and I think the environmental livestock team at Manitoba Conservation should be praised for working with producers to comply with regulations. I am convinced that this relationship has led to greater compliance in the entire industry. I think we heard earlier a number of about 95 per cent, which I think is excellent. I think this attitude needs to continue, but also those producers who continue to practice willful disobedience of the existing regulations need to face different consequences. If the easiest way to accomplish this is with more enforcement
officers, then so be it. These producers are making the rest of us look bad.

We need to focus on the science and things that we know are true. These are the easy things to accomplish. The science will convince producers it is the right thing to do, and at the end of the day, we, the general public, including swine producers, will get what we want, which is healthier lakes and streams. Thank you.

THE CHAIRMAN: Thank you very much, Mr. Manness. In the middle, I think it's your third page, you talk about producers are trying out new ideas like in-crop application techniques and variable rate technology as well.

MR. MANNESS: Yes.

THE CHAIRMAN: Could you explain those?

MR. MANNESS: Certainly. In-crop application techniques would be the use of applying manure when the crop is already growing, which is -- historically manure has been either applied in the spring or in the fall, and it allows the nutrients to be, the crop to be uptaking the nutrients essentially as they are being put on. And variable rate technology is the
use of, basically breaking individual fields down into separate management zones based on the productive capacity of the individual portion of the field. So that in areas where there is a greater yield potential -- where there's greater yield potential, then there's opportunity for more nutrient uptake. So it is matching manure application to those type of fields.

THE CHAIRMAN: Now, in your recommendations, you state that you are not inclined to incur more costs if it's not going to benefit you.

MR. MANNESS: Could I just make one statement?

THE CHAIRMAN: Certainly.

MR. MANNESS: I think, not that it won't benefit me, but if it doesn't benefit anyone, I don't really want to incur it.

THE CHAIRMAN: True, true. But you do make some fairly tough recommendations. You think that injection or incorporation should be mandatory.

MR. MANNESS: On annual crop land, yes.

THE CHAIRMAN: Yes. And then you are
also tough on treating producers who continue to practice willful disobedience.

MR. MANNES: Yes.

THE CHAIRMAN: Just to get back to your point about injection or incorporation, you obviously have a fairly small operation if you're still able to winter spread?

MR. MANNES: Yes.

THE CHAIRMAN: How much do you currently inject or incorporate?

MR. MANNES: From our small operation, none.

THE CHAIRMAN: Okay. But you are of the view that it should be mandatory for all?

MR. MANNES: Yes, absolutely. I think certainly with producers that have existing, you know, for instance, the honey wagon as it's called, with the splash plate on the back, then why, you know -- it is just a matter of making the point of going out to work it in after it's been applied, because it's the right thing to do.

THE CHAIRMAN: Okay. Thank you.

Edwin.

MR. YEE: Yes, Mr. Manness. I just have one question, Mr. Chairman. In terms of,
we've heard from previous presenters and we've heard at other hearings on the issue of who should be making the decision, especially I guess in terms of conditional use. Some people have said it should be provincial, other people say it should be left at the municipal level. You have also mentioned here, in terms of an appeal process, that there should be someone available, or a board for an appeal process. How do you feel, or what are your comments in terms of the issues as to should it be provincial versus municipal? As well as we heard from the earlier speakers, there needs to be transparency and public input into it. How do you feel that should all be addressed?

MR. MANNESS: I guess it -- I have no -- I think that the public should be involved. The question is, who has the right to speak at these hearings I think is a reasonable question. The concerns of neighbours, you know, of my neighbours, you know, I need to take those into consideration when siting an operation. And they should be involved and they should have input. Can their needs be met all of the time, exactly as they want it? Probably not. But should they have
reasonable consideration? I think absolutely.
Should the municipality be involved? Absolutely
the municipality should be involved. The
Provincial Government, as they state in the
Planning Act now, they are the ones that have the
environmental expertise.

The concern is that you can put
forward an excellent proposal, and I saw this
quite a bit in my previous employment, an
excellent proposal, a family farm proposal for all
the right words, and be turned down with no
reason. Just here is a letter, you have been
declined, and that's it. You know, wait for the
next round of municipal elections and try again.
And I don't think that that's the right process.
I don't think it serves, I don't think it serves
anybody, serves anybody very well.

MR. YEE: Thank you, Mr. Manness.
MR. MOTHERAL: Mr. Manness, I take it
from where you are, from Domain, that you are in
the RM of Macdonald?
MR. MANNESS: That is correct.
MR. MOTHERAL: I take from this that
you are not pleased with their operating policy
now in their planning. Are they not allowing very
many operations, or how many operations are there in your municipality? I mean, if that's a fair question, are there many large hog operations?

MR. MANNESS: There are a number. I wouldn't say that I'm specifically opposed to our municipality, but our farmland borders very closely on two other municipalities as well. And I think that the problem is that there's no certainty, and so we don't know whether -- you know, obviously there's risk involved in putting forward a proposal, but how do we -- you know, for my brother and I, who is six years younger than I am, if we wanted to buy land, for instance, and look at an opportunity in that regard, is to group our land in such a way, we need to incur the land before we can expand the hog operation portion of our business. But, really, the way that it is now is that all it takes is a change in council and things could change drastically. And I think that would be my -- I don't know if that answers your question.

MR. MOTHERAL: Yes, it does in a way. Like it isn't something, it's not the first time we have heard this, we have heard this from several municipalities, where some have a
development plan that allows something and maybe neighboring ones don't. And then we've heard from some people that they would like more consistency in that. And of course, we've heard that from Keystone Producers also. But I know that we won't hear from that tonight, we have municipal representation coming tonight, and I know municipalities always want to have that final say in land use planning.

MR. MANNESS: I think that municipalities should be, I think the process is close, but if -- I just don't, you know, I just think it's right at the end of the day that they send you a notice in the mail that says, you have been declined, and that's it.

MR. MOTHERAL: I can't comment on that. That's part of the Planning Act and that's the way it is.

MR. MANNESS: Absolutely, and that's my issue with that.

MR. MOTHERAL: Just one more thing here. What are your levels of phosphorus? Do you have any problems with the new regulations at all?

MR. MANNESS: No, none at all.

MR. MOTHERAL: Your phosphorus is
being used up?

MR. MANNES: Probably the biggest issue for phosphorus and most annual crop situations is the fact that you have to swallow a tough pill and give the manure to your neighbour. In areas of annual crop land with abundant spread acres, that really is probably the reality.

MR. MOTHERAL: In that case, I'd like to be your neighbour. Thank you.

THE CHAIRMAN: If municipalities were required to give reasons for their decision, would that help?

MR. MANNES: Yes, and so then they need to be able to defend those reasons, they should be able to then defend those reasons in front of a panel of --

THE CHAIRMAN: An appeal process, okay. Thank you very much.

James Hofer.

JAMES HOFER, being first sworn, presented as follows:

THE CHAIRMAN: Go ahead.

MR. HOFER: Good afternoon,

Mr. Chairman and panel members. My name is James Hofer. Thank you for the opportunity to address
this panel on important matters which affect
Hutterian tradition, livelihood, values and
future. I come from the Starlite Colony,
Starbuck, Manitoba, where I am the hog manager.

I am privileged to address this panel
and put forth the views and concerns of 16
colonies from south central Manitoba, which
provided 25 delegates to dialogue about hog
industry issues, challenges and opportunities, and
how we address key issues and move forward in the
future.

This report, which I have tabled with
the panel, from our April 12th workshop, provides
details on colony representation, strengths,
assets, and opportunities of the hog industry in
Manitoba, our missions, values and vision, issues
facing the hog industry in Manitoba in order of
priority from our perspective, our practices and
how they address the issues, other solutions and
recommendations.

Our opening statement, based on
strengths and assets, opportunities, Hutterian
brethren have a rich history and family tradition
of producing healthy, safe and quality food for
Manitoba and elsewhere, while supporting the
rural, urban and provincial economy. We recognize and welcome the opportunity to demonstrate our operations and practices collaboratively with industry organizations, governments, and the public, as we work together innovations, improvements and recipes for success. We also recognize that the future holds possibility in diversification and growth in technology, value added natural products, expanded exports, organic operations and green energy.

I now move my Powerpoint presentation, Mr. Chairman.

Presentation outline, Colony representation, our mission and values, our vision, issues facing the hog industry ranked, our practices, recommendations, visual examples, conclusion. Participating colonies are listed here.

Our mission, our values: In pursuing environmental sustainability as number one farmers, we take seriously and value family, our reputation, helping and sharing in the community, volunteering, being good neighbours.

Our role as producers and suppliers: Honesty and straightforwardness, conserving
resources through practices like composting,
recycling and rebuilding the soils.
Details are in the report that I have
tabled, Mr. Chairman, from the workshop.

Our vision: We strive to be leaders
in Manitoba's hog industry, recognized and
supported as number one producers of a number one
product with the highest operating and
environmental standards. We will work
cooperatively with organizations, governments, our
neighbours, to achieve true sustainability in a
healthy, green and vigorous rural setting,
honouring the Creator in how we care for His land,
His creature and each other.

Industry and operations issues ranked:
Odour, water supply and quality, nutrient/manure
management, soil quality, and land use planning.
This is the way we ranked them from our workshop
in the order that we came up with, and we could
debate which order to put them in. But for
discussion purposes, we ranked them this way.

Other issues: Lack of understanding
about regulations, compliance, operations,
techniques, progress, public information,
messages, roles, responsibilities. What are they
and who does what? Unfair, inaccurate scrutiny in the face of more serious pollution sources, as we have heard today.

Enforcement: To address these issues, Mr. Chairman, we communicate with, inform and educate neighbours, public, profession, operators, government, and ourselves. Follow specifications, manure storage, siting, treatment and spreading. Uphold practices, injection, incorporation, crop rotation, zero till. Conserve water, filtration, recycling, reducing waste. We also embrace technology, two cell lagoons, enzymes, low phytate grain. Develop, follow manure management plans, undertake soil testing, manage barn operations and equipment, use buffers and setbacks, follow feed strategies including enzymes, phase feeding, low phosphate.

Recommendations: Enhanced research and information sharing, public relations, training, testing and recording, audited management plans, self-policing, increased enforcement, appropriate application of fertilizers.

Recommendations continued: Standards, recognition certification awards. We have heard
examples this afternoon on this also. Improved buffers, revised complaint process, third party assessment, willingness to adapt, continuously improve, doing and be seen to be doing the right thing.

And this leads us into -- visual examples follow, Mr. Chairman, of some colony operations. This is where I live at Starlite Colony. And this is a picture of the barns right at the colony.

THE CHAIRMAN: Your colony?

MR. HOFER: Yes.

THE CHAIRMAN: This is another colony just north of Portage la Prairie here, the Airport Colony, from a different angle. This is another colony just north of Portage here, the Northern Breeze Colony.

THE CHAIRMAN: What's the lake at the bottom? Is that Lake Manitoba?

MR. HOFER: That's part of Lake Manitoba, yes. This is the Delta Colony. You can see their manure storage facility, well kept, no waterways near it. Just a side view from one of the structures, one in construction. This is our earthen manure storage that we just built at
Starlite Colony and we chose to have it clay lined according to the specs of Conservation, and to go a step beyond what the regulations are, we went ahead and we concrete lined the storage.

THE CHAIRMAN: How thick is the concrete?

MR. HOFER: There is a 30-foot, I call it an interstate that goes from one end of the storage to the other, that is six, eight inches thick with rebar, and the sides are four inches with the fiber in the concrete. But the driving, the agitation is only done on the ends where concrete is the rebar.

MR. MOTHERAL: Just, I was going to ask the question later anyway. How much did that cost to put the cement down there, do you have any idea?

MR. HOFER: To put the concrete in cost us right around 30, $40,000. That's an example, Mr. Chairman, panel members, of how we exceed and respond to regulations.

In conclusion, Hutterian Brethren recognize the importance and responsibilities associated with the hog industry in Manitoba. We are willing to adapt, continuously improve, and
not only do the right thing, but be seen to be
doing the right thing. We see the need for public
education about expertise, technology, standards,
regulations, zoning, processes, and compliance in
the industry. We urge regulators to address all
phosphate sources for fair and equitable
monitoring, enforcement and remedy. A blend of
good information, sound science, effective
communication, technology with team work and
neighbourly audits will help keep the hog industry
in its rightful place for the benefit of families,
communities and the province. Thank you.

THE CHAIRMAN: Thank you, Mr. Hofer.
I'd just like to ask a question or two about your
recommendations. You talk about public relations,
training, testing and recording, audited
management plans, self-policing. Could you expand
on those just a little bit, what you have in mind
or what your group has in mind in respect of
those?

MR. HOFER: We certainly have more
detail in our report, Mr. Chairman, but when we
talk about public relations, for an example, at
the Starlite Colony we just constructed a new hog
barn two years ago, and part of that hog barn has
an interpretive centre that is open to the public,
causes no biosecurity risks, and we get school
children, local people come in and have a look at
how we operate and produce wholesome pork.

THE CHAIRMAN: Training, what are you
looking at for training?

MR. HOFER: Training is something that
the industry, together with the government, has
been promoting. For an example, through the
apprenticeship program, pork production has been
recognized as a trade and is being taught out of
the Assiniboine Community College. And that's
something that the government needs to keep on
supporting and help the industry establish
certified journey people. Because in my view,
quite frankly, with the size of the operations and
with the way production practices are moving,
we've got Canadian quality assurance program,
we've got the American feed regulations, we've got
the animal assessment program coming, we need a
certain level of professionalism working in those
barns to be able to ensure that the consumer can
feel confident we are producing a product that we
are in control of and that is, in my mind, the
highest quality anywhere in the world.
THE CHAIRMAN: And self-policing, what do you have in mind there?

MR. HOFER: Self-policing is something that works, and the army has really demonstrated that very well. You are part of a regiment, and if somebody goofs up, everybody suffers, and so one looks out for the other. And part of the farm management plans have that proponent in there where one farm will audit the other to make sure that he is meeting the requirements.

THE CHAIRMAN: Thank you. Wayne.

MR. MOTHERAL: Yeah. Just back to the self-policing. Do you mean, and I think I know what you mean, but do you mean with the industry itself or do you mean with the Hutterite colonies?

MR. HOFER: I'm talking industry.

MR. MOTHERAL: I know it works in a lot of other areas. That is all.

MR. YEE: Thank you, Mr. Chairman.

Yes, Mr. Hofer, again on the same lines of recommendations, if you can just perhaps comment on this. You mentioned improved buffers. Can you expand a bit on that what you mean by improved buffers? Are you referring to the current buffer zone requirements or --
MR. HOFER: I'm not sure what we are thinking there, Edwin.

MR. YEE: And I guess one other question then, in terms of you mentioned under other issues unfair inaccurate scrutiny, can you elaborate a bit more on that? There's a bullet under other issues, unfair inaccurate scrutiny in the face of more serious pollution sources?

MR. HOFER: We kind of as an industry feel that we've been singled out by government and put under a microscope in spite of what research or what science has demonstrated, and where nutrients are coming from and how they are being managed. We're not denying that we are contributors, but even if we do everything right in Manitoba, the watershed extends into Alberta, into Ontario, and into North and South Dakota. So we have to keep those point sources in mind when we try and address or fix a problem, mainly, we're talking Lake Winnipeg here.

MR. YEE: Thank you, Mr. Hofer.

THE CHAIRMAN: Thank you very much, and thank you to all of your colleagues on the 16 different colonies that got together. Thank you for taking the trouble to put this together and
come out this afternoon and present it.

MR. HOFER: Thank you.

THE CHAIRMAN: We'll break now until

7:00 o'clock.

(PROCEEDINGS RECESS AT 5:10 P.M.
AND RECONVENCED AT 7:00 P.M.)

THE CHAIRMAN: Good evening, ladies
and gentlemen, welcome to our little sauna in the
basement down here. Those of you that have been
here all day will know that it has been quite hot
down here.

Again, we have a very full schedule,
so I'm going to be enforcing the time limits
pretty strictly. We have seven presenters between
now and about 9:15. I would just like to remind
people of my earlier admonitions. Please turn off
cell phones. Please do not engage in
conversations while people are making
presentations.

The first person this evening is
Mr. Ron Bell from the Association of Manitoba
Municipalities. Come up to the front table,
please, sir?

RON BELL, having first been sworn, presented as
follows:
THE CHAIRMAN: Go ahead, sir.

MR. BELL: Yes. My name is Ron Bell, I'm the president of the Association of Manitoba Municipalities. The Clean Environment Commission, as a part of its investigation, will review the current environmental protection measures now in place --

THE CHAIRMAN: Sir, can I ask you to slow down, we are recording these and the recorder can't keep up.

MR. BELL: -- now in place relating to hog production in Manitoba in order to determine their effectiveness for the purpose of managing hog production in an environmentally sustainable manner. The Association of Manitoba Municipalities understands that environmental protection is vital to a healthy economy and is directly linked to healthy communities.

The AMM is submitting concerns regarding municipal concerns for the CEC's consideration in the hog production industry review. AMM represents the 198 municipalities in Manitoba, and our chief role is to ensure our members' interests are represented. This is the reason the AMM are presenting two general issues
that are of concern to municipalities in Manitoba.

The role of municipalities is to address local concerns regarding land use. The Provincial Government is responsible for environmental perspectives. Therefore, the AMM is concerned about the impact on municipal planning and the public process associated with both environmental assessments and the technical review committee. These concerns are crucial to the environmental, economic and social well-being of communities and need to be taken into consideration through the CEC's investigation and subsequent recommendations.

The recent review and modification of the Planning Act has had a tremendous impact on municipalities province-wide. New regulations have required municipalities and/or planning districts to create development plans and zoning bylaws to encourage sustainable planning and development within the province. Our livestock operation policy is a requirement as part of the development plan, with section 42, subsection 2, in the Planning Act laying out the requirements. Municipalities are required to have this work completed by January 1, 2008. And while many have
already been completed, there are still many still
forthcoming.

The work of the CEC could have a
significant impact on municipal planning,
therefore, the AMM is requesting that the CEC
complete the review promptly to ensure that
municipalities are able to complete the planning
process. The review of the Planning Act resulted
in municipalities spending the last year adapting
to a new planning system. The CEC's
recommendations have the potential to have major
implications for the Planning Act, however these
should ensure that the Act's general principles
are not altered. The CEC should not make
recommendations regarding the Planning Act, but
should only make changes to the province's
environmental protection strategy.

Municipalities and key stakeholders
have previously participated in a protracted
consultation process to renew this important
legislation, and it would be unfair for municipal
councils to have to work with a constantly
changing set of planning rules. We believe that
the current act, while not exactly what any single
stakeholder advocated for, is the best available
solution, and thus the Planning Act should remain unchanged.

Development of future regulations has the potential to increase the responsibility of municipalities in the planning process. Municipal budgets are already overextended, and municipal governments are not in the position to take on additional costs and responsibilities. Considerable capacity is required to make the current regulations a reality. The capacity of municipalities to increase their land use planning responsibilities to meet proposed recommendations should be kept in mind throughout the hog production industry review.

Public consultations are a vital mechanism for ensuring that people have an opportunity to voice support and concerns in relation to a plan. The Clean Environment Commission has provided stakeholders an opportunity to provide an overview of specific concerns to assist in the development of the hog production industry review. As well, the CEC has a process that allows for an additional opportunity to further discuss issues, including land use planning and approvals, as specified in
Local control of decisions made regarding land use is fundamental to a high quality planning process, and the CEC should ensure that this opportunity for local knowledge to be included in the process remains intact. The land use planning process and the environment assessment processes are both equally important and should include opportunities for stakeholder input. This increases the strength and acceptability of decisions and is an indication of good governance.

One of the key attributes of the current planning and licensing process is that the province is responsible for environmental issues, while municipalities are accountable for land use. The Provincial Government has the expertise and capacity in regard to environmental concerns and should be held responsible for the information they produce. The Province of Manitoba needs to be accountable for environmental decisions, therefore, technical information should not be left to be defended by municipal councils during the public hearings required by the Planning Act. This is why the AMM believes that the technical
review committee should be required to attend all
municipal public hearings for which they have
provided information.

It is important to the transparency of
the planning process to verify all technical
information received from the TRC, and allowing a
public inquiry of the science based information
would assist the public in accepting this as being
true.

The AMM also believes that there
should be local involvement on the TRC. This
would allow local knowledge to be incorporated and
cross checked with technical information. The TRC
process needs to be examined to ensure that the
information presented is precise. Municipalities
will defend their own political decisions,
however, should not be required to defend the
technical decisions made by the province. There
is adequate opportunity for this public process to
occur at municipal public hearings.

The Provincial environmental licensing
and approval process also needs to be examined.
Currently the process allows for public hearings
to be held at the discretion of the Minister of
Conservation, and in reality are seldom held.
These public hearings should be mandatory, not simply based on how politically controversial an issue is. This would increase the transparency of the licensing and approval process, while allowing for public acceptance and understanding of the technical and environmental information being reviewed. The AMM believes that increasing the opportunity for public involvement would increase support for the science-based research and evaluation created by the province. Many citizens feel the need to be shown that the Provincial Government has taken proper care in gathering and assessing environmental information. As long as the public has no assurance that this is the case, they will continue to fight through the more public municipal land use planning process.

So in summary, the AMM believes it is critical that all Manitobans be made aware of the overall long-term Provincial environmental strategy for the hog production industry. The planning decisions made by the Province and municipalities have the opportunity to have positive environmental impacts affecting the residents' health and quality of life. Municipalities are constantly striving to create
healthy and balanced communities that have a positive impact on the environment, however, can only do so when they have a stable set of planning rules with which to adhere. The AMM believes that the CEC should ensure that the Planning Act remains unchanged.

However, the AMM believes that the environmental licensing and technical review committee processes should be reviewed to ensure that crucial science-based information is available to the public regarding all hog production facilities. This will improve the quality of information presented and will assist in the dissemination of technical information and planning decisions. Improving the public process with increased communication among all stakeholders will allow for increased understanding and knowledge of planning and environmental licensing process.

The AMM board would like to ensure that the CEC continues to be attentive to the needs of municipalities in this review in order to assist in making the recommendations viable. It is also important that this review be completed, keeping in mind the positive work that has been
previously completed in Manitoba. And that is my submission.

THE CHAIRMAN: Thank you very much.

Wayne, would you like to kick off?

MR. MOTHERAL: Thank you, Mr. Chairman. Yes, Mr. Bell, the new Planning Act with its inclusion that all municipalities have to come up with the livestock operation policy, and as you say in your presentation, many municipalities are holding back kind of waiting for the submission of this Commission probably, we heard that all over the province. We have heard today too, and in several places where -- the need for consistent planning in the province too. And you have probably heard this from many municipalities, how some have their development plan in place and would allow something as long as they come within their guidelines, and then the next municipality not. And we had a presentation today that asked for an appeal process, because municipalities do not have to give any reason at all why they turn things down. In your estimation, do you think that is right?

MR. BELL: I think that we have the right rules through the Planning Act. I believe
that there is no such thing as a consistent, or
there should not be any such thing as a consistent
policy across all of Manitoba. Our communities
are different. We couldn't possibly have the same
rules, especially for livestock, say in the
municipality of the City of Winnipeg, as we would
in the RM of Louise, or in a remote municipality
in Northern Manitoba, or in a community along side
a resort area. I think it is important that the
local people have an opportunity to express what
they believe should be happening in their
communities.

MR. MOTHERAL: Thank you. Do you feel
as though you have a real solidarity as far as
most municipalities wanting control over their own
planning? I mean, we have heard some places where
some municipalities would rather have the province
look after it, depending on what kind of problems
they are having. Is it fairly solid?

MR. BELL: Yes, I would say it is. I
know that in some cases there may have been some
municipalities where it has been a very tough
issue, but in the last two years, we believe we
have solid support across all of Manitoba for the
Planning Act.
MR. MOTHERAL: Okay. That is all I have, I may have something later on, but that is all for now.

MR. YEE: Yes, Mr. Bell, I guess following up on Mr. MOTHERAL's comments, we heard from some of the municipal officials that in the past, before the changes to the Planning Act, they were able to put conditions on manure management, and of course with the Planning Act that is outside of their purview now. How do you feel about that? Should the municipalities have the ability to put more conditions on in terms of manure management?

MR. BELL: I guess that is a bit of a tough issue. You know, at the time of the Planning Act review, we felt that there may have been some other areas that we could have control of. And having to do with odour control, you know, it specifies in the Act that we can deal with odours from the lagoons as far as shelter belts and things like that, covers. But for odour protection, we felt there should maybe be some circumstances around that. But, you know, many municipalities do not have the technical capability of doing a really good job of that.
And you know, with the clear distinction on environmental handled by the province, and land use planning handled by the municipalities, it does leave a fairly clear designation about who does what.

MR. YEE: And you mentioned also in your presentation that the AMM believes that there should be local involvement on the TRCs. How would that be facilitated, or what sort of involvement do you feel is required?

MR. BELL: I guess the point of that is, on the environmental sides and on the technical review, we think it is important that the local public have a sense that the issues have been looked at, that the technical review committee or the environmental approval committee truly knows all of the aspects of what is happening on that particular site. And so that is why we think that having a local person there would ensure that any local knowledge would be transferred to that committee.

MR. YEE: And when you mentioned allowing public inquiry of science-based information, I guess you are referring to the environmental licensing process and having
hearings. So is it your opinion that the province should be issuing licenses for all of these hogs operations?

MR. BELL: Well, there is a requirement for the province to approve an environmental license. I think we believe, well, I know that we believe that a lot of the public unrest around some of the hog developments are in place because they are not entirely sure that the environmental aspects have all been looked at. And there is no way, there is no public way that they can say, well, have you, or are you aware that there is a well within a mile or, you know, do you know that the aquifer has been looked at? And so when the public isn't sure whether those things have been looked at, sometimes it is a natural assumption to assume they haven't been. And so if they could have those matters clarified, to know that all of their concerns had been looked at and what the responses would be to them, I think that we would have a public that is more willing to look at these developments.

MR. YEE: I guess in the same theme, just to expand on that, in the current conditional use hearings, is the technical review committee's
report provided to the general public or to other stakeholders that attend the hearings?

MR. BELL: I have to tell you that I'm not entirely sure that is the case. I just don't know the answer to that. Our big concern is that there is not necessarily at those hearings anybody to speak on behalf of the technical review committee. So, again, the answers may not be given.

MR. YEE: Thank you, Mr. Bell.

THE CHAIRMAN: Mr. Bell, at one point you suggest, towards the end of your presentation you suggest that under the provincial environmental licensing and approval process that public hearings should be mandatory. Are you suggesting that there be a mandatory public hearing for all applications for an environmental license?

MR. BELL: Above the 300 animal unit.

THE CHAIRMAN: You are just talking about for hog industry?

MR. BELL: Yes.

THE CHAIRMAN: Okay. Thank you. If it were for all applications, I'm not sure how we could manage it, because we have a very small
MR. BELL: We are trying to stay within the hog industry in this presentation.

THE CHAIRMAN: Okay, thanks.

Wayne, you had another question?

MR. MOTHERAL: Yes. Just one more comment, Mr. Bell, on the, and I'm finding this very interesting, the local involvement on the TRC. I have to almost agree, I actually agree with this, but I would like to know more about how you feel local involvement -- do you mean somebody outside of the municipality, outside of the council, or do you mean including council or what?

MR. BELL: I guess I'm not being specific as to, but somebody from the community, somebody who has local knowledge, we think that that is important.

MR. MOTHERAL: Just in our case there is probably 25 out there that are experts.

MR. BELL: Especially on council.

MR. MOTHERAL: It is very interesting to know that, because the technical review committee, we have been up and down, all over the place with this, with that issue. So thank you.

THE CHAIRMAN: Thank you very much,
Mr. Bell, thank you for your presentation this evening.

MR. BELL: Thank you for listening.

THE CHAIRMAN: Randy Smith?

RANDALL SMITH and CHERYL SMITH, having been sworn, presented as follows:

MR. SMITH: Thank you. Good evening, Chairman Sargeant, commissioners, ladies and gentlemen. My name is Randy Smith, president of the Sandpiper Beach Lake Manitoba Estates Association of the RM of St. Laurent. We hope to provide you with some information tonight about our neck of the woods, which I hope you find informative. And to start with, I'm going to ask the founder of our association and my wife, Cheryl Smith, to tell us a little bit about St. Laurent, our community.

MRS. SMITH: St. Laurent is located approximately 60 kilometres northwest of Winnipeg. The community is accessed by Provincial Highway number 6 and has its west boundaries formed by Lake Manitoba. The latest census reported that the population of RM of St. Laurent is up to 1,456, and this was an increase of 26 per cent. This number doubles, if not triples during the
summer months as the RM has six beach developments with well over 1,000 cottages.

St. Laurent is currently being featured at the Smithsonian Institute in Washington, DC, as it is the largest Metis community in the world. The Metis community of St. Laurent is not to be considered a people of the past, that we belong in a museum. It is a vibrant Metis community that still speaks its Aboriginal language, Metis. The people there still hunt, trap, and its main economic industry is commercial fishing.

I'm a Metis, part of a family of 12 children, and have fished on Lake Manitoba with my dad, brothers and sisters. For my brothers and one sister, this is their livelihood. This is what they do for a living and count on for their future as well as their children's future.

The Metis community fishers have invested thousands of dollars throughout the years in putting together what they call an outfit. This includes purchasing equipment and training others as assistants and helpers. Each fisher can employ up to three people during the fishing season. In a small community, this is huge.
Now, we will go to the next slides and the Metis fishers -- sorry, that is not mine.

MR. SMITH: We will try and keep this straight, but the Metis did welcome us to the community of St. Laurent, and our association is now around 200 members strong, but that represents quite a cross section of year round residents, as Cheryl mentioned, cottagers, mainly from the City of Winnipeg in our six beach developments. We have a high percentage of commuters. Jobs being scarce in St. Laurent itself, a lot of us commute to the city. We have students, seniors, retirees, a large French, Francophone population and English population. We have residents, as it says, from many different backgrounds, Aboriginal and non-aboriginal alike.

Our members are, and I think I can say unanimously opposed, but I will say strongly opposed to intensive hog operations locating anywhere near our wetlands. And later on we will get a little more into the unique features of our part of the province.

Now, why our members are opposed, and I know from reading the transcripts of some of the past hearings that media headlines and stories are
not given perhaps the weight that some of the rest
of us would give them, but we would suggest that
to simply discard what we see in the media is
perhaps as naive as accepting everything that is
so-called science. So there is a headline that
gets our attention, Lake Manitoba is now facing
eco-challenges much like Lake Winnipeg did some
time ago, and we know what has happened in the
case of Lake Winnipeg and how the issues there are
now having to be addressed.

Hogs threat to rural water, and we
read that in the Winnipeg Free Press and of course
we get concerned. So perhaps these are not
headlines that are offered so much for the truth
of what they say, but more importantly for the
state of mind for the effect that it has on the
people in our area reading them.

Twenty minutes north of us is the
village of Lundar and now they are boiling their
water, and we are seeing those headlines in our
local media. It causes us great concern about our
aquifer and our drinking water. Then we see
headlines like this, and that of course causes us
concern as well.

Hogs using lots of water -- well, how
much water is there down in the aquifer, and is it
really something that is going to be renewable and
therefore for generations to come? And then we
see doctors about wanting moratoriums on new hog
farms. And a quote from that particular article,
they want to look at the transmissibility of
infection into the community from overburdened
production, water quality and other environmental
issues. So of course this causes the people who
are subjected to these reports, the public,
genuine concern.

We read about what is going on in
other provinces, other jurisdictions, Alberta's
Water Table at Risk from Hog Farms, they say, and
they quote Dr. David Schindler. Once again, more
headlines about the boil water advisory remaining
in effect in Lundar, doesn't look like it is a
transitory thing, not going away any time soon.
And there is always the concern over the smell of
the hog operations. We don't have any hog
operations in our RM per se, but we certainly have
two located on the northern part of the RM of
Woodlands, which is the RM to the immediate south
of us, and if we get a south wind we certainly
notice the stench at that time. And once again
more headlines dealing with the boil water
advisory just north of us in Lundar. Health
risks, once again, headlines that are causing us
concern.

There is some good news too. We have reviewed the Water Protection Act and it seems constructive, it seems promising. We just had it announced that Lake Manitoba is now getting a board that is going to be looking at our issues, our water quality issues, our fishing issues and what have you, stewardship board. We have had good news from the RM of Donnotar, they outlawed septic fields there. And I think we all agree that that is a good thing when it comes to the Interlake and our waters. And we have examined the Department of Conservation's examination into the sustainability of the hog industry. And there is some good suggestions offered in there, it looks promising, especially the ones to do with Lake Winnipeg, and perhaps they will be giving some attention to Lake Manitoba issues as well. And we have also noticed in these hearings, in other transcripts, that some of the intensive livestock operations appear to be improving. A case in point is the Marble Ridge
Hutterite Colony, and the hearings in Arborg suggested that they are looking after things quite well, at least to the satisfaction of their neighbors.

More good news is that our cottage country, Lake Manitoba cottage country is continuing to grow. The third column, I added up the third column and there are approximately 86,000 people living in what we now call the Interlake, in those various communities that are listed there. And then we got some more good news about abandoned wells being capped by the East Interlake Conservation District. So these are things that are happening now that are causing us to feel better about the future, about what is happening with our waters, and about the various sources of pollutants.

What are our main concerns? Well, I'm sure you heard this 100 times from others, but we expect and demand healthy groundwater, we expect and demand protection for Lake Manitoba waters and its fish stocks. And tourism is growing in our municipality, and all are enjoying our beautiful public beaches, the lake-front developments, our marshes, our navigable channels, and we have
channels throughout the entire area, we have water everywhere. We have bird watching that is world renowned. We have a new golf course that is attracting a lot of attention and being enjoyed, except for when we get the south wind from the RM of Woodlands and the hog manure storage facilities there.

Cheryl is going to introduce you to some of our Metis fishers.

MRS. SMITH: The Metis fishers are worried and they have the right to be. They have witnessed firsthand the changes in the last few years in regard to their livelihood. The fish population is down. The main spawning areas are continually being flooded with chemicals and nutrients that are not conducive or naturally found in our environment, especially in our lakes, streams and drinking water.

The Metis people have also seen a decline in the muskrat population which affects the trapping industry.

The following slides will outline a few comments which the fishers have contributed to this hearing today.

"For the last few years I haven't been
able to make enough from fishing, not like I used
to, I have had to go to Alberta to work."

"Thankfully our kids are now on their
own and doing well. I wouldn't want to have to
depend on fishing to pay for their post secondary
education."

"Something needs to be done very soon
to protect the fishery."

"I want my kids to have the
opportunity to fish for a living. They've grown
up with it but I don't know if that will be there
for them."

"I've been fishing for 41 years and
I'm concerned about the dwindling fish stocks.
When we first set our nets after freeze-up, we
often pull up nothing but algae..." complains
Metis Fisher Frank Bruce.

Our RM is a highly sensitive
ecological area. I just want to talk about, in
1989 I was elected to the municipal council of St.
Laurent. I served three terms for a total of nine
years. One of the first tasks that I encountered
as a municipal councillor was dealing with the
Provincial Environment Department. It was dealing
with the need to shut down the existing lagoon and
the need to build an adequate disposal and
treatment system that would comply with
environmental regulations. The RM retained J.R.
Cousins Consultants, a registered professional
ingineering firm. So the municipality had to take
a look at the total area which we thought may be
conducive for a waste disposal site. It was
determined by council and agreed by J.R. Cousins
at that time that the areas such as the marshes,
the swamps, the natural water canals, areas
designated by Ducks Unlimited would not be
appropriate sites. A soils investigation was
conducted by J.R. Cousins. The purpose of the
investigation was to verify the suitability site
for the lagoon.

Samples of the soils were submitted to
an independent testing laboratory, Hardy BBT
Limited, to provide a detailed analysis of the
soils at various depths. In summary, there were
varying concentrations of soil types at varying
depths overlying sandy silt. Silt however
appeared to be the predominant soil type
containing sand, gravel and pebbles.

Given that there were no suitable site
areas to meet the departmental standards to build
a new lagoon, it was determined by the council and
requested to the province, based on J.R. Cousins
report, that the RM be allowed to truck in the
suitable soil to build new cells and buffers at
the existing lagoon site.

Based on this report and the soil
conditions of St. Laurent, we are hoping that St.
Laurent could be recommended, the RM to be
recommended to be classified as a six or seven as
per Manitoba Conservation standards. We strongly
believe that we would fit into the definition
being as follows: Lands generally containing
areas with steep slope, exposed surface bedrock,
sand dunes, marshes, swamps and so on.

The RM of Woodlands, which is adjacent
to the RM of St. Laurent, has been approving major
hog operations. These tend to be located right
next to some of the major streams, such as the
Lake Francis Canal, which is one of the major
spawning areas for Lake Manitoba. Last year it
was February before the canal froze. In all of my
life, I lived there all of my life, I had never
seen this. The lake was frozen but the canal
wouldn't freeze. One has to start questioning
what is in that water?
Last year for the first time in my life I encountered an algae bloom on the shores of Lake Manitoba. This is such a horrible sight and everyone felt sick at the sight of this thick green type paint that was in the water. There were children playing with their dog. It was a long haired dog. They would throw the stick in, the dog would come out green. It was just an awful experience.

Points for the province to ponder.

With boil water advisories and beaches being closed for high e. coli counts, how long until our drinking water has to be boiled and our beaches closed? Will we heed the warning signs? Our lake and aquifer are having environmental chest pains. Is an environmental heart attack necessary before we address the causes? Aren't these nature's way of telling us to slow down? We are flirting with environmental bankruptcy, so should we now add or expand hog factories? Wouldn't that be like buying a new car when you are already in financial trouble?

MR. SMITH: I get to deal with some legal issues. And we ask the question, has the province considered -- and I know it is not a
question that the Clean Environment Commission can
answer, but it is perhaps one it can ask in its
recommendations. Has the province considered if
it has a legal duty to consult with Aboriginal
people? And we reference, the Supreme Court of
Canada decisions of the recent, since 2004, the
Haida Nation case, the Taku River case, and the
most recent Mikasew Cree case, which all deal with
the obligation of Crowns, both Provincial and
Federal, to consult with Aboriginal people if any
conduct or any action or any approvals are being
considered by a Provincial or Federal Government,
which could have an effect on an Aboriginal right,
such as an Aboriginal right to fish or trap.

We are raising the question here. I
suggest it is something that the province should
seriously consider and have its lawyers look into
these three cases and decide whether, before any
further approvals of any further hog operations
are given by any government body, that the
Aboriginal people of this province that are
involved in fishing, trapping and hunting and any
effect that expanded hog industry could have on
any of those Aboriginal rights, that they are duly
and properly and fully consulted with and
accommodated, as per the Supreme Court decisions that I have referenced, and which I have provided copies, a short synopsis of each one in the materials that I have provided to the Commission tonight.

The second point, has the province considered whether it may be in a conflict of interest? Well, that is a related point. If the province has made promises to the hog industry about future expansions or about guarantees to Maple Leaf for a number of hogs to be provided to the factory, or if it is in some way favoring the hog industry over the fishing industry, then we suggest there may well be a conflict of interest, and perhaps it is time to address and to give proper recognition to the Aboriginal fishers of this province who may be affected by an expanding hog industry.

Now, we have reviewed the earlier Interlake hearings. And some of the transcripts from the other hearings such as the one in Virden, which I found fascinating since I used to live there, and the one in Brandon and what have you, and we keep seeing references to good science and bad science. And we strongly recommend that when
you are talking about science, you have respect for it. Sure, it is of relevance like any other factor is, but you have to be cautious of it too. We saw for how long did the tobacco industry hide behind their science that smoking didn't cause health problems? We are not saying that the hog industry is in that same league, but you have to, we would submit, treat science with caution.

And to back up that point, I have given you a handout as well on the Supreme Court of Canada's decisions to do with cases where one of the parties will hide behind science and say, well, unless you proved that such and such is caused by something that I did, then you don't really have a leg to stand on. And I think we are hearing that too often in these hearings from the industry.

We have given you a short one liner on the Snell v Farrell, Supreme Court of Canada's decision,

"Causation need not be determined by scientific precision, it is essentially a practical question of fact which can best be answered by ordinary common sense."
And then there is the comment of Justice McLaughlin, now the Chief Justice of Canada, in the R.J.R. MacDonald case. And I quote,

"Discharge of the civil standard does not require scientific demonstration, the balance of probabilities..."

and I would editorialize here, and that is what we are dealing with in the these types of issues. We are not dealing with proof beyond a reasonable doubt or proof to a certainty that the problems with the lake are being caused in some way or in some part by what is going on with the hog industry. She says,

"The balance of probabilities may be established by the application of common sense to what is known, even though what is known may be deficient from a scientific point of view."

Once again the Supreme Court of Canada in Harper against Canada case, and, yes, that was the now Prime Minister of Canada, but back in 2004 he was challenging Canada on some legislation, and the Alberta Queen's Bench agreed with Mr. Harper that Canada failed in its defence, because it couldn't prove scientifically what it was asserting. The
Alberta Court of Appeal agreed with that too, but the Supreme Court said,

"Where the court is faced with inconclusive or competing scientific evidence, the court may rely on a reasoned apprehension of that harm. In the absence of scientific evidence showing a causal link, logic can be used to find the link."

I have also given you a quote from Mr. Justice Titlebalm of the Federal Court in the decision of Young against Canada in 1999. He says,

"The applicants demand solid scientific proof of a causal connection between rafting, boating in this case, and the decline of the bird population in the river. I am satisfied what the applicants demand is an impossibility. I am satisfied there are no absolute certainties in science, only probabilities, and it was reasonable for the Minister to conclude that on the evidence as a whole, the ducks are vulnerable to disturbance."
So in that case they are dealing with the effect of boating on the duck population. And here we are dealing with the effects of the fishing stocks by the hog industry and the wastewaters and what have you that are going into our waterways.

If I had more time, I'm sure that I could discuss with Commissioner Motheral the crop loss cases and the difficulties in proving what causes a crop loss when you are talking about herbicides and what have you, but we will leave that for another day.

I have also given you a copy of a news release from Environment Canada -- sorry, I will finish with that slide. So as I say, we have looked at these earlier transcripts, and we are encouraged by those operators who claim to cause minimal environmental disruption, like the Marble Ridge Hutterite Colony near Arborg. George Matheson of Stonewall claims that his operation gets no complaints from his neighbours, and Calvin Penner of Argyle also a neighbour in our Interlake, a neighboring community. All of those are encouraging things. But as Darcy Pauls of Puratone freely admitted, there is more room for improvement. And we agree with Larry Hofer that
improvements are everyone's responsibility. We also endorse the recommendations of our neighbors, the Concerned Citizens of Gross Isle, and those are, of course, available in the transcript from those hearings back on March 5th or 6th I believe.

And we recommend that the RM should be designated at least a class six and perhaps a class seven soils area, and Cheryl referred to that. In the package of material we talk about how our area could be designated and should be designated a sensitive area, as that term is defined in the Planning Act. It is defined as sensitive land, including land that is susceptible to flooding, and we are very susceptible to flooding. We have waterlines, as we said, everywhere. And we have an area of special significance for animal, bird, plant life, including wetlands, et cetera, all of the things that we talked about. Those are the types of factors that we think would justify the province designating our area, and as many of the RMs that are contiguous to Lake Manitoba as possible, as class six or class seven areas, soil areas.

We recommend a more effective plan to cap abandoned wells. Harry is on our executive,
he is a retired well drilling contractor. He has seen wells all over the province that are not capped and which are allowing water to go down in to the aquifer, and a lot of that water is polluted water and what have you.

And as we mentioned earlier, we recommend that the province consider whether it has a legal obligation to consult with Aboriginal fishers.

We recommend that the province work cooperatively with DFO, because, as you know, the Department of Fisheries and Oceans has jurisdiction over the lakes and the fish stocks in the lakes, and that would require their involvement if we are going to get serious about protecting the fish stocks from any further dwindling of their numbers. And I have given you in the package of material a news release that shows how Environment Canada got involved where a hog operator or an ILO, as we call it, did pollute some water, and the liquid pig manure contained a high amount of ammonia and caused damage to the fish. And Environment Canada worked together with the Department of Fisheries and Oceans, as well as the Nova Scotia Environmental Department, so it
was a three-way partnership between the Federal Government and the Province, whereby this particular offender was brought to task and fined $12,000, half of which went into, interestingly enough, an environmental damages fund for use in future, addressing future environment issues.

We recommend stiffer penalties for polluters. And we came up with this suggestion for your consideration, whether you would see fit to recommend it or not, we will leave with you. But the Farm Practices Protection Board already exists, and the Farm Practices Protection Act gives the board jurisdiction to deal with complaints against people, or operators, or polluters, if you will, who aren't following normal practices and what have you. And we refer to some minor changes, although they would be of significant import, to section 11.1, deleting the requirement that the applicant have a sufficient personal interest in the subject matter, we believe that any Manitoban who sees pollution going on, intentional pollution of any body of water or land should have the right to take that complaint to the Farm Practices Protection Board and have the issue dealt with.
We also suggest an addition to 12.1, so that the board has the power to award damages, and why not to an environmental fund? It is not something that we see as making a complainant wealthy, but rather awarding damages that can go into a fund to address environmental issues in the future. Perhaps the complainant should just be entitled to receive his or her costs back for having pursued the matter to a successful conclusion in that case.

An example of other legislation that would give you some further consideration is the Surface Rights Act of Manitoba. I mention this one only because at one time I chaired the Surface Rights Board, so I'm familiar with the legislation, but that board is given the right to deal with those types of claims and to award damages, albeit in a private operator, oil operator/landowner situation, rather than something of a more -- any Manitoban should have the right to address the issue before the Farm Protection Practices Board.

Now, the last point, the only reason it is there is because I too sat where you sit now, Chairman Sargeant, I had the privilege of
chairing the Clean Environment Commission for Forestry hearings back in the mid '90s. I also had the good fortune at that time of having commissioners with me who demanded and cajoled me into doing the right thing at that time, and I'm sure you will have that same support when you get down to making your tough recommendations.

Thank you very much.

THE CHAIRMAN: Thank you, Mr. Smith and Mrs. Smith. Are you -- are there immediate concerns in your RM? Are there proposed hog operations in your RM?

MRS. SMITH: We had one a few years ago, quite a few years ago. And what concerned me at that time is that we were talking about the technical review committee, the soils and that, and at that time I had the knowledge of having been on council, knowing that our soils were not conducive to anything like that, but yet this technical review committee was now saying that they were. And it was -- and I do agree with, I believe it was Mr. Bell saying that local control is very important. It was the local knowledge that, you know, knowing about the trouble we had trying to find a suitable place for the lagoon,
what type of soils we have there in our RM, and it was due to the council's decision not to allow it that it didn't happen. But it was pretty close. If you have people on there that have conflicting agendas happening then, you know, there is that danger as well.

THE CHAIRMAN: So your concerns are more global in how the downstream impact upon, in particular, on the Metis community?

MRS. SMITH: Absolutely. The fishing industry, and that is an economic reality for these people, this is their livelihood.

THE CHAIRMAN: Wayne.

MR. MOTHERAL: Yes, thank you, Mr. Chairman. I think I have about three points that I want to bring forward, a couple of them might be questions and another may be a comment.

First of all, conservation districts have this well filling program throughout the province. It is an excellent program. And I'm sure that each conservation district allots so much of their budget each year to do that, and I don't think it is enough, because there is more and more of these wells in Manitoba, and I'm hoping eventually they all get covered up.
MRS. SMITH: Can I respond to that?

MR. MOTHERAL: Make it quick.

MRS. SMITH: I just wanted to say, unfortunately, with that program, I know it has been around for a while, and some RMs have actually stopped budgeting for it and haven't been taking it as seriously as they should have. And another thing is that there is no real outreach program with the farmers or with the landowners to ensure, you know, to do the follow-up, to tell them about the program, to tell them this is what we can do and this is how we can handle these things. So there is a communication gap happening there, and that is why the program isn't as good as it could be, but I do agree that it is a good program.

MR. MOTHERAL: Just as curiosity, do you have conservation districts in the Interlake yet?

MRS. SMITH: No, we don't belong to one. That is another point I wanted to make.

MR. MOTHERAL: An interesting point, and this is kind of a hypothetical question in a way, when you said that polluters, you know, there should be stiffer penalties for polluters. Did
you mean that in general? I often think of that, you have to watch what you say, because if you put that to the general public, you could mean that it would mean that anybody who is using any chemical at all, for instance soap detergent, would be classified as a polluter. And it is a hard thing to distinguish between that.

MR. SMITH: I was specifically talking about it in terms of amendments to the Farm Practices Protection Act.

MR. MOTHERAL: I guess I was looking at the bigger picture. If you penalize one part of the society, you have to penalize the other too.

We have been told by many producers and not just producers, saying that if we took all of the hogs out of Manitoba, would we solve the phosphorous problem? Like there is a lot of hog manure going on the land, being injected in the land as fertilizer. If that was not being done, there would be chemical fertilizers going on which is also nitrogen and phosphorous. It is just something, it is hard to distinguish just where the phosphorous, et cetera, is coming from. But when you think about that, would that stop the
pollution if we stopped hog barns?

MRS. SMITH: Well, first of all, I think we are here, it is a good step, it is to deal with the hog industry. And absolutely there is a lot of different, and you mentioned different pollutants and that, but this is the first step to I think many steps. I think we are looking at the hog industry, let's do that, and let's take the necessary steps. Maybe later on let's look at other areas. But the environment, we need to look at it seriously and it starts here.

MR. MOTHERAL: All right. Thank you.

That is all.

MR. YEE: Yes, Mr. Chairman. Sort of a follow-up question to Mr. Motheral's, are there other livestock activities in the RM of St. Laurent, you know, crop production as well as say cattle?

MRS. SMITH: It is mostly cattle, and there is not many, but there are some.

MR. YEE: And do they use the manure from the cattle for fertilizer on the farms?

MRS. SMITH: I don't know. I wouldn't know.

MR. YEE: Thank you.
THE CHAIRMAN: Thank you very much for coming here this evening. Thank you to all of you.

Diana Ludwick.

DIANA LUDWICK and CAROL LOVERIDGE, having been sworn, presented as follows:

THE CHAIRMAN: You have already taken the oath to tell the truth, but for the benefit of the audience, will you introduce yourselves, please?

MS. LUDWICK: My name is Diana Ludwick. I'm one of the nurses at the Occupational Health Centre.

MS. LOVERIDGE: My name is Carol Loveridge, I am the executive director of the MFL Occupational Health Centre.

THE CHAIRMAN: Thank you. Go ahead.

MS. LUDWICK: The information that I will be speaking to has also been supplied to the Commission, but I will not be reading it verbatim, I will just be highlighting some of the points that I think are most important to our centre.

I would like to start by saying that we believe that workers in the industrial hog barns will most directly and perhaps probably most
profoundly be affected by the environmental
impacts of the hog industry. And we believe that
the Environment Act should be a valuable
legislative tool to help protect the health of
workers.

Our centre has, we believe, a
respected track record for addressing health and
safety issues at public hearings and through
submitted written documents by us as part of
public consultative processes in the past when
legislative changes are being considered. One of
the foundational beliefs that we have is workers
should not bear the burden of illness, of injury,
because of their work, but that actually often
happens.

There is a couple of points that will
really frame the ideas that we will be bringing
forth as part of our presentation. And they are
that hog production has undergone rapid
transformation from family owned operations to
large scale industrial enterprises. An increasing
percentage of pigs are being raised in large
industrial hog barns -- size matters. When
something goes wrong in a large hog barn, the
potential of risk for occupational and
environmental damage is correspondingly large. As a general principle, the concentration of humans or animals close to each other enhances both the potential spread of microorganisms among each of those groups. It also creates a greater potential for infecting surrounding life forms, even those of different species. These conditions also may create a breeding ground for new and more infectious, or even more resistant microorganisms. With that in mind, some workers come into contact with hundreds or thousands of hogs each day, and it is often difficult to assess the risk because workers may not know which hogs have infections. Pigs can appear to be healthy, but may still be carrying disease.

Animal waste of all kinds can contain microorganisms that pose health risk to workers from infection and from the microbial toxins. Pen cleaning, solid and liquid waste handing and land application of waste can result in workers' contact with animal feces that can be harmful. As well, carcass disposal, feeding, assistance with birthing, and the animal slaughter can also expose workers to infected animal tissues. Many infectious organisms can cause disease in animals.
and they can also cause illness in people. These include bacteria, viruses and parasites.

We have a table that outlines quite a few of these, but I will not speak to that. I will just highlight a couple of examples that really speak to us, and they may speak to you as well.

Of note, a new strain of salmonella, which is a bacteria, is increasing in both animals and humans in Canada and many countries. It causes severe diarrhea in both animals and humans. This new strain is of concern because it is resistant to several medications normally used to treat this illness. And the risk of salmonella illness in livestock workers is theoretically high, the point being made before that there is not certainty with much of this information, but theoretically it is very high.

There is a newly described virus that has caused stillborn piglets. Fever and viral antibodies were noted in the workers following exposures to these infected tissues. And very recently there was a virus infection that occurred in concentrated hog herds in Malaysia and Singapore, which killed both hog workers and hogs.
So there is a growing body of evidence that viral interactions between animals and people may be more common than previously thought. The best known is the influenza virus. Its viral genetic material can reassort in swine and reinfect people. Hogs are an important mixing vessel for several influenza viral strains.

Influenza viral infections occur in wild bird species in many parts of the world. Inter-species transmission and re-assortment of this influenza A virus has been reported and has occurred between swine, humans, wild and domestic foul. The human influenza virus responsible for the 1918, the 1957 and the 1968 pandemics around the world contain gene segments closely related to those of Avian influenza viruses.

Recent outbreaks of virulent strains of influenza have arisen from industrial hog and poultry raised in close proximity to each other. International teams of environmental scientists have warned that the proximity of poultry to hogs could hasten the spread of Avian flu to humans. Industrial hog barns concentrate large number of animals together, and this facilitates both the genetic re-assortment and the
transmission. The transmission of influenza is a continuing concern. Whether it comes to humans from hogs or birds, or from birds via hogs, or from humans to hogs, strains are likely to evolve that are highly transmissible and harmful, and may create another pandemic, and perhaps soon.

So the CEC needs to ensure that owners of industrial hog barns comply with workplace health and safety legislation. Employers are responsible for the safety and health of all of their workers, and this includes preventing communicable diseases being transmitted from hogs to workers.

We have a number of recommendations that we have submitted, but we will only highlight a few. Employers should select waste management processes and equipment in the barns, lagoons and spray fields that minimizes direct contact of animal waste by workers and the community. It should also ensure well planned cleaning routines to reduce exposure to hog waste and fluids. It should provide appropriate and accessible protective wear for workers, because all fecal and reproductive waste and animal carcasses are potentially biohazardous materials and should be
handled appropriately.

What we would like to spend the most time talking about today is the overuse of the antibiotics in the hog production, because this is really the number one issue for the centre. The mass application of antimicrobials to hogs has greatly increased over the years in industrial hog barns. Animal producers use the same antibiotics for hogs that are used for people. The routine use of antibiotics can contribute to the development of resistant pathogens. Resistant organisms are less likely to be killed by antibiotics.

Therapeutic antibiotic administration at high levels for the duration of an illness is obviously an important aspect of veterinary care. However, most antibiotic use is designated to promote growth. This type of prolonged use of antibiotics at low levels in the form of medicated feed and hog production presents the risk of not killing the bacteria while promoting resistant strains. The resistant strains can pass readily from one kind of bacteria to another, and the workers in the hog barns may become colonized with resistant organisms and pass them on to
co-workers, family, friends and community.

Scientists have compared medicated feed in industrial hog barns with barns not using medicated feed, and they observed a threefold higher concentration of resistant bacteria in the exhaust air from those barns using medicated feed. Tetracycline, an antibiotic that many of you have probably used at one time or another in your own lives, Tetracycline resistant genes in that same hog barn were also present in the adjacent manure lagoon, as well as the groundwater downstream from that lagoon.

Several recent studies clearly demonstrate that the transmission of multi-drug resistant pathogens exists from hogs to humans. The authors concluded that the transmission of some drug resistant organisms from hogs to hog farmers is actually very frequent.

In 2005 in the Netherlands, a drug-resistant bacteria was spread from pigs to workers to family, including one of those people was hospitalized and spread it to the nurse as well. What we are talking about there is drug resistant organisms. So this is not something that when they go into the hospital they get
another antibiotic and it is easily cured. It is something that can be potentially deadly.

Recently as well, air samples from an industrial hog barn was examined, and several types of bacteria were analyzed for resistance to five antibiotics that are just commonly used for people. And it is of note that 98 per cent of the samples displayed resistance to two or more of the four antibiotics that are commonly used as growth promotants in hogs. And it is probably even more important to note that 37 of the 124 samples were resistant to all four of these common antibiotics. So none of the samples were resistant to the fifth drug that is not used in hog production as a growth promotant.

We have listed many sources that call on the reduced use of antimicrobials in hogs. Clearly, a decrease in antimicrobial use in human medicine alone will have little effect, since 80 per cent of the antibiotics are used for hogs, not for people. Substantial efforts must be made to decrease the inappropriate overuse in animals as well.

With this in mind, we have made a few recommendations. And I will go -- we have made
recommendations on a number of fronts, but I'm
going to go directly to the overuse of antibiotics
in hog production. We believe that the CEC should
support a shift in current thinking about the
value of antibiotic free meat products. Product
labeling should be made more comprehensive and
explicit so that consumers can identify the
product and make selections according to their
value system. We think that is really important
because there is now companies around the world
that are advertising their meat as being
antibiotic free.

We believe that the CEC should create
a mentoring system for sharing proven successful
practices that promote healthy work places,
workers and communities. And that the CEC perhaps
themselves should visit and learn from countries
such as Sweden and Denmark that have experienced
successful transitions to antibiotic free meat
production. And we believe what the World Health
Organization is proposing, that there should be a
phase out of the non-therapeutic use of
antimicrobials as growth promoters in the hog
industry, and that the hog industry should adopt a
prescription only availability of antimicrobials
for treating diseased hogs.

We also are suggesting that there be mandated environmental impact statements for proposed hog barns that includes occupation and environmental health, social justice and socioeconomic issues. So we believe that a comprehensive approach is important. We believe that there must be a limit to animal density per watershed. We believe that there should be a restriction of the location of hog barns and poultry operations on the same site, and to set appropriate separation distances even between sites. We believe that regulation of water contamination by hog waste and manure has to happen, that corporate owners should be held financially responsible for spills of waste into surface water, especially if they contaminate drinking water. We believe that bonding is required of managed storage basins for performance and remediation to ensure that vacated manure lagoons are remediated. And we believe that solid tanks or reservoirs, rather than earthen waste lagoons are needed to prevent contamination of surface and groundwater from infectious agents and antibiotic resistant genes. Pharmaceuticals can
remain in the manure and leachates for a very long period of time.

So we believe that we should continue with the moratorium on the expansion of the hog industry until we know that workers, communities, and the environment are protected.

We have more information and more recommendations, and it will be available, we will have it given to the website for the CEC. If you are interested in a more complete version of this information, you can find it there. Hopefully as of tomorrow, we will send it to the CEC.

THE CHAIRMAN: Thank you very much, Ms. Ludwig. I particularly like your recommendation that we visit Sweden and Denmark. I'm not sure if it will fit in our budget.

Has there been --

MS. LUDWICK: Can I make a comment about Sweden and its experience using antimicrobials? They, way back when, almost 20 years ago, decided not to use it for growth promotion. And the fear was that if it wasn't used that way that eventually more hogs would get really sick, and that it would be increased use in hogs that were sick. But after 18 years that has
not happened. They do not use it for growth promotion, and actually the amount that is used for treating sick hogs has reduced as well. So that is now a long history, a very telling story of how changes can be made, and both the industry and communities and the environment can all benefit at the same time.

THE CHAIRMAN: Has there been much evidence of hog farm or hog barn workers in Manitoba becoming ill?

MS. LUDWICK: The area doctors would be in the best position to say that. The difficulty with communicable diseases is it is often hard to pinpoint when the infection actually initially started. And there is some talk by the World Health Organization that actually tracking of organisms in hog barns is probably the way to go, and the only way to know that. Knowing that the potential in hog barns to -- because of the density of the animals -- to infect either each other or workers is theoretically high. So perhaps genetic fingerprinting for existing organisms in these kinds of production is a prudent way to go in the future.

MR. YEE: Yes, just a couple of questions. You mentioned in 2005 air samples from an industrial hog barn were examined. Was that locally or was that in another jurisdiction?

MS. LUDWICK: That was in the States.

MR. YEE: I'm just wondering, and you may not have the answer, I just want to get your comments on this, it follows along Mr. Sargeant's comment or question. Given that we have seen a rapid increase in hog operations in Manitoba over the last decade, have we any evidence, other than anecdotal, I mean, certainly I don't disagree with what you are presenting here in terms of the potential spread of viruses, as well as the resistance to antibiotics, but have we had any medical data to back that up in Manitoba, given the large increase, has there been a change statistically in terms of the numbers that we are seeing in drug resistance in Manitoba, as well as these viruses that you mentioned?

MS. LUDWICK: I think probably the best pre-indicator of that would be to go to workplace compensation data, if there is any infections noted, and to try and find our what that situation was like. Was it just one of those
common community infections that infected the worker and they brought it to the pigs, and vice versa, or was it something that was more ominous and serious than that? So those stories perhaps are capturable, but they would probably be a good preliminary way of finding out.

MR. YEE: Thank you.

MS. LUDWICK: Yes, because we have just not had the scrutiny in that area to really know.

MR. YEE: Thanks, I appreciate that.

THE CHAIRMAN: Thank you very much. I guess I must be trying to get out of here a little more quickly, I notice that I skipped over a person on the agenda, I apologize for that. Next up is Johannes Waldner.

JOHANNES WALDNER, having been sworn, presented as follows:

MR. WALDNER: Good evening members of the Clean Environment Commission and ladies and gentlemen of the audience. My name is Johannes Waldner and I live on the Baker Hutterite community which is located about five miles west of Rosedale. I appreciate the opportunity to speak on behalf of my community and company here
tonight.

I wish to say a few words about our community before taking into context the larger group we are all a part of, Manitoba. Unlike most other Hutterian communities, Baker does not raise livestock. We only farm 1,200 acres of land. Our main expertise lies in the manufacturing sector. Our main source of income is Better Air Systems, one of the larger ventilation equipment manufacturers in Canada. This moratorium stands to have a big impact on our company as approximately half of our cities are in Manitoba.

As a community, Baker strives to practice sustainability, but we do acknowledge that we have a lot of room for improvement in this area. Through school systems, we try our best to teach our children basic principles like reduce, reuse and recycle. We make an effort to foster a respect and appreciation for the natural environment by promoting nature trails, tree planting projects, bird watching, and gardening. We pride ourselves in our organic food orchards and vegetable gardens, that we can raise a healthy home grown produce for use throughout the year. We feel that by teaching and modeling a respect,
love and appreciation for the environment, along
with providing a scientific understanding of
general environmental concepts, our children as
future leaders of the community will follow
environmental rules and guidelines, not only
because it's the law, but because they understand
the need and role of such regulations.

A few weeks ago, Ricky and Cameron Maendel from Fairholme Colony told you about how
their students enjoyed success in the Manitoba
Envirothon. The three envirothons I participated
in from 2004 through 2006 were highlights of my
high school career. There are two important
lessons I gleaned from the Envirothon. Number
one, it simply opened my eyes to the seriousness
of the environmental challenges we face as a
province. And secondly, the envirothon made me
realize that any environmental issue has
solutions, but these solutions require time and
money invested in research, resources and support
systems, as well as sacrifices by all parties.

We realize that new recommendations
from the CEC will likely cause financial hardships
on hog producers. As suppliers of hog barn
equipment, Better Air feels that we have a
responsibility to assist hog producers in absorbing the regulations, be it in developing more efficient manufacturing processes to enable price cuts, or in the development of new products to reduce energy consumption.

One such product we currently have in production is the heat exchanger, a very valuable tool reducing heating costs during cold Canadian winters. A properly ventilated barn is very important for improving the working and living conditions of both barn animals and employees. In the heat of summer, proper ventilation is a matter of life and death for the animals.

Approximately half of our currency is directly linked to hog facilities being built here in Manitoba. Obviously, if construction of hog barns in Manitoba were completely stopped, it would dramatically change the makeup of our sales base. We could just go elsewhere with our business, but we feel that as Manitobans we have a responsibility to support our home province and keep the home economy strong first before supporting other regions.

I question the motives of organizations like the Winnipeg Humane Society,
Oly Opp and Beyond Factory Farms who support this moratorium. Wouldn't they find it would work better in working as a team together with farmers and hog producers, in researching and implementing methods to solve the perceived problems they complain about, so that they become a part of the solution and not a part of the problem.

These opposition groups are very impressed with this moratorium, but do they really realize what they are wishing for? They envision a perfect world, a perfect world has no sickness, pain, war, and in their case, no hog barns. We must realize that the perfect world is often unattainable. And in trying to attain a perfect world, we often wreak more havoc than we intend. When we try to push things in our direction, we often deprive other individuals who depend on the ideas we are trying to abolish. The two sides in this case are, number one, strict regulations with environmental well-being as the main concern; and secondly, a total lack of regulations to encourage economic growth. Neither of these alone promote a very promising future for Manitoba. This is why it's important that we find the balance between the two and strive to maintain it.
As an example of a lack of rules, I was delivering some ventilation equipment to a job site in south central South Dakota two months ago. There, I was asked about the moratorium, why it's been imposed, and how long we predict it will last. Through the course of the conversation, I asked about the standards in South Dakota. They felt that the waiting time of one month for obtaining a permit is an outrage and could not believe that it could take up to two years here in Manitoba.

Now, here we have a perfect example of the two ends of the spectrum. Put Manitoba and its moratorium on one end and South Dakota with one month turnover on the other. Keeping in mind the best interests of Manitobans on a whole, I don't think we want a part of either of these two. In the long run, both will damage either your population and economic growth or your environment. As both of these are very important components for Manitoba's future generations, we must seek a balance between sound economics and sustainable growth. Some ways of achieving a better balance in public opinion would definitely include public education programs, for making it
mandatory that all hog barn employees are
certified pork production technicians, to
educating the public and dispelling some common
stereotypes about hog farms.

Our justice system is founded on the
principle of innocent until proven guilty. Why is
this way of thinking not being applied to the hog
industry? In essence, hog producers are not at
fault that this review has been delayed for so
long. So why are they suddenly the scapegoats
when our lake begins to show signs of abuse? They
didn't set the regulations at the time, but for
the most part they are operating accordingly. So
why are they being blamed for polluting if they
are doing whatever the regulations asked of them?

We must realize that everyone shares
the responsibility in this Lake Winnipeg battle.
We all need to live a more sustainable lifestyle.
Pointing out one industry and shutting it down
will not fix the problems existing in our
environment. This would have to be a joint effort
shared by all people living and making a living in
the Lake Winnipeg watershed.

Having said this, I am confident the
Manitoba hog sector has more than proven its
willingness to cooperate in doing its share, as long as the rest of Manitoba will do their fair share as well.

I don't propose that the Commission make regulations lighter on the hog industry, but that we are allowed to continue our lifestyle once the review is complete. Give us the tools to grow in a sustainable manner, enabling us to keep our industry alive for years to come, while still preserving our precious natural surroundings.

Thank you. Thank you.

Mr. Waldner. Edwin?

MR. YEE: No questions.

THE CHAIRMAN: Wayne?

MR. MOTHERAL: Another case here, Mr. Waldner, where you did say public education programs, and we've heard that in several presentations, not just today, but in our tours around the province. Thank you very much.

THE CHAIRMAN: Thank you very much Mr. Waldner.

Sam Gross.

SAM GROSS, after being sworn, presented as follows:

THE CHAIRMAN: Go ahead, sir.
MR. GROSS: I'd like to say good evening to the CEC panel and also to the audience. First, I want to thank this panel for listening to our concerns. We hope you can come up with a fair and reasonable solution for our hog industry.

So far, we have heard a lot of talk and concerns on the phosphate issue. This is relevant if it is phosphate that is causing the lake pollution. Consideration, though, should be placed more on where the phosphate originates from. Is it only hog manure, or is it all livestock, or is it chemical fertilizer, or detergent, or raw sewage? It can come from many places.

I'd like to read an article which appeared on the April 17th issue of the Free Press. It states,

"East Selkirk has been under a boil water advisory for five years, two areas of St. Clements have health advisories because of raw sewage, East St. Paul has a boil water advisory and in St. Andrew's septic fields have failed.

"It's a reality, and our citizens are
living it, Strang said, noting some ditches in East Selkirk are full of raw sewage. "Our biggest concern is we think it could get worse."

It seems like they will be just about satisfied with leaving it the way it is if the concern is it could get worse.

The Free Press first uncovered that waste water was running into the Red River from poor municipal sewage treatments in 2002. That's five years ago. Some municipal homeowners didn't have septic tanks and pumped sewage directly into the Red River, where runoff from field septic field was over flowing in ditches and into the river.

So that's what we are facing. The concerns that we've heard today already, we're blaming it on the hog industry. The statistics out there that the hog industry is to blame for only one and a half per cent of the phosphate which exists in the lake. So why is all the emphasis placed on the hogs? Something is not quite in order.

And to add a few more things that happened around Winnipeg, just this spring sewage
was hauled on frozen ground entering Winnipeg on number 3 highway. Some time ago, raw sewage was flowing into the Red River because of some equipment that broke down. I don't know the exact number of days but I believe it was about 50 days where the equipment was broken, the sewage was dumped directly into the river. On another instance, the valves being in the wrong position caused the same thing. So where do we place the fault of phosphate being in the lake? Is it just hogs? Why only focus on hogs? Let's look at the broader area and make a decision that is logical, that tells us where we have to look for treatment. To step on the hog industry and ignore everything else is not fair. We're Manitobans, we are citizens of this province and of Canada, and we believe in democracy. And it puts a question mark on that statement.

We believe that there are more regulations placed on the hog industry than any other enterprise. The regulations that we have, we try our best to follow them. Hog farmers have invested a lot of money into this industry, and it has only been done to make a living. Just like anybody else, you find a job, you work at it, you
get a paycheque so that we can live. We as hog farmers do not deny anybody the privilege of obtaining a college or university degree. And this is done to find a job to their liking and to earn a living. Hog farmers are no different. If we decided that we want to do hog farming, to raise hogs, or maybe it was our parents, or like I continue in the next paragraph, we have been raising hogs for over a century now, now all of a sudden somebody wants to teach us how or even different areas that we're not doing it in a right way.

It was just mentioned with the last presentation, antibiotics. I'd like to present it to everybody, the last third of the hog's life, we are totally not allowed to use antibiotics. If there are some antibiotics found, every hog that goes to the abattoir is checked for antibiotics. If they find one trace of antibiotics, the whole load, it could be a hundred hogs in that load, is put on hold and the producer cannot ship one more hog until they find the whole barn clean. So to say there is antibiotics in the pigs, or that the workers in the barn could pick up the disease -- I would like to challenge everybody in this room.
I'm a pensioner and I have lived within a thousand feet of a hog barn in all those years and I'm as healthy as anybody in this room. I've lived in a colony for 67 years and I know of only one person so far that died of lung cancer. Was it to blame on the hog barn or something else in the community?

It was our government in the last decade that wanted the hog numbers to double. Hog farmers invested money so that they could produce what was called for. As in any other industry, if the market increases, production has to increase, and that's what was asked from the hog producers, we need more hogs. So the hog farmers invested.

And something that really amazed me is that it did this without government assistance. And government asked for more, so the farmers invested and produced the hogs. But then more and more regulations appeared. And a very large percentage of growers did what they could to follow these regulations, always at their own expense, investing in barns and equipment, manure treatment, using what little profit was left, and money that was at times financed by the banks, never government subsidies as with many other
industries. And what profit is there?

We have heard a few presentations today what was invested. One of the slides that we saw on the wall, a lagoon that was lined with concrete, the person doing the presentation was asked the price on that concrete liner. He should have said triple that. I know the lagoon very well, I know the secretary in that community, and the price that he showed me, it was triple that amount. But they did it too.

They had one complaint from a neighbour that complained about the odour, so the CEC came into the yard, and they started working with it, with the problem, with the odour. And by the time they were finished, that colony had spent $150,000 because of one farmer complaining. That's what we have to live with. And we're doing it, to live with the rest of the people in Manitoba, we're doing it. And it's not the only instance where this happens. But if this continues, we'll have fewer hogs, because hog producers cannot and will not produce hogs at a loss. And if that happens, jobs will be lost, the economy will suffer, and there could be more people on welfare. Is that what the public wants?
Because that's what would happen.  

The spinoff from this outcry that the public has about hogs, pollution, the lake, phosphate, the last presentation we had manufacturing hog equipment. What about the contractors that build the barns, concrete contractors, equipment dealers? The spinoff is so large and so huge, it would literally cost thousands of jobs to be lost. As somebody asked the question here before, if all the hogs are to be taken out of Manitoba, is that a solution to shut down an industry? It's not a small industry.  

If the public continues to pressure government to impose new regulations, and the Minister signed these new regulations, I wonder if he knew the implication of what he signed. It makes one wonder if the public has ever seen a hog operation or is it just the odour of which they know of? And that's what usually happens. The previous presentation that smelled the odour from what, three four miles away from the hog barn in a different municipality, it can happen where the odour will travel one, two miles, in the right wind condition, the right humidity, everything has to be perfect for that to happen. It was also
mentioned already about golf courses.

The Clearview Colony where I live, southwest of Elm Creek, we moved in there in 1983. Ten years later, maybe 12 years later, a golf course was built two miles north of our place. Do they have the right to shut us down? Do they have priority? That's what's being looked for in the public sector.

I would challenge almost anybody to visit a grocery store, grocery chain store, and see how many food items they can find which do not originate on a farm. I strongly believe that. Do we want the farmers to go out of business? They produce our food, and we do our best to produce a healthy food.

It was mentioned, the previous presentation, about using more and more antibiotics. There is more antibiotics used because there is more hogs, not that we're using more antibiotics per hog. We're using way less than what we did 10 years ago. And I mean way, way less. We are not allowed to. So we find different ways of preventing diseases. We use prevention instead of cure.

I have been to pulp and paper mills, I
have been to oil refineries, they all have offensive odours, but it is the livelihood of those towns and they accept it as part of life. I have done work in Kenora, and work in Dryden, in Pine Falls. I've been to Lloydminster, that city stinks, but people live there. I have a daughter living there. She has to be satisfied, that's where she lives, that's where her family is.

Sometimes the smell is -- I would say it's worse than hogs, but it's part of life. The money is there, so they stay there. And that's what we do with the hog industry. We're farmers, we built the facilities to raise hogs, and we'd like to continue with that.

My conclusion is, if we the hog producers are forced into following more new regulations, or installing new technology, or in upgrading existing CEC approved facilities, by government pressure, by public pressure and government moratoriums, then it should be financed by the government at the minimum of 75 to 80 per cent, and I strongly recommend that. It cannot be done otherwise.

There is some new existing technology.

We had a meeting at the university about three
weeks ago. We use a separator in our hog facility that separates the manure, we have liquid on one side and the solids on the other side, which we installed I think in 2001. When I saw the new technology the other day at the university in the presentation that they had there, I was amazed at what's available now. So people are working at it. So let's not panic and try and shut down these barns. There is hope at the end of the tunnel if we can work together. The previous presentation that we had, he strongly recommended working together a lot more, and that is the hope that I see.

And I would read it again that we want the government to finance those new installations, the new technology, or anything that's upgrading that will improve any facility. We are forced to either adapt, or a loss of income; or reject with consequences being fines. We have no choice. It was mentioned already today also, our judicial system, you are innocent until you are proven guilty. The episode I mentioned a few minutes ago that one colony, because of one complaint, look what they had to spend. They were guilty from the first minute. They weren't asked if it was their
odour or whatever, they were just guilty. And look at the consequences, $150,000.

We are not forcing anyone to change his or her source of income or existence, so why should hog producers accept this philosophy? We are asking this panel to protect an industry which is very important to the Canadian economy.

And to conclude, the Hutterite communities and many other family farms have chosen to raise hogs as a way to exist and a way of life. To us it is very important to live in a community, the community owns all the facilities where everything we need is shared. If you want more information on the community way of life, I will gladly give it to you or share it with you.

But if this idea continues to reduce the hog numbers as implicated, it would drastically hurt our future in this country. Do they want us to move out, desert our communities and move some other place? It's happened in the past.

The Hutterite communities came to North America in 1874. In 1918, they moved to Canada from the United States because of World War I. They were practically forced to move out of the United States. If this continues, it
might have to happen again, a repeat of our history. But we don't want to, we want to stay here and work with everybody. We want to be even an example to the Canadian citizens. We want to pass it on to our children and our grandchildren. We want to pass on a clean and healthy environment, be it land, be it water, be it air, preferably all three. Thank you.

THE CHAIRMAN: Thank you very much Mr. Gross. Any questions?

Thank you very much for preparing your presentation and coming out this evening, sir.

Ray Armbruster.

MR. ARMBRUSTER: Ray Armbruster.

MR. UNRAU: Martin Unrau.

RAY ARMBRUSTER and MARTIN UNRAU, after being sworn, presented as follows:

THE CHAIRMAN: Go ahead.

MR. ARMBRUSTER: Thank you. My name is Ray Armbruster. I'm vice chair of the environment committee for the Manitoba Cattle Producers Association. On behalf of the Manitoba Cattle Producers Association, I would like to thank the members of the Commission for the
opportunity to provide you with some input in this process.

The MCPA represents approximately 10,000 producers involved in various aspects of the beef industry, including cow/calf, backgrounding, finishing. The cattle industry is worth in excess of $500 million annually to the Manitoba economy.

Over the past several weeks, the Clean Environment Commission has had the opportunity to travel across the province to learn about the public's views about the Manitoba hog industry. As you prepare to review the information you collected in the past few weeks, the MCPA would like to leave you with a few thoughts and recommendations.

The MCPA strongly encourages the CEC to adhere to its mandate, which is to look at the environmental measures in place related to the Manitoba hog industry, and to determine the industry's environmental sustainability.

We believe your review should be technical by nature and informed by sound science, not simply by the public's perception of the issues.
As livestock producers, we have a tremendous respect for the land and it is what sustains our operations, and in turn our families and our communities.

As you will have learned throughout the course of these hearings, Manitoba agriculture industry is very heavily regulated. Although some members of the public may have the misconception that farmers are somehow free to do anything they wish in their operations, this is simply not the case. There are dozens of acts and regulations in Manitoba that govern agriculture. On-farm site inspections occur. Failure to adhere to these rules can lead to prosecution and fines.

Manitoba hog producers and cattle producers are regulated by many of the same pieces of legislation when it comes into factors such as nutrient management, manure management, land use planning and approval, and odour, to name a few. Three of these key pieces include the Environmental Act, the Planning Act, Livestock Manure, Mortalities and Management Regulations.

We must reiterate, in Manitoba, livestock production does not place in some sort of a regulatory or production management void. We have
some of the strictest environmental rules in North America.

As cattle producers, we take many steps to manage our operations and manure, to protect wildlife in riparian areas, to apply these nutrients at agronomic rates, to properly dispose of mortalities, to manage odour, to adhere to siting and setback requirements. Moreover, to expand operations beyond certain size, we must go through a strict land use planning and approval process, often involving public hearings, a hearing component and technical review process. As such modern livestock production is both technical and bureaucratic by nature, at times it seems we spend as much time managing the paper to relate it to the environmental regulations as we do caring for the animals. But by taking these steps and adhering to these regulations, we protect not only Manitoba surface water, groundwater and soil, but also the longevity of our operations. It simply does not make environmental or economic sense for producers to abuse their key natural resources on their farms.

The MCPA believes there must be some consistency and predictability when it comes to
regulatory process around livestock operations.

We cannot reasonably continue to end up in situations where livestock operations seeking to expand their operations have gone through technical review process, met all provincial and municipal environmental and regulatory requirements, only to have their applications denied for no scientific reason.

The MCPA believes that the environmental decisions must be based on a sound science, and that emotions, misconceptions must not be allowed to stand in the way of sustainable agricultural development.

We realize the argument will be made that each proponent can bring a different scientist to the table to argue for their respective position. In assessing what is sound science, the MCPA recommends the Commission look from data that is current, peer reviewed, tested, and that is applicable to unique soil and conditions in Manitoba.

The MCPA will encourage the Commission to seek out the research related to livestock, soils and water that is currently under way in Manitoba. You may find that some of the
traditionally held conceptions about nutrient runoff do not hold up under the scientific microscope.

We also believe that both government and industry alike have an important role to play in supporting research. It seems that at times in recent years, providing up-to-date research has taken a back seat to enforcement of rules that may not reflect the reality of the landscape.

Manitoba livestock producers remain deeply committed to seeing their industry move forward. But as the regulatory environment, the government of our sectors increases, so do the costs to producers to adapt. The cattle producers are price takers, not price setters. We simply cannot pass along the increasing regulatory costs that we face to the consumers of our product, yet by continuously updating our production methods and incorporating new ways to protect the environment, we are providing an environmental service that benefits all Manitobans. We hope that our contributions will be recognized the citizens, and the government and policy makers alike, as we do not take our social responsibility lightly.
The MCPA therefore recommends an incentive based approach to be encouraged when introducing new environmental regulations. If the government is going to expect producers to continually modify their operations, some financial incentives and technical expertise to help them adapt to new rules would certainly be welcome and are essential to moving the process ahead.

The MCPA also believes that producers must be provided with a reasonable time line to make the transition to operate and under new regulations. Changing production practice takes time and can be costly. Cattle producers are willing to do their part, but no one will benefit if we are driven off the land because the regulatory costs that are too onerous for the producers to bear.

In a similar vein, the MCPA recommends that the government undertake a cost benefit and economic impact analysis of proposed environment regulations before they are enacted. It is critical that there is a sound scientific rationale behind the introduction of new rules to help ensure that they will have the desired
outcome. Livestock production is a key economic driver in Manitoba, creating thousands of direct and indirect jobs.

The current pause in the hog industry is having a ripple effect in Manitoba's livestock sector and at allied industries. There is deep concern that the pause will be extended without a basis in science. And this will have a negative impact and consequences, not only for the producers, but for all Manitobans. In addition to protecting the environment, the government has responsibility to create a sound business environment. The current pause sends a negative signal to the business community in Manitoba and beyond our borders.

The rules relating to livestock development have been extensively debated and reviewed in Manitoba for many years. We have said it before and will say it again, the vast majority of Manitobans do not live their lives under the same degree of environmental scrutiny as farmers. They are free to apply fertilizers and herbicides to their lawns, gardens, with impunity. Some municipal lagoons are discharged into waterways. Oil and other chemicals are dumped down drains,
batteries tossed into garbage. Where are the environmental standards in these cases?

The Commission will wrap up its hearings tomorrow. The MCPA reiterates its desire to see the process, the review process completed within a reasonable time frame, preferably months and not a year from now, so to help quell the uncertainty in the agriculture community.

We recognize the Commission has been tasked with a tremendous responsibility and placed in a difficult position, trying to balance science off against public opinion. We wish you success with your work.

In closing, the MCPA believes that caring for Manitoba environment is simply not the sole responsibility of the farm community. Producers, individuals, citizens, manufacturers, processors, businesses, municipal governments, share an equal responsibility in protecting the environment. By working collaboratively, the MCPA believes the government and Manitobans can devise a sustainable development policy that will protect our resources for years to come.

I thank you for this opportunity to present this to you, Mr. Chairman, fellow
THE CHAIRMAN: Thank you very much.

Edwin?

MR. YEE: Yes, Mr. Armbruster, just a question for clarification. You mentioned it seems at times, in recent years, providing up-to-date research has taken a back seat to enforcement of rules that may not reflect the reality on the landscape. Can you expand on that? I'm trying to understand what you mean by the reality on the landscape, and what particular rules?

MR. ARMBRUSTER: I think what we mean by that in reality is probably the research dealing specifically with nutrients is lagging behind regulations. And we need to get a balance so we can make those decisions based on the science that's been done, that can provide a better sound basis information to promote those regulations. And we understand there's a diverse, diverse environment of soils in an area in Manitoba. So not one regulation or science is going to cover it all. It's a complex problem, and it's not simply nutrients. We've got to understand water systems much, much more. It's a
complicated issue. We don't talk about velocities, we don't talk about natural processes, water levels. We are just talking about nutrients, and we need to get a much more complete picture to make a balanced reasonable decision with regulations.

MR. YEE: Thank you.

MR. UNRAU: Could I just add something there? We know that the movement of phosphorus and nitrogen, and basically nutrients in the soil differs according to every type of soil that we have. And when you talk to a scientist, some of the leading soil scientists in the world, they will remind us instantly that the type of soil we have plays a larger part on where the nutrients go than how much nutrients are in the soil.

So I think what we are trying to say is that the research must be done in Manitoba to prove that the nutrients move in a certain manner in the Manitoba climate and the soil conditions in our province. Thank you.

MR. MOTHERAL: No technical stuff other than just the Commission will not wrap up tomorrow, we wrap up the next day. I've got no more questions.
THE CHAIRMAN: Thank you very much, gentlemen. We're going to take about a four or five minute break and then we will resume.

(PROCEEDINGS RECESSSED AT 8:55 P.M. AND RECONVENED AT 8:58 P.M.)

THE CHAIRMAN: Okay. Let's come back to order, please. We have one final presenter this evening who has requested 30 minutes, so we'll try to survive this heat for another 30 minutes.

MS. JOHNSON: He's been sworn in, in Winnipeg.

THE CHAIRMAN: Could you just introduce yourself for the benefit of the audience, Mr. Tait?

MR. TAIT: My name is Fred Tait.

THE CHAIRMAN: Thank you and go ahead.

FRED TAIT, having been previously sworn, presented as follows:

MR. TAIT: Yes, thank you, Mr. Chairman. It was my intention to wait this long in the process because I had made an access to information request for a lot of information concerning the application of manure and the nutrient loading, or lack thereof in the soil
itself. Unfortunately, I applied a group blocking because I could get around the limitation of applying for thousands of pieces, and it would have required funding which I didn't know how I was going to fund, but I suspect I would have been talking to you. But unfortunately, I did not get a response. I appealed to the Ombudsman, and we will not get that information.

Unfortunately, there leaves a big gap in this whole process because of the lack of that information. In fact, I think, with my limited experience around the Environment Commission hearings over a period of a decade or so, I think it's probably the first time in my memory that such a large block of information has not been available for input.

I take the access to information as to be the most serious part, because for the public to participate within the democratic process, the public requires access to information. Because it's been my observation over a long period of time that political leadership, elected representatives, react to public pressure. They normally do not lead the campaign for environmental improvement or sustainability within
a society. They end up getting pushed that way
and have to react to maintain elected office. So
the very fact that the public now is having
increased difficulty, and it is an ongoing affair,
to acquire information is actually causing in my
mind some serious problems for the future
protection of environment and sustainability
within our economy.

And in this regard, when it comes to
the sustainability of the industry, I have been
very conscious of the many statements that have
emerged from the three ministers that are chiefly
involved in Manitoba, Agriculture, Conservation,
Water Stewardship, and Intergovernmental Affairs
on occasion. And they have consistently said that
we have the most stringent regulations in North
America, which is a bit debatable. And they also
have said that all is well and we really have
nothing to fear. And as a citizen, I am inclined,
I guess, to take the accuracy of those statements
at face value. But I certainly wish I would have
access to the information that would verify the
accuracy of them.

And I'm also, I have to tell you,
really surprised. Because with the resources that
are available to a Minister in ministerial assistant staff, special assistants, research capacity, there's a policy development branch, there's a knowledge centre and so on. I would have thought that some place within that system, someone would have come forward and said, Mr. Minister, it's in our political interest that we release this request to the information, because to release it, of course, would discredit people like myself that have been critical. But that hasn't happened.

And I am probably even somewhat more surprised in a way that the industry itself, which has shown tremendous sophistication on occasion on image management and putting its view forward, didn't itself alert the Provincial Ministries that it was time to release this information for the same purpose I had just stated.

And one has to be careful at the conclusions they come to when they are addressing this, but I guess at the mildest I can say I have probably been overly optimistic at the capacity of these Ministers to seize a political opportunity to release information to verify all of the claims that have been made.
I am at -- I have the proceeds of my first Old Age Security cheque in my pocket here, and the prospect of waiting 13 and a half years or 13 years to receive the information is probably a little bit of a stretch of imagination, to think that I'm never really going to have an opportunity to use it, if I did even live long enough to acquire it, it will be past the point where it's very useful. But I'm also reminded, in watching the media over the past weeks, of the volume of money that was spent in advertising in both the print and the visual and audio media. If it had been applied to the purpose of covering the cost of acquiring this information, it may have been better spent.

In my capacity to deal with a lot of communities over intensive livestock industries, sort of as a sounding board, give advice and stuff, I've had quite an opportunity, probably unique opportunity to deal with a lot of people and look at an awful lot of proposals and projects, and an occasional one that was refused. And I try, when I'm looking at these issues, to try and put myself on the other side so I can perhaps see it better. And that is not an easy
thing always to do. And I look at the role of the
technical review committees, and I know the
Commission has heard quite a bit of reference to
that, even here again this evening. And the role
of the Commission -- not the Commission, of the
technical review committee is fairly easy to
understand. It says the function of the committee
is to provide municipal councils a review of the
technical aspects of a proposal. Fair enough.
That's probably a little bit of an understatement,
but that pretty well describes it. But then it
becomes complicated, if I put myself in the role
of one of those members of that technical review.
Immediately I would be conscious of
the relationship between an employee and his
employer. You can't avoid that. I would have to
recognize the priority of my employer is to expand
the province's livestock industry. That's clear,
that's been consistent for two administrations now
going back to at least 1996. I would be very much
aware that my employer has provided significant
financial contributions and incentives of out and
out grants, financial infrastructure supports and
so on, to make this happen. They have also used
the Manitoba Agriculture Credit Corporation as a
loan guarantor to further assist this expansion of
the industry to a very significant industry. They
are responsible, of course, for the regulatory
framework and provide the enforcement capacity,
where I would come in as an employee.

And I would have to make a judgment,
as an employee, an individual evaluation of
whether or not it would be in my interest to
interfere in any significant way with the stated
policy objectives of my employer. I'd have to
give consideration, I think, to the future, my
future employment prospects, because the Civil
Service today is not the stability -- stable
instrument it was at one time, where you started
out of university in the Civil Service and stayed
there until retirement. There's been a lot of
come and go, and people laid off, and governments
changing with different priorities. So I would
have to be very conscious that I didn't develop a
capacity, while being a public employee, that
would any way imperil my capacity to find
employment in the public sector if I was forced to
relocate.

I want to give you an example of how I
believe -- this example I have just given you may
help you understand it. And in this package here, there is a bit of material. I have copied from a technical review report that came out of a proposal near the Town of Ninga northwest of Killarney, and it was Sage Farms High Tech Limited. After the approval, I was curious enough as to what had happened there. There was a lot of public opposition. Everyone is wondering what happened. So the thing for me is the nutrient management, the protection of the environment, how was it coped with? What is it a realistic sort of proposal that took place there, and was there a realistic assessment of the operation, or the potential operation?

So I came to Portage and I went to Crop Insurance and the Manitoba Provincial Government building, Manitoba Agriculture, and I gathered up this material. It comes out of the Manitoba Crop Insurance document for 2005. And what I did, I took the -- and I also got some data about corn production, and it's stapled on your second page. Then in the proposal itself, I saw that there is the cropping practices there, and it describes the legal descriptions of the parcels of land, and it talks about the cropping practices
for 2007. And the canola, you'll notice in brackets, is listed at 50 bushels right across there. Grain corn is at 110, hard spring wheat is at 55, barley at 95. The handwritten notes next to it, you'll find in the next, back in the final page -- and that's from Manitoba Agriculture, that's their publication saying what the average yield of those crops had been in that risk area from 2000 to 2004. So that's a fairly wide example. You'll notice that the average yield of canola in that area was 31 bushels. Corn, I did not pencil in a number because I was only able to get one example, which was I believe in a poor corn production year, and I didn't think it would be fair to add it. And I couldn't get anything that I had confidence in that was accurate. But I did notice -- I live in a corn area not far from here -- that 110 bushels of corn where I live would be, would cause joy to heart of the producer. It certainly would be something above the normal that I have noticed since corn became common in my community. And if you are going to apply nutrients to a field based on to a yield projection that is probably not realistic, you're going to have a nutrient load problem. You can't
avoid it.

Now, I was so concerned about this sort of thing, because it causes disruption in the communities when these sort of obvious errors are noted. I have made contact with the chair of the southwestern region technical review team, and made them aware that I had accessed this Manitoba Crop Insurance datum, and there certainly was a serious discrepancy between the data and the proponent's projection.

And in a moment that remains clear in my mind forever, I received a response from the chair of the technical review committee that the technical review committee considers that if the nutrients and moisture are available, the yields are achievable. One has to ponder that in your mind for a while if you're a farmer. Because there is another component to crop production, and that is heat units. And you'll notice in that package the heat units for that area would make that type of yield in corn, particularly, very difficult to achieve.

And so here I had a very high ranking civil servant telling me really that all this literature here of risk areas and crop insurance
coverage across the province that is adjusted according to risk areas, which are partially involving heat units that are available, is all invalid. And so my reaction was, well, if heat units are not a component in crop production, then surely these type of yields are achievable at both Thompson and Churchill, to take the extreme. That's how ridiculous I see this sort of stuff. The other thing that I've noticed, and there's another package in here, and this one is from a more recent, this is 2006, this is near Treherne, and this is the conclusions and recommendations out of the technical review report. I didn't bother copying it all off because there's enough paper you've captured already in this tour. But on the first page it says,

"Any areas of class 6 soil that do in fact exist on the application fields should be identified."

Should be, not must be, should be. Should be doesn't require anybody to do anything.

The next sentence,

"Manure application rates should consider soil test levels. Manure
concentrations at realistic target yields should be prioritized."
Not required, should be. And it goes on, but there's several examples of it on page 2, recommended setback,
"If abandoned wells are located on fields identified for manure application, they should be properly sealed."
Not must be properly, should be. There's no requirement for anybody to do anything there. But my favourite one of all is at the bottom of page 23, and this is from the Water Stewardship representative on that committee.
"It is recommended that the number of acres available for spreading be recalculated with consideration for zone 4 land and setback distances from water courses to accurately reflect the total number of available acres."
That sentence tells me that this person, who is identified on the next page, noted an error in calculation. Fairly clear. In fact, I talked to the person on the phone about this, and I said, surely, what should happen is there should have
been, it must be recalculated.

So I watched the process unwind and I watched the conditional use, I read the conditional use report that came out of the municipality. And guess what? They didn't address any of the shoulds, because they didn't have to. And so an error, in all likelihood, was made. And now that we have approved it, from my perspective, the operator is in a pretty good position to argue, if you want changes to that, then the public should pay for those changes, if we're not diligent at the time of doing these things.

I wanted to address you a bit about the issue of the technical review committees themselves and their role. Probably as late as a month ago, I would have perhaps suggested that the technical review process could be improved by attaching local expertise, and that was mentioned here tonight. But, of course, I don't think now, in hindsight, that that would work. Because, first of all, the relationship between employer and employee still would exist. And Provincial Governments, regardless of their stripe, are tending to appoint people that serve the current
objective of the governing party. And it's hard
to get away from that and I don't say they should.

So in my estimation, the best thing
that can happen to the technical review teams, at
some time in the not too distance future, is that
they would disappear and they'd be replaced by an
environmental process that would be administered
by the environment commission itself.

It may not be perfect and I probably
don't understand all the ramifications of what I'm
suggesting, but there is one thing from seven
years of constant experience of looking at these
type of issues, we could not come up with a more
incomplete process than the one we have already
been using.

And I have put together some areas of
recommendations that I -- if in a perfect world,
they would be possible. And they relate really to
the issue of access to information. Because when
I read through the Ed Tyrchniewicz, Carter,
Whitaker "Finding Common Ground" report of 2000, I
find a recommendation in there where the province
would be posting all the available information on
a site that would be easy for the public to
access. And that again appeared in the
Tyrchniewicz, Heather Gregory study, "The Pork Value Chain and Where It Is Leading," that same recommendation reappears again. Because the lack of information, or the inability to acquire information sometimes, in fact often times, becomes very destructive in a society. People will start to think the worst possible thoughts. And we probably don't need that type of environment to exist in rural Manitoba. We've got enough now.

So I'm recommending that the Manitoba Conservation post on its website the following information, and I recognize that there are areas of personal material that there will be exclusions to: All previous technical review committee reports. That would have been very easy if they were there for me to come here tonight and make a very complete evaluation of the whole process and give you an estimate of where we're going in nutrient loading. All future technical review committee reports I believe should be posted on the website 28 days prior to the conditional use hearing, and that fits in with the 30 day requirement, that the municipality must hold a conditional use hearing within 30 days of the time
they receive the technical review report back. That gives a couple of days to accommodate for the weekends or whatever may fall there.

All applications and accompanying documents forwarded to the technical review committee. That's the input material, the proponent material as to what they intend to build, the drawings and so on that go with it. Because without that, which is current now you don't get a lot of that stuff, but there is a good example of a barn in the RM of Portage la Prairie, that if it hadn't have been for our capacity to get ahold of the drawings of both the lagoon and the barn, a major problem would have existed, because there was serious, serious flaws in that application. I can provide the Commission with a copy of that on Friday in Winnipeg. A friend borrowed it from me.

All manure management plans, associated soil tests for all years since the commencement of the operation. This is where you get into disputes with the owner. The owner has, in my mind, the right to say yea or no on that one.

All construction inspection reports
and dates related to manure storage facilities permitted by Manitoba Conservation, all permit applications, including engineering plans, drawings, drill logs and associated soil tests. Without that material, you can't make an informed evaluation about the merit of an operation. You have to have that. And you have to find people that have the skill to unravel that for you. I don't have all these skills, but I've got access to people that can do these things for me.

Manure management plans, application rates be determined by Manitoba Crop Insurance average risk area yield projections. It's hard to argue against that after the example that I just showed you.

Civil servant severance requirements of a five-year cooling off period during which the former government employee would be prohibited from working in an industry over which they exercise regulatory authority. And this one has come up repeatedly. And it relates to the issue of its transfer from the chair of the south eastern regional technical review team of Andrew Dickson to the Manitoba Pork Council. This one offended a lot of public sensitivities. We see in
other areas where people that were employed by
industry, the Canadian Wheat Board as an example,
the severance package pays them and compensates
them, and there's places they can't go in the
grain industry because of the knowledge and
contacts they have had. And that is not
unreasonable when we're trying to protect issues
of environment. The five years is my wish list.
I would expect there would be some negotiating
going on about that level.

The Manitoba Clean Environment
Commission expand the scope of the pending OlyWest
hearing to include that information that has been
not made available to the Commission due to the
delays of the Manitoba Conservation in servicing
the access to information request. It is on the
agenda. We don't know exactly how it will go, but
there's a likelihood, probably about 50/50, that
we shall see the OlyWest proposal come before the
Commission, possibly this fall. And if it does,
there is this block of information that we don't
have relating to hog production that will supply
the plant, that we need if we're going to make a
decision, because there will be an expansion in
the finishing area that we should not make, repeat
the mistakes of the past if indeed mistakes have been made, and we can't determine that without access to that information.

And from a political perspective, it was probably a wise decision from the Provincial Government to do this process and separate it, although I would have rather had a formal hearing process, obviously, but one doesn't always get what they want. But by doing that and putting us in a position where we couldn't subpoena the information, it's probably going to create quite a bit of political pressure to include hog production as part of the OlyWest hearing.

And in looking at all these issues and researching all this stuff, from time to time, one struggles across something, or stumbles across something that I find kind of relevant. And this morning, about 6:00 o'clock, I am not usually one to sleep in very much, I came across a piece that I think probably describes as much as anything else the situation I find myself in and where my thinking is now about this issue. And it was a reference to a person by the name of John Madison, that was probably the primary author of the American Constitution that, when you think of the
time it was written, was a revolutionary document.

And in 1878, in the resolution to the Virginia legislature, in part he said,

"Which more than any other ought to produce universal alarm because it is leveled against the right of freely examining public characters and measures of a free communication of a people thereon which has been justly deemed the only effective guardian of every other right."

And that is only 209 years ago that he wrote that. And I'm sitting here at this table tonight telling you the same thing. That to guard the environment, to guard the economic well-being of the community, we need that information. Because my fear is this; we're going to go too far possibly on the wrong road. And if the wheels come off, the backlash will be rather brutal and it will not be selective. I'll be caught into it as much as everybody else that's out there upon the land. And the sooner we find out if we are doing wrong and correct it collectively, the better off we will be economically in the future.

I thank you for your patience. It's
late in the day here.

THE CHAIRMAN: Thank you very much Mr. Tait. Questions, Wayne?

MR. MOTHERAL: I'm going to be going through this again. No questions now.

MR. YEE: No questions now.

THE CHAIRMAN: Thank you very much,

Mr. Tait.

That brings today's proceedings to a close. We reconvene Friday morning at 9:00 o'clock at the Radisson Hotel, I believe, in Winnipeg. Thank you all for coming out today and this evening, and good night.

(Adjourned at 9:25 p.m.)
CECELIA REID and DEBRA KOT, Court Reporters, 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.

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Cecelia Reid

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Debra Kot