

Response to Bill 43: Clean Water Act, 2005

A CFFO Policy Statement

Whereas CFFO has endorsed the concept of mandatory locally developed source water protection plans in watersheds across Ontario (policy statement March 24, 2004);

Whereas CFFO has endorsed a planning process for source water protection plans that includes a requirement that the source protection planning board (SPPB) hold formal public hearings on the draft plan submitted by the source protection planning committee (SPPC) before sending it to municipalities to seek their endorsement;

Whereas due process requires that landowners who are impacted will be part of a planning process from beginning to end;

Whereas CFFO has called for the inclusion in all Watershed-based Source Water Protection Plans (SPP) the full details of the cost of implementing the plan;

Whereas Justice O'Connor in his report on the Walkerton disaster recommended that *"the provincial government, through the Ministry of Agriculture, Food and Rural Affairs in collaboration with the Ministry of the Environment, should establish a system of cost-share incentives for water protection projects on farms"* (recommendation #16);

Whereas the public should pay when the public wants environmental goods and services maintained to a higher standard than the current acceptable normal farm practices have provided;

Therefore be it resolved

That CFFO confirm its endorsement of the concept of mandatory locally developed source water protection plans in watersheds across Ontario;

But that CFFO not support the proposed Bill 43: Clean Water Act, 2005 in its present form because:

- a. The SPPC is not required by the legislation to consult with landowners affected by prohibited activities, affected by activities and land uses that require a permit or affected by land uses that require a notice while they are preparing the SPP;
- b. The draft act does not guarantee a formal public hearing on the draft SPP before it is submitted to the Minister of Environment;
- c. For protected areas and zones in a SPP, the draft act will authorize municipalities to prohibit certain activities, require permits for certain activities and land uses and require notices for certain activities that are

now normal farm practices without reimbursing farmers for the costs of changing their farming practices or the loss of opportunity when the current acceptable normal farm practices are prohibited;

- d. For protected areas and zones in a SPP, the draft act will authorize municipalities to require landowners to develop and to bear the cost of risk management plans and to pay fees for permits to continue with certain activities and land uses that are now normal farm practices on those lands.
- e. The draft act does not require each SPP to include an assessment of the costs of implementation and a defined budget, with sources, for the implementation.

That CFFO confirm that the principle of the public paying when the public wants environmental goods and services maintained to a higher standard than provided by current acceptable normal farm practices must be implemented as part of source water protection. Requiring private landowners to deliver environmental goods and services for the benefit of the community without payment is no longer an acceptable practice.

That the proposed legislation be changed so that the Ministry of Environment is prohibited from approving any source water protection plans that do not include an assessment of the costs of implementation and a defined budget, with sources, for the implementation.

That current acceptable normal farm practices prohibited by a protected zone or area in a SPP must be appealable to the Farming and Food Production Protection Board, not an environmental tribunal.

*Adopted January 25, 2006
Provincial Council
Christian Farmers Federation of Ontario*

Bill 43: Clean Water Act, 2005 and background information can be found at <http://www.ene.gov.on.ca/envision/water/cwa.htm>