

Ms. Dawn Landry, Policy Advisor
Strategic Policy Branch
135 St. Clair Ave. West , 11th Floor
Toronto , ON M4V 1P5
August 17, 2004
FAX: 416-314-2976
RE: **Drinking Water Source Protection Act**

EBR #AA04E0002

Dear Ms. Landry:

The Ontario Farm Environmental Coalition (OFEC) is pleased to have the opportunity to respond to the Drinking Water Source Protection Act.

OFEC was formed in 1991 to provide a forum, in which Ontario 's agricultural organizations, in conjunction with relevant federal and provincial ministries and non-farm organizations, could collectively identify environmental concerns associated with agricultural production practices; develop agreed-upon strategies to assist farmers in addressing identified concerns; and establish a mechanism for implementing such strategies.

OFEC has established working groups that focus on specific areas of the environment. To date there are 3 such groups, Water, Nutrient Management and most recently, Climate Change. Ultimately, OFEC is committed to ensuring Ontario farmers have access to the tools necessary for them to operate profitable businesses in a manner that will preserve or enhance the air, soil and water resources on which their livelihoods depend.

1. **Focus on municipal drinking water.** The Drinking Water Source Protection Act must focus on municipal drinking water systems, not all water everywhere. The Province does not have the money required to protect all water everywhere. In addition, Justice O'Connor's report focused on municipal drinking water systems.

2. **Multiple-barrier approach.** It must be remembered throughout this process that source water protection is only one part of a multiple-barrier approach. It is unrealistic to assume that raw water can be brought to potable, or almost-potable standards. The costs of source water protection must be considered, along with who bears these costs. It is inappropriate to burden farmers with these costs through excessive controls as a means of reducing the costs associated with treatment requirements of the water treatment operators.

3. **Science-based approach.** The development of Source Protection Plans by local committees, along with any advice provided by the Province, must be entrenched in science. This is the only defensible and rationale approach to protection municipal drinking water.

4. **Farmers Participation in the Source Water Protection Planning Process.** While farmers may represent a small proportion of the population, they own the majority of the lands that will be impacted by this process. As such, their involvement and ability to participate in the process is crucial. They must have the opportunity to provide meaningful input that will be given appropriate consideration. OFEC encourages the formation of agricultural subcommittees to provide advice to the Source Protection Committees. Participation by farmers on any committee or subcommittee must have compensation through per diems, travel expenses, etcetera. In addition, public consultation regarding the three documents produced by the committees (Terms of Reference, Assessment Report, and Source Protection Plans) must have regard for the seasonal nature of agriculture and not occur during the normal busy times of farming. Adopting these recommendations will translate into the development of stronger source protection plans with a stronger commitment by those that have the opportunity to influence its implementation.

5. Appeals of Source Protection Plans. It is important to maintain an appeals mechanism for Source Protection Plans. However the appeals timelines needs to be longer than 15 days. In addition, it would be beneficial to have a two-stage process whereby the intent to appeal is submitted first, with the actual appeal arguments being prepared at a later date. Clarification of who can appeal is required. A farmer whose business is negatively impacted by a source protection plan, regardless of if the farmer resides in the area or not, must have the ability to appeal.

6. Farm Water Protection Plans. Justice O'Connor introduced the concept of a Farm Water Protection Plan (FWPP). These plans must be developed with significant input from and consultation with the agricultural community. It is imperative that existing tools agriculture is already involved with, such as Environmental Farm Plans (EFP), Best Management Practices (BMPS), and the Nutrient Management Plan (NMP), be integrated into FWPP requirements. It is essential that farmers not be burdened with an onslaught of new requirements when there are already tools in place that could be used, particularly since these are living documents that are periodically updated to reflect new research based on ongoing scientific findings.

7. Powers of Entry must respect biosecurity protocols. The proposed Act provides for significant powers of entry by Source Protection Boards or their designate. These powers must be fettered by biosecurity protocols on farms. There should be very little need for anyone to enter a farm property. Most of the information can be obtained by just speaking directly to the landowner.

8. Confidentiality of Business Information. Whether it is with the use of the EFP or NMP, or through powers of entry, the confidentiality of business information must be maintained. OFEC advises that the government work with the agricultural community to discuss the development of an auditing process that will not compromise the confidential business information that may exist in farmers' documents.

9. Relationship between *Drinking Water Source Protection Act* and many other pieces of legislation is unclear. OFEC estimates that there are no less than 45 pieces of legislation and corresponding regulations that deal with water issues – at least five of which are directly related to agriculture. It is imperative that the relationship between these pieces of legislation and the proposed *Drinking Water Source Protection Act (DWSPA)* be clarified. It must be recognized that the agricultural community has put a great deal of effort in advising the Government on the agriculturally related legislation to ensure that they are science-based and reflect the realities of agriculture in this Province. This must all be taken into account in defining any relationships to the *DWSPA*.

We trust that these comments will prove useful, and look forward to working with you on agriculturally-related items.

Sincerely,

Ron Bonnett, OFA President

John Kikkert, FFO President

Greg Hannam, AGCare Chair

John Maaskant , OFAC Chair