



Erinn Lee
Policy Advisor
Ministry of Environment, Conservation and Parks
waterpolicy@ontario.ca

August 2, 2020

Re: ERO # 019-1340 - Updating Ontario's Water Quantity Management Framework

Dear Ms. Lee,

The Ontario Fruit and Vegetable Growers' Association (OFVGA) welcomes the opportunity to provide input into the Ministry of Environment, Conservation and Parks' (MECP) consultation on Ontario's water quantity management framework. Many of OFVGA's members rely on water for irrigating food crops and are required to hold permits to take water.

With over 3,000 water taking permits for agricultural uses in Ontario, it is important that the agriculture sector's perspectives are thoroughly considered when water taking policy is being set. Given the importance of having access to adequate water resources for irrigation and fruit and vegetable washing and processing operations, the OFVGA has some longstanding policy positions on the matter, some of which is being addressed by the proposed regulatory changes.

Please include the following positions and considerations as you deliberate the final regulatory changes to Ontario's water quantity framework.

Goal 1: Establishing priorities of water use in regulation

The OFVGA has long taken the position that irrigation of fruit and vegetable crops should be considered essential to support domestic food security and reduce financial burdens that are likely to result from drought conditions. The sector is pleased this regulatory proposal acknowledges the value and necessity of irrigation (including frost protection) by prioritizing it as a "Highest Use Priority."

Agriculture does not have the ability to plan activities around summer flow periods – often which is when irrigation is needed most. For example, during this summer with the lack of rain in some regions and significant and prolonged heat across the province this summer, irrigation will be essential to ensuring crops survive to harvest, and a quality product is produced for market. Without irrigation this year, domestic food production will be hindered and the financial impacts for farms in dry areas substantial.

The OFVGA understands that the prioritization will be used during times of low availability or water use conflict. In a year like 2020 where low water availability in some regions is possible, a



prioritization such as the one proposed will be important to guiding and ensuring water resources are directed to essential uses accordingly.

In addition to irrigation, the OFVGA would like to encourage that other water users along the food system need to be protected as well. While many of the larger packing and processing facilities will be connected to municipal water supplies, not all are. While some fruit and vegetable processing and packing operations can be delayed, many crops destined for processing will not be salvageable if not processed and packed within a short period. It is essential that all parts of the fruit and vegetable system are considered regarding water quantity management.

The proposal states that guidance will be developed to provide direction on these priorities. The OFVGA requests that MECP involve the fruit and vegetable sector in the development of this guidance. It is crucial that this guidance reflect the realities of agricultural water use and its critical timing needs.

With regards to other priority water uses, the OFVGA understands that drinking water is only included as it pertains to municipal and private water sources, while water bottlers are classified as industrial/commercial (lower priority). This must be made clear so water bottlers are not included under “drinking water” in the highest use priority category.

Goal 2: Update the approach to managing water takings in stressed areas

As the regulatory changes proposed will create enabling legislation that will be informed by guidance material, it is difficult to comment on this goal. The OFVGA appreciates the intent to replace an outdated regulatory approach by creating a flexible system and make it clear who is ultimately responsible for making water taking decisions in stressed areas or periods of time.

To ensure that the guidance material does not create consequences for agricultural water takers, it is important that the fruit and vegetable sector be engaged in discussions for how this new process will work, including the stakeholders that will be involved, and who is responsible for what action. We appreciate that the intention is to not supersede existing regional agreements for managing water takings.

In addition to the regulatory aspect of managing water takings, an additional consideration is that water taking can be better managed with improved access to irrigation. There is an opportunity for all levels of government to treat irrigation systems as they do roads and bridges, which are necessary infrastructure for an economy. Careful investments could address barriers to adequate access to water in some regions.

The OFVGA requests that the process involves agricultural stakeholder representation throughout any discussions on managing water takings in stressed areas, how restrictions are managed, and ultimately balance the environmental, societal, and economic aspects of water use.



Goal 3: Make water taking data more accessible

The OFVGA has often heard frustrations from growers that reporting daily water taking data is additional red tape that has provided no value – with government officials having previously admitted the data was not being used for any specific purpose. While the preference would be to remove this red tape entirely, there is an argument to be made that if made available appropriately that it could provide benefit back to permit holders.

However, the OFVGA does urge caution when it comes to determining what data is shared and how. We wish to ensure that publicly available information does not identify any individual agricultural water taking permit holder and their corresponding daily water taking data. Not identifying individual farms is largely the reason agricultural permit applications are exempt from specific consultation requirements (for example, posting on the Environmental Registry) that other water takers are subject to. Ensuring the safety of the farm and farm family remains important when releasing data related to daily water takings.

When carefully managed, there are benefits to making the data available to water takers by potentially reducing the burden on permit applicants. Information regarding local water budgets and hydrogeological information should not only be available but information gaps should also be funded by the government – not permit applicants. Understanding the resource is a benefit to all society and as such, information gathering and filling data gaps should be the responsibility of the government, not permit applicants.

Due to concerns around sharing individual permit level data, the OFVGA requests additional discussion and consultation to determine how the data can be made public while continuing to protect individual permit holders. During these discussions, the opportunities for obtaining the best value from the data can also be further developed.

Goal 4: Give host municipalities more input into water bottling decisions

The OFVGA does not take a position on the level of input municipalities have into local water bottling decisions. However, it is important that existing consultation requirements for significant water takers remain, and that any large industrial/commercial water taking applications consider the long-term needs of the region, including the current and future takings for agricultural production.

Additional Comments – Red Tape

Although the consultation is specific to the above four goals, the OFVGA requests an opportunity to engage with MECP regarding other red tape related aspects of the permit to take water program, including:



- The new online application process, which presents opportunities to improve the applicant experience if the existing platform is adjusted to reflect the needs of agricultural users.
- Service standards for the permit to take water application process.
- Potential for redundant water taking data to be submitted resulting from requirement to report on water taken for storage in a holding pond, and again when used for irrigation.
- Improving the process for recording and submitting water taking data to MECP.
- Reviewing the permit categories and understanding how these requirements align with the relative potential environmental impact.
- Opportunity for streamlined permit process permit renewal or transfer to a new name (for example during farm ownership succession).

The OFVGA would appreciate an opportunity to work with MECP to look at the permit processes and identify ways in which burden could be reduced for permit holders and improve overall experience for permit holders.

Thank you again for the opportunity to provide input on this consultation. Further to the comments above, we wish to reinforce the need for the opportunity for input on the guidance documents to be developed, and the plans for sharing water taking data. As the OFVGA represents the largest number of permit holders in the province, it is important that we have the opportunity to provide input on changes and approaches that will directly or indirectly impact agricultural permit holders. Finally, we look forward to having discussions with the goal of reducing red tape associated with obtaining and holding water taking permits.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill George Jr.".

Bill George Jr.
Chair, OFVGA Board

A handwritten signature in black ink, appearing to read "Jan VanderHout".

Jan VanderHout
Chair, OFVGA Environment and
Conservation Section

Cc:

Jonathan Ricci – Office of the Hon. Jeff Yurek, Minister of Environment, Conservation and Parks

Ali Pensamiento – Office of the Hon. Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs

Jenna Bendayan – Office of the Hon. Prabmeet Sarkaria, Associate Minister of Small Business and Red Tape Reduction



About the OFVGA:

The OFVGA is the leading voice for Ontario's fruit and 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 \$1.6 billion, almost half of which originates from the greenhouse vegetable sector.