



November 27, 2019

Hon. Prabmeet Singh Sarkaria
Associate Minister of Small Business and Red Tape Reduction
Ministry of Economic Development, Job Creation and Trade
7th Floor, 56 Wellesley St. W
Toronto, ON M7A 2E7
prabmeet.sarkaria@pc.ola.org

Re: Bill 132, Better for People, Smarter for Business Act, 2019

Dear Associate Minister Sarkaria,

The Ontario Fruit and Vegetable Growers' Association (OFVGA) represents over 3,500 fruit and vegetable farmers in the province. I am pleased to be writing on behalf of the sector in response to the Better for People, Smarter for Business Act, which is currently working its way through the Ontario Legislature.

As Bill 132 includes a broad number of proposals, the OFVGA is commenting on the ones it sees as most impactful to its members. The following sections outline our perspectives on the following proposals announced with Bill 132:

- Permits to Take Water
- Farm Products Grades and Sales Act
- Drainage Act
- Agricultural Products Insurance Act
- Agricultural and Horticultural Organizations Act
- Line Fences Act
- Environmental Protection Act: Combined Heat and Power
- Pesticides Act
- Holding Polluters Accountable
- Resource Recovery and Circular Economy Act
- Highway Traffic Act
- Interprovincial Personal Exemption Limits on Beverage Alcohol

Permits to Take Water

Although there are no further details provided on this proposal beyond the Backgrounder document, the OFVGA supports removing requirement for paper copies of official documents and permits, if a paper copy will still be made available to those that do not have access to adequate high-speed internet.

The OFVGA would welcome further discussion with government regarding additional burden reduction opportunities for the Permits to Take Water regulatory requirements. Namely, the OFVGA would like to see water taking permit requirements to be exempt for low risk activities,



such as using water from constructed storage and holding ponds, which does not impact downstream water use. Furthermore, the daily and hourly water taking reporting requirements are burdensome, with no demonstrable benefit coming from the data being supplied to the ministry. Our aim is to work with the ministry to reduce reporting burden while ensuring our ground water sources are protected.

Farm Products Grades and Sales Act

The OFVGA is supportive of removing this now obsolete piece of legislation as the fruit and vegetable regulation was revoked in 2011. The sector wishes to ensure that legislation continues to exist to cover all production in the province. Maintaining Ontario specific regulations are important to capture production that does not leave the province as the Safe Food for Canadians Regulations and the Dispute Resolution Corporation do not address production that remains in the province.

Consulting on Proposed Amendments to the Drainage Act

The OFVGA understands that proposed changes to the *Drainage Act* will be communicated soon and wishes to be engaged during the anticipated consultation.

Agricultural Products Insurance Act

As production insurance is a significant pillar our members' business risk management toolbox, the OFVGA is supportive of improving and streamlining the delivery of production insurance through changes to its enabling legislation and regulations.

Moving to a more completely electronic experience for farmers is a positive move, as long as supports continue for production insurance clients that do not have access sufficient high-speed internet or prefer hard copy communication. Reducing the contract of insurance to be a more reasonable length (our understanding is shifting to over 80 pages to 14) is a positive move, if the appropriate information is still accessible and clearly stated.

The OFVGA understands and supports that there is also an intention to broaden and strengthen the appeals process for production insurance. Although Agricorp maintains high levels of service, having a strong appeals process is important when novel situations are encountered or the farmer and the insurance adjuster view circumstances differently.

In addition to the proposed changes, the OFVGA would like to flag that while many of our commodities have strong production insurance tools available, there are some crops that are challenged by weak coverage or no coverage at all. The OFVGA welcomes future conversations around how some of these gaps in risk management can be addressed so that all our members have access to a complete range of business risk management tools.



Agricultural and Horticultural Organizations Act (AHOA)

The OFVGA is supportive of the proposed changes to the AHOA. Removing requirement to print notice of the annual general meeting in a newspaper will reduce costs and allow agricultural organizations to focus on communicating directly with their members via modern communication channels. The amendment will benefit the OFVGA, and approximately a dozen of its regional member organizations.

Line Fences Act

The OFVGA supports the views of the Ontario Federation of Agriculture with respect to the *Line Fences Act*. The Act sets out the mechanism for resolving disputes between abutting property owners over cost-sharing the construction, maintenance or repairs for their shared fence, should the parties be unable to reach an agreement on their own. The Act applies to all manner of fencing disputes involving all types of properties and is not solely applicable to rural or farm properties.

The Act does not, in our view, create red tape for property owners. In fact, we believe it reduces red tape and unnecessary delays for property owners seeking a resolution to fencing disputes. It eliminates costly and time-consuming court proceedings, which will be the only recourse for farmers and any other property owners facing a fencing dispute with their neighbour. It provides property owners with a quick resolution to their fencing dispute.

As repealing the Act will result in gaps and shortcomings for how these disputes can be addressed, and an increase in red tape at the municipal level, the OFVGA does not support this aspect of Bill 132 and should be withdrawn entirely.

Environmental Protection Act: Streamlining approvals for combined heat and power

It is understood that a more detailed proposal for consultation is forthcoming regarding approvals for combined heat and power systems for biomass and natural gas fuels. The OFVGA, along with our member, the Ontario Greenhouse Vegetable Growers, are eager to contribute to this proposal when the details become available.

Pesticides Act

The OFVGA is fully supportive of the proposal to update Ontario's pesticides regulation. Removal of the duplicative process for pesticide classification in Ontario will enable timely access for farmers to the newest crop protection tools without compromising on protection of human health or the environment.

These federally registered products have undergone a full assessment of human health and environmental risks by the federal Pest Management Regulatory Agency (PMRA) and deemed to be acceptable for use. The federal classification system is a reasonable basis for regulation in Ontario – as is recognized by every other province in Canada.

As all federal regulatory decisions by PMRA require mandatory public consultation periods, the OFVGA wishes to confirm that classification of new products in Ontario under the proposed



amendments will be automatic, and not require public consultation under the ERO. Such a requirement would be duplicative of the existing federal process as all stakeholders can comment through PMRA's existing review process.

The OFVGA agrees the proposed amendments will reduce regulatory complexity and modernize pesticide management in Ontario, streamline product access for farm businesses, while ensuring protection of human health and the environment.

We encourage the Ontario government to form an informal advisory committee if an issue emerges related to the Pesticide Act that requires stakeholder input. This approach would fill any potential gap if moving away from the formal Ontario Pesticide Advisory Committee structure.

Holding Polluters Accountable

The OFVGA is supportive of ensuring that those that are wilfully skirting environmental regulations are held accountable for their actions and that any damage caused to the environment is addressed by those responsible. Monetary penalties can be one tool used to ensure accountability. As the province investigates the expansion of monetary penalties to additional legislation including the *Nutrient Management Act*, the *Pesticides Act* and the *Ontario Water Resources Act*, the OFVGA wishes to ensure that the application of these penalties consider several factors.

First, the OFVGA would like to ensure that the government continues a risk-based approach to compliance and enforcement of the Acts. Monetary penalties should only be used in a situation where there is a wilful contravention occurring and an unwillingness to implement a corrective action in a timely manner. In reviewing contraventions, due diligence with respect to ensuring all reasonable steps were taken to prevent a contravention should be considered and reflected in any kind of order or monetary penalty on the responsible party.

Secondly, the sector would benefit from more uniform enforcement of statutes. There have been many instances where enforcement officers are being subjective when interpreting the requirements of environmental regulations, sometimes leading to unreasonable requests to meet compliance, or unwarranted penalties on farmers. Increased training of enforcement officers on how to consistently apply the statutes and the integration with the realities of fruit and vegetable production would go a long way to address these concerns. Additionally, the development of a transparent and truly third-party appeals process will increase the integrity and fairness of the entire compliance system. If implemented correctly, a central ombudsman for reviewing appeals would increase consistency of appeals processes and decisions – leading to reduced red tape.

Finally, the OFVGA would like to ensure that monetary penalties are ultimately put back into environmental improvements related to the environmental contravention. This could come in the form of project(s) that help prevent future contraventions, increased adoption of best practices, or identify innovative ways to reduce the cost of complying.

It is understood that the details of the monetary penalties and how they are implemented will come through when the specific regulations are posted for consultation. The OFVGA looks forward to being engaged as this regulatory process continues.



Resource Recovery and Circular Economy Act

The OFVGA is supportive of the expansion of the mandate and objects of the Resource Productivity and Recovery Authority to enable it to collect information on additional programs. Expanding the use of existing infrastructure is a smart way to reduce delivery costs of government programs and services, including the blue box program and the hazardous waste system.

As the government investigates programs and services that could be delivered by the Authority, the OFVGA wishes to ensure that when these changes are implemented there is a clear definition of and no duplication of reporting and/or paying of fees for the programs that are integrated with the Authority. In addition, coordination should be done with other reviews that are ongoing, including the modernization of the blue box program to ensure that regulatory changes complement each other.

Finally, as with any reporting system that is electronic in nature, systems need to reflect the limited access to high-speed internet in rural areas and include secondary processes for submitting and receiving information where digital means are unreliable.

Highway Traffic Act

The OFVGA has no concern with this proposal combine Ontario's mandatory emissions and safety inspection requirements into a single inspection for heavy diesel commercial motor vehicles. In relation to this issue, the sector would like to note that there is an ongoing lack of access to testing facilities in rural Ontario. As a sector that relies heavily on large transport vehicles to move fresh, perishable products to market in a timely basis, access to nearby testing facilities is important for ensuring that farmers can focus on doing what they do best – growing food for Ontarians.

Interprovincial Personal Exemption Limits on Beverage Alcohol

The OFVGA would like to reinforce that the province needs to support alcohol beverages that are produced using 100% Ontario grown ingredients. The existing tax structure for Ontario beverage alcohol retailing treats domestically produced wines and ciders the same as imports. A regulatory structure that supports Ontario produced alcohol products would improve the margins of local wineries so that they can invest in infrastructure and jobs and grow the local industry.

Thank you for allowing the OFVGA an opportunity to comment on the contents of Bill 132, Better for People, Smarter for Business Act, 2019. As several of the legislative changes will require subsequent regulatory amendments, the OFVGA looks forward to being engaged as the details of specific changes become available.



Should you have any questions about our comments, we would welcome an opportunity to meet with you and/or your officials to discuss.

Sincerely,

A handwritten signature in cursive script that reads "Bill George Jr.".

Bill George Jr.
Chair, OFVGA

Cc:

Hon. Minister Hardeman, Ministry of Agriculture, Food and Rural Affairs

About the OFVGA:

The OFVGA is the leading voice for Ontario's fruit, vegetable and greenhouse vegetable farmers. Our sector includes more than 3,500 family run farms that employ over 30,000 people directly on-farm. For every on-farm job, it is estimated there are 2.2 jobs created downstream, or approximately 96,000 jobs combined. Fruit and vegetable production drives Ontario's rural and urban economies by generating more than \$4.2 billion in economic activity annually, along with \$600 million in combined tax revenues for all levels of government. Ontario fruit and vegetable farmers compete with global producers for domestic and export markets that demand low cost quality produce. Fruit and vegetable exports from Ontario total over \$1.5 billion, almost half of which originates from the greenhouse vegetable sector.