



LONG-TERM THINKING FOR TODAY'S ISSUES

November 09, 2020

Attention: Dr. George Jacoub
Water Research Scientist - Hydrologist
Source Protection Planning Unit
Ministry of Environment, Conservation and Parks
40 St. Claire Ave. West, 14th Floor
Toronto, ON M4V 1M2
Delivered via email: george.jacoub@ontario.ca

RE: ERO 019-2219 Proposed Amendments to the Director's Technical Rules Made Under Section 107 of the *Clean Water Act, 2006*

Dear Dr. George Jacoub,

The Christian Farmers Federation of Ontario (CFFO) is an Accredited Farm Organization representing the interests of over 4,000 farm families in Ontario who are called to the vocation of farming. CFFO policy promotes economically, socially, and environmentally sustainable farming, advocating that farmers receive fair return for their production and stewardship efforts.

Protecting water quality is a shared responsibility among landowners, community members and all levels of government. Many stakeholders are potentially impacted by changes to regulations governing water protection. It is vital that, in making changes, the implication of changes proposed are clearly explained, in non-technical language, to all key stakeholder groups implicated by those changes.

The CFFO's comments focus both on the proposed amendments themselves, but even more importantly on the posting and consultation process, in hopes that this process can be significantly improved for future changes to rules governing water protection.

Proposed Amendments

The CFFO's comments on the proposed amendments are focused around language used in the proposed changes to Section 1: Amendments to the drinking water threats circumstances subcategories.

In particular, under subcategory 4. Storm Water Management Facilities and Drainage Systems, the table makes reference to "land where the predominant use is rural, agricultural, outdoor recreational or parkland, excluding greenhouses," and later to "land where the predominant land use is commercial or industrial land uses including greenhouses." Greenhouses are an agricultural land use, and should not be described as belonging to or being included in commercial or industrial land use. If this in fact is in reference to certain regulations or Acts that pertain to greenhouses and not to other agricultural land uses, the language should more clearly state that, while also acknowledging that greenhouses remain an agricultural land use.

Also, under subcategory 12. Handling and Storage of Commercial Fertilizer, the wording of the current circumstances make it clear to whom the rules will apply based on the intended use of the stored fertilizer. The circumstance of the intended use is unlikely to change over the course of time. When rules are based solely on

amounts within a property, that may change at any given time over the course of the year, which may make it harder to know exactly when different rules will apply in all cases.

Posting Processes

Regulations protecting water quality affect multiple stakeholders across many different sectors with varying levels of familiarity with the methods and technical language used to describe these regulations. Although significant time was given to allow for reviewing and preparing responses by allowing for a 90-day consultation, the information provided in this posting was highly technical in nature, with little explanation or guidance on the changes that were made, or the significance or likely impact of those changes to different sectors and stakeholders.

At a minimum, a version of the 138-page document with *changes tracked* should have been included with the posting. More information should have been provided with clear explanation on the implication of the changes proposed. Where thresholds have been changed, for example, it would be good to indicate how many areas are likely to be affected by these changes.

Consultation Process

Outside of the posting itself, direct consultation was lacking. We are aware that consultation did occur with the 19 Source Water Protection Committees, including the agricultural representatives on those committees. However, there are multiple agricultural organizations, including three Accredited Farm Organizations (of which we are one) and many commodity organizations, who are not all necessarily directly represented by local agricultural representatives serving on local Source Water Protection Committees.

For a posting such as this, we would expect an opportunity for policy staff within all Accredited Farm Organizations and commodity organizations to have the opportunity for a consultation with MECP on those aspects of the proposal directly related to agriculture, including a presentation of the changes, the motivation for those changes, and the likely impact to agriculture and farmer landowners.


After significant effort on the part of Tina Schankula, Farm Policy Analyst for the OFA, a meeting was arranged for agricultural policy staff with MECP that was very helpful in clarifying the changes and in offering an opportunity to ask questions. However, the onus was still put on participants to come with questions for clarification, and no explanatory presentation was offered.

Summary

The CFFO is particularly concerned that the process for posting and consultation on changes to rules governing water protection needs to be significantly improved. The implications of changes need to be more clearly explained in clear, non-technical language. Opportunity for consultation needs to be offered to policy staff at all relevant agricultural organizations within the agricultural sector, as well as to local agricultural representatives such as those serving on Source Water Protection Committees.

Thank you for your consideration of our input.

Sincerely,



Ed Scharringa, President
Christian Farmers Federation of Ontario