

A Stewardship Framework for Agricultural-Environmental Regulation

A Policy Statement of the Christian Farmers Federation of Ontario

Background

1. Since January 2003 CFFO has called for a time out and a reassessment of the regulatory burden that is emerging in Ontario agriculture.
2. For example, the Nutrient Management Act is just one multi-layered approach to resource management and pollution prevention that is being added to our original commitment to Environmental Farm Plans. The Nutrient Management Act tries to do too much through the window of strategies and plans. Compliance is focused on monitoring and results in paper trails rather than actual initiatives that improve agriculture's relationship to our environment. Farmers are expected to undertake a lot of activities and accept permanent additional cost for very modest gains for our environment.
3. The Nutrient Management Act, by itself, has problems enough but there are a host of other initiatives that have created a piecemeal, fragmented and convoluted approach to agricultural-environmental stewardship. The following are some of these initiatives: safe drinking water, source water protection, municipal amalgamations, species at risk, property assessments, revised Provincial Policy Statement under the Planning Act, Ontario's Rural Plan, Places to Grow in the Greater Golden Horseshoe, Agricultural Advisory Team Advice and the Golden Horseshoe Greenbelt.
4. All this is swamping agriculture at a time when BSE¹ has demonstrated clearly that farmers do not receive a fair share of the consumer food dollar; U.S. protectionism is undermining our exports²; funding for key resource stewardship

¹ Mad cow disease.

² Anti-dumping charges against our pork exports.

programs are being cut³ and funding for new initiatives is inadequate⁴.

5. If we stay on the present track we face a confusing future. Many farmers will be expected to do three different kinds of plans with very different characteristics:
 - a) Environmental Farm Plans have these characteristics: an on-farm risk assessment, an action plan, personal, voluntary and confidential.
 - b) Nutrient Management Plans have these characteristics: balancing nutrient applications with crop uptake, provincial and municipal, mandated and quasi-public.
 - c) Source Water Protection Plans are expected to have these characteristics: a risk assessment that starts off-farm, regional (watershed), mandatory and public.
6. The present circumstance is hard for everyone to keep track of:
 - a) There are municipal bylaws to consider in some municipalities.
 - b) There are municipal bylaws that are superceded by provincial legislation while others are not.
 - c) Some farmers are in the regulations while others are not.
 - d) Some farmers are eligible of provincial cost-share for projects while others are not.
7. An urgent need exists to evaluate the wide variety of rules, regulations and protocols that are being implemented, reduce their number and restructure them so that they are practical, affordable and meaningful to farm families and farm businesses.

1. Part One – Do More with Land Use Planning

- 1.1 Create permanency for the productive agricultural countryside so that it

³ Municipal outlet drain grants.

⁴ The cost share program for nutrient management compliance is too low and does not cover the long-term costs of management changes and compliance procedures.

makes sense to farmers to undertake the long-term agricultural/environmental initiatives that have become important to society. This requires a number of initiatives:

- a) Establishing an independent agency with authority to define the best farmland in all parts of the province.
- b) Establishing permanent boundaries where cities encroach the best farmland.
- c) Establishing a general countryside designation for less than the best farmlands. This designation will have a variety of roles:
 - Provide a buffer between intensive farming activities and intensive urban activities wherever possible;
 - Provide a productive land bank for the day when more land is needed for food production; and
 - Provide a designated area into which towns and cities can grow provided they meet expansion standards such as intensification, transit-friendly, brownfield redevelopment and staying off the best farmland.

1.2 Enable municipalities to plan for the business of farming that is physically compatible with the local environment and community. Enable municipalities to plan for community developments that are compatible with the business of farming:

- a) Add to the Provincial Policy Statement under the Planning Act:
“Community development patterns will be compatible with the business of farming and agricultural development patterns will be compatible with local environmental resources and the local built community.”
- b) Allow municipalities in their Official Plans to require that the size

and intensity of agricultural uses will be compatible with the long-term carrying capacity of the environment.

- c) Allow municipalities in their Official Plans to require that the location of agricultural uses will be compatible with the built community.
- d) Allow municipalities to manage the size, intensity and location of farming activities by capping livestock units on any one site and linking livestock to a land base through density limits, ownership requirements or long-term nutrient management agreements.
- e) Mandate the independent agency proposed in Point 1.1a) with authority to establish reasonable approaches. For example, agency guidance should confine municipalities to capping the number of livestock units on any one site to a size in the range of 400 to 600 livestock units.

2. Part Two – A Few but Sensible Provincial Rules

- 2.1 Replace the Nutrient Management Act with an Agricultural-Environmental Standards of Operation Act.
- 2.2 Establish an agency with a mandate to receive applications for agricultural-environmental standards of operation. The agency's mandate should include the following:
 - a) Develop a moderate number of agri-environmental standards of operation for agricultural activities for which clear province-wide standards make sense.
 - b) The agency should only act in response to an application for a standard. Applications can come from a government ministry, a farm group or a citizen group.
 - c) The agency should only proceed if there is good science and/or

experience to support a proposed standard. Examples: banning high-trajectory irrigation guns for liquid manure and establishing days of storage for livestock manure.

d) The agency should follow a consultative process before proposing a final standard.

2.3 Standards of operation should be enforceable based on the principle of “innocent until proven guilty.” These regulations should not require the maintenance of any paper trails to prove compliance or due diligence.

2.4 Standards of operation should apply to all farms, no matter what type or size of enterprise.

3. Part Three – Environmental Risk and Opportunity Assessments

3.1 Establish a comprehensive environmental risk and opportunity assessment program.

3.2 All farmers and farmland owners are asked to take a workshop every five years and complete a workbook on risks and opportunities at no cost.

3.3 Make the risk and opportunity assessment more comprehensive by including off-farm factors: quality of water in streams, proximity to recharge areas or wells, known groundwater conditions, relationship to wildlife habitat, etc. The agency delivering the workshop and workbook process needs to provide some of the off-farm data required to complete the assessment of risks and opportunities.

3.4 Primary goal to be education/awareness for farmers and farmland owners.

3.5 Replaces the risk assessments that are now included in the Environmental Farm Plan, Nutrient Management Act and proposed Watershed-based Source Water Protection.

3.6 In the beginning the assessment will be voluntary and private. It will be

up to the farmer or landowner to decide to use the assessment as a basis for any applications for environmental cost-share grants or environmental payments. Similarly, using the assessment to establish due diligence will be strictly up to the farmer or landowner.

- 3.7 The option of having the assessment audited by a third party will be available. The assessment remains voluntary and private but auditing is necessary to establish eligibility for any cost-share programs or whole-farm annual environmental payments.
- 3.8 Once well established, CFFO proposes that an application will be made to the agency that establishes the agricultural-environmental standards of operation to make doing an assessment every five years a standard for all registered farm businesses. This would allow agriculture to claim a very high level of commitment to stewardship.
- 3.9 **IMPORTANT:** This proposal separates risk assessments from action plans. If risk assessments and action plans are done together applications for future cost-share grants, significantly larger than the past \$1,500 EFP payments, may make the whole package quasi-public.

4. Part Four – Cost-shared Action Plans

- 4.1 Plans will be action plans for specific reductions in risks through physical or management changes. They are not paper trails to demonstrate compliance with regulations.
- 4.2 A plan can be a response to a variety of regulations or opportunities: a new agricultural-environmental standard of operation, a source water protection regulation, an environmental payment opportunity or a stewardship incentive.
- 4.3 Financial support for action plans should be provincially established, locally enabled, and watershed-based. (Available to all farmers but

targeted to those watersheds facing the greatest pressures.)

- 4.4 If a plan is in response to a regulation or standard there must be federal/provincial/municipal cost-share available at 70 to 90% depending on the significance of the concern and landowner need. (No compliance required without adequate cost share.)
- 4.5 Both plan development and cost-share approval should come from the same delivery agent. The number of delivery agents should be reduced over time.
- 4.6 Plan development should be delivered at the kitchen table. The delivery agency needs staff to develop the plan with the farmer/landowner and provide support in choosing the improvements and gaining approvals, including the approval of the cost-share. The delivery agency also needs to provide some of the off-farm data to complete the assessment of risks and opportunities.
- 4.7 Where the action plan includes documenting management practices over time, the cost-share needs to cover the work involved in maintaining this documentation over the years.
- 4.8 An audited environmental risk and opportunity assessment should be an eligibility requirement.
- 4.9 **IMPORTANT:** Farmers/landowners will do a number of plans over time and each plan should be for specific reductions in environmental risks through physical or management changes. Plans should not be a general list of actions as is now the case with the Environmental Farm Plan. A general list could be a problem if accepting larger cost-share support makes the list of actions quasi-public.

5. Part Five – Whole-farm Annual Environmental Payments

- 5.1 Establish a program of whole-farm annual environmental payments

based on the opportunities identified in environmental risk and opportunity assessments.

- 5.2 Farmer/landowner applies to have a range of environmental enhancements on a whole property recognized as eligible for remuneration. These environmental enhancements can be the result of new initiatives or longstanding improvements that the farmer/landowner is maintaining.
- 5.3 Environmental enhancements can be physical (size of buffer strip) or management (cover kept on soils at all times).
- 5.4 The level of environmental payment should be linked to the amount of environmental improvement provided.
- 5.5 Consumers should be part of deciding what environmental enhancements to promote and the valuing of them.
- 5.6 Voluntary participation.
- 5.7 An audited environmental risk and opportunity assessment should be an eligibility requirement.
- 5.8 This will require significant annual funding and thus will need a small levy on food at retail to fund it.

*Adopted by
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