

MANITOBA CLEAN ENVIRONMENT COMMISSION

HOG PRODUCTION INDUSTRY REVIEW

TRANSCRIPT OF PROCEEDINGS

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Held at the Canad Inns

Portage la Prairie, Manitoba

WEDNESDAY, APRIL 25, 2007

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APPEARANCES:

## Clean Environment Commission:

Mr. Terry Sargeant	Chairman
Mr. Edwin Yee	Member
Mr. Wayne Motheral	Member
Ms. Cathy Johnson	Commission Secretary
Mr. Doug Smith	Report Writer

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NO EXHIBITS MARKED





1 Wednesday, April 25, 2007

2 Upon commencing at 1:02 p.m.

3 THE CHAIRMAN: Good afternoon, ladies  
4 and gentlemen. Welcome to our second last day of  
5 hearings, after a couple of months of traveling  
6 around Southern Manitoba.

7 My name is Terry Sargeant, I'm the  
8 chair of the Manitoba Clean Environment  
9 Commission. I'm also the chair of this panel.  
10 With me on the panel are Edwin Yee and Wayne  
11 Motheral.

12 Now, I have a few openings comments,  
13 and I apologize to those who have sat in before  
14 and heard these before. The Clean Environment  
15 Commission has been requested by the Minister of  
16 Conservation to conduct an investigation into the  
17 environmental sustainability of hog production in  
18 Manitoba. The terms of reference from the  
19 Minister direct us to review the current  
20 environmental protection plans or measures in  
21 place relating to hog production in order to  
22 determine their effectiveness for the purpose of  
23 managing the industry in an environmentally  
24 sustainable manner.

25 Our investigation is to include a



1 public component to gain advice and feedback from  
2 Manitobans. This will be by means of public  
3 meetings in the various regions of the province.

4           We have also been asked to take into  
5 account efforts under way in other jurisdictions  
6 to manage hog production in a sustainable manner.  
7 Further, we are to review the contents of the  
8 report prepared by Manitoba Conservation entitled  
9 "An Examination of the Environmental  
10 Sustainability of the Hog Industry in Manitoba."

11           At the end of our investigation, we  
12 will consider various options and make  
13 recommendations in a report to the Minister on any  
14 improvements that may be necessary to provide for  
15 the environmental sustainability of hog production  
16 in this province.

17           To ensure that our review includes  
18 issues of importance to all Manitobans, the panel  
19 has undertaken to hold 17 days of hearings in 14  
20 communities throughout the agricultural sector of  
21 the province. These meetings started in early  
22 March and will conclude on Friday, the 27th, in  
23 Winnipeg.

24           It is open, at these meetings it is  
25 open to any group or individuals to make a



1 presentation to this panel on issues related to  
2 hog production. For the most part presentations  
3 are to be limited to 15 minutes. Exceptions made  
4 be made where a presenter needs more time,  
5 provided that arrangements have been made prior to  
6 the meeting. All those making presentations will  
7 be asked to take an oath promising to tell the  
8 truth. Presentations should be relative to the  
9 mandate given the Commission by the Minister and  
10 to the issues described in the guide to public  
11 participation in this review.

12                   Members of the panel may ask questions  
13 of any presenter during or after the presentation.  
14 There will be no opportunity for other presenters  
15 to cross-examine or question presenters.

16                   In addition to the meetings, the CEC  
17 is engaging consultants to assist us in the  
18 review. The results of those research endeavors  
19 will be posted on our website upon receipt. For  
20 the most part, that will be in late June. Parties  
21 or individuals will be invited to provide comment  
22 on any of those reports, if they so wish. A  
23 reasonable, but brief period of time, will be  
24 allowed for this.

25                   Written submissions will also be



1 accepted. Information as to how to submit written  
2 suggestions is available at the back of the room.  
3 The deadline for such submissions is May 7th.

4           As well, we realize that many people  
5 are reluctant to make presentations in public, for  
6 a number of reasons. To address that we have  
7 engaged a student from the University of Manitoba  
8 to meet with or to talk on the phone with persons  
9 who would rather not speak at public meetings.  
10 These conversations will be kept in confidence.  
11 Information as to how to contact this person is  
12 available on our website, as well as at the back  
13 of the room.

14           Some administrative matters. As is  
15 our normal practice, we are recording these  
16 sessions. Transcripts will be available on line  
17 in a day or so. You can find the link from our  
18 website.

19           In respect of cell phones, I would ask  
20 that you turn them off, or at least turn the ring  
21 tone off. If you must take a call, I would ask  
22 that you leave the room. I would also ask that  
23 there be no conversations in the audience while  
24 people are making presentations.

25           Finally, I would note that we have a





1 full schedule today, so I'm going to be very tight  
2 on the time allowed. Some people have been given  
3 the usual 15 minutes slot, others have requested  
4 30 minutes. I'm going to be pretty tight on  
5 enforcing those times today because we have no  
6 room to make up for extended presentations.

7 The first presenter on the agenda is  
8 Matt Adema. Is Matt here?

9 Well, the next person on the agenda is  
10 Ed Kleinsasser. I know he is here because we have  
11 a paper from him. Would you come up to the table  
12 at the front, please, sir?

13 ED KLEINSASSER, having first been sworn, presented  
14 as follows:

15 THE CHAIRMAN: Go ahead, sir.

16 MR. KLEINSASSER: Good afternoon. My  
17 name is Ed Kleinsasser, I'm a member of Sunnyside  
18 Colony which is located about 20 kilometres  
19 southeast of here. I am in charge of the egg  
20 laying hens and the pullets. We have roughly  
21 16,600 laying hens and raise 66,000 pullets  
22 annually.

23 I would like to say thank you to the  
24 CEC for the opportunity to make a presentation  
25 this afternoon, but you may wonder why a poultry



1 producer would want to make a presentation at  
2 these hearings? I feel that any regulations that  
3 are adopted for the hog industry will affect all  
4 of animal agriculture.

5 I would like to take a few moments to  
6 tell our story of how we retooled our layer and  
7 pullet operations to be more environmentally  
8 sustainable. In late 2005, we started to look at  
9 retooling our pullet facilities, and after that  
10 the layer facility. After much discussion and  
11 planning, we decided to build a new pullet  
12 facility and a manure storage building, and retool  
13 the layer barn when the pullet facility was  
14 finished. In late 2006, we applied to the Rural  
15 Portage Municipal Council for a permit to build a  
16 pullet barn, and then to Manitoba Conservation for  
17 the manure storage building permit. After a  
18 hearing, a conditional permit was issued to build  
19 a pullet barn. The manure storage building  
20 process was a lot longer and involved hiring an  
21 engineering firm, appointing a person on site to  
22 do our environmental farm plan, filing manure  
23 management plans, and to make sure that we were  
24 complying with all conditions in effect at that  
25 time.



1                   We wanted to do our part to help  
2 protect our water in Manitoba and are aware of the  
3 importance of the environmental protection and  
4 wanted to operate our poultry operations  
5 accordingly. The system we decided to go with was  
6 a dry manure system with manure belts under the  
7 birds for the droppings to drop on to. Those  
8 belts then take the manure to the end of the barn  
9 where a cross belt takes the manure to the manure  
10 storage building, which is separate from the  
11 barns. We considered the dry manure system far  
12 superior and more environmentally sustainable than  
13 the liquid systems which we were operating at the  
14 time.

15                   We finished the pullet barn in the  
16 late fall of 2005, and installed the equipment in  
17 early winter of 2006, and housed the first chicks  
18 in early 2006. We still didn't have the manure  
19 storage building built, as the process took much  
20 longer than we had anticipated, so we left it  
21 until the next spring. We got it erected the next  
22 spring, and by mid summer in 2006 got Manitoba  
23 Conservation's approval to store manure in it.

24                   Last fall in 2006, we retooled the  
25 layer barn to the same manure management system as



1 the pullet barn. Now both barns have the same  
2 manure management system and share the same manure  
3 storage building.

4           We went to this dry manure system to  
5 do our part to help protect the waters of  
6 Manitoba. We are aware of the importance of  
7 environmental protection and operate our layer and  
8 pullet operations accordingly. We are concerned  
9 about the health of land and water. We made these  
10 decisions about our poultry operation in the  
11 context of today, as well as planning for the  
12 future, for future generations. We have made  
13 these improvements. As before, we were running a  
14 liquid manure system where a lot of water was  
15 added to the manure. Pits had to be emptied and  
16 the manure spread every six weeks, regardless if  
17 it was summer or winter, dry or wet, or nice or  
18 stormy weather. Now with the dry manure system,  
19 the manure is stored for a year or longer, no  
20 water is added, and the manure is a lot friendlier  
21 to the environment.

22           We also use considerably more  
23 resources to retool our layer and pullet  
24 operations than we would have by just retooling  
25 the cages and leaving the manure systems as they





1 were.

2                   We are aware of animal care and follow  
3 the code of practice guidelines and participate in  
4 on-farm food safety programs. Also being under  
5 the umbrella of the Manitoba Egg Producers allows  
6 effective communication to producers regarding  
7 important issues, changes, and strategic planning  
8 for the industry.

9                   We utilize manure as a valuable  
10 fertilizer and soil conditioner. We file manure  
11 management plans, have done an environmental farm  
12 plan, do soil tests, and make the best use of  
13 manure in an environmentally sustainable way. Why  
14 wouldn't we, as we plan to live on the land and  
15 our children and grandchildren do too?

16                   In closing, I would like to say many  
17 poultry producers that I know have retooled and  
18 have made improvements to manure storage and  
19 handling. There is a trend away from liquid  
20 manure systems to dry manure systems, which reduce  
21 odours, manure concentrations and volume, and  
22 improves the overall ability to manage manure  
23 properly. We are willing to do our part, along  
24 with cities, towns, cottage owners and urban  
25 people that choose to live in the country, to



1 ensure that Manitoba's water and environment are  
2 protected.

3 I would encourage the CEC and the  
4 Province of Manitoba to consider the changes made  
5 by farmers who have embraced our environmental  
6 farm plans. The considerable financial  
7 commitments sends an important message to the  
8 public and the Government of Manitoba that we are  
9 concerned about the environment. Thank you.

10 THE CHAIRMAN: Thank you, Mr.  
11 Kleinsasser. When you spread -- we have heard  
12 over the last six or eight weeks, we have heard an  
13 awful lot about spreading of pig manure. When you  
14 spread the chicken manure, is it the same rules  
15 and same principles? You have to test the  
16 phosphorous and test the soil before you spread  
17 it?

18 MR. KLEINSASSER: Yes, I think all of  
19 the rules are the same.

20 THE CHAIRMAN: Okay. And how much --  
21 you have got a considerable number of chickens,  
22 but chickens are small animals, how much land do  
23 you require to spread your manure on an annual  
24 basis?

25 MR. KLEINSASSER: I'm not sure. Ray



1 is our nutritional manager, he would know that  
2 better than I would.

3 THE CHAIRMAN: Can Ray provide that  
4 information for us?

5 MR. R. KLEINSASSER: We need about  
6 100 acres.

7 THE CHAIRMAN: So about 100 acres,  
8 thank you.

9 MR. YEE: Yes, Mr. Kleinsasser, your  
10 spread fields, these 100 acres are owned by the  
11 Colony, or are they within this general area?

12 MR. KLEINSASSER: Yes, they are all  
13 within our, southeast of, or right around the  
14 colony, yes.

15 MR. YEE: What type of applicator, or  
16 how do you spread the manure or apply the manure?

17 MR. KLEINSASSER: This type of manure  
18 would probably be spread by spreader, either  
19 mounted on the truck or tractor driven or  
20 something like that.

21 MR. YEE: Thank you.

22 THE CHAIRMAN: Is it injected or  
23 worked in?

24 MR. KLEINSASSER: It would probably  
25 have to be just after, like within 48 hours I



1 think.

2 THE CHAIRMAN: Wayne.

3 MR. MOTHERAL: Yes, Mr. Kleinsasser,  
4 just a couple of questions. When you said you  
5 consider the dry manure system far superior and  
6 more environmentally sustainable, why do you say  
7 that?

8 MR. KLEINSASSER: With the liquid  
9 manure systems we were using before, you had to  
10 haul winter and summer. The storage was only good  
11 for six weeks at the most, so you had to haul in  
12 all kinds of weather, and a lot of times in the  
13 winter time.

14 MR. MOTHERAL: I didn't know what you  
15 meant when you said far superior. You mean it in  
16 the fact that you only have to spread once a year,  
17 that is probably --

18 MR. KLEINSASSER: No. Well, that is  
19 part of it too, but I think it is more  
20 environmentally friendly because we don't spread  
21 in the winter any more.

22 MR. MOTHERAL: Okay. The manure is  
23 stored in a shed. This is straight manure, there  
24 is no straw in this or anything, is there? Like,  
25 the manure that comes from the cages and it goes





1 outside into a covered storage area, that would be  
2 on cement, would it?

3 MR. KLEINSASSER: Yes, totally  
4 enclosed in this case.

5 MR. MOTHERAL: And then that is just  
6 taken out with your spreaders in the spring time  
7 then and put on land?

8 MR. KLEINSASSER: Yes, spring or fall.

9 MR. MOTHERAL: That is all I have got,  
10 thank you.

11 THE CHAIRMAN: Thank you very much,  
12 Mr. Kleinsasser.

13 MR. KLEINSASSER: Thank you.

14 Mr. Adema has arrived, Matt Adema.  
15 MATT ADEMA, having first been sworn, presented as  
16 follows:

17 THE CHAIRMAN: Go ahead, sir.

18 MR. ADEMA: Good afternoon. My name  
19 is Matt Adema. I'm 26 years old and I am a hog  
20 farmer. I manage a 270 sow farrow to finish  
21 operation by St. Eustache. I was born and raised  
22 on a hog farm in Southern Ontario and I have  
23 wanted to be a farmer my entire life. Ever since  
24 I was old enough to walk, I was in the barn. Some  
25 of my earliest childhood memories are of the good



1 times I had playing around the barn with my  
2 sisters or helping my dad in the barn. My mom  
3 says I learned how to count by helping dad count  
4 piglets on the sows. My first paying job was  
5 taking care of a neighbour's hog operation while  
6 they went away on holidays. I started a steady  
7 part-time job, at about the age of 16, feeding  
8 pigs in a quarantine barn before they were shipped  
9 to international destinations. At the age of 18,  
10 I worked with my dad for two weeks while the  
11 Ontario high school teachers went on strike. I  
12 still remember the good times I had with dad for  
13 those two short weeks. Later that year I began  
14 working for another neighbour in his finishing  
15 barn. I would take care of the pigs in his barn  
16 every day and worked full time every Saturday.  
17 The summer between my first and second year of  
18 college, I worked for him full time and began  
19 working for him full time right after graduation.  
20 I worked for him until the summer of 2003.

21 In July of 2003, me and my wife and  
22 our six month old daughter moved out to St.  
23 Eustache to pursue my dream of owning my own farm.  
24 We knew no one here in Manitoba and had spent only  
25 a total of seven days in the province before



1 moving here. I entered into a long-term contract  
2 with the owners of the farm I manage to earn an  
3 equity position to hopefully be able to one day  
4 purchase them out at some time in the future. I  
5 want my kids to have the same kinds of experiences  
6 as I did growing up. I want them to learn the  
7 value of hard work. I want them to learn what it  
8 means to care for animals, to watch the miracle of  
9 birth, to see that animal grow under their care,  
10 and to feel the satisfaction of knowing they  
11 helped make it all possible.

12 I tell you all of this because I am  
13 scared my children will not get the same  
14 opportunity to have those valuable and life  
15 changing experiences as I did. It is becoming  
16 harder and harder to start farming these days.  
17 There are not many young people like myself  
18 willing to start farming. The cost of farms make  
19 it next to impossible for the average person to  
20 start a new operation. Many are turned off with  
21 what they see as ever increasing government  
22 bureaucracy limiting their ability to farm. I  
23 would like to present some solutions that will  
24 hopefully see -- to see the hog industry continue  
25 in an environmentally sustainable manner.



1                   Manitoba farmers face some of the  
2 toughest environmental laws anywhere in North  
3 America. Livestock operations over 300 animal  
4 units are required to file manure management  
5 plans, detailing how their manure will be applied  
6 and what crops will be grown to utilize the  
7 manure. There are new regulations in place  
8 limiting the amount of phosphorous that can be  
9 applied to the soil and preventing phosphorous  
10 from being spread where levels are already high.

11                   I would encourage the CEC to recommend  
12 to the Government of Manitoba to increase the  
13 funding for research in manure management. In the  
14 last 30 years, advancements have been made in our  
15 understanding of manure and how it interacts with  
16 the soil.

17                   THE CHAIRMAN: Could you just slow  
18 down a touch? Our recorder is having a little  
19 trouble keeping up.

20                   MR. ADEMA: Sorry, I am just a little  
21 nervous.

22                   THE CHAIRMAN: That is okay. You  
23 don't need to be, we are not scary.

24                   MR. ADEMA: New products have emerged  
25 to help reduce the amount of phosphorous in





1 manure. Better understanding of plant development  
2 and nutrient needs have given agronomists better  
3 understanding of what a crop actually needs to  
4 grow. Advancements in agricultural equipment have  
5 also lead to better manure spreading equipment.  
6 New technologies are able to convert liquid manure  
7 into electricity. If our government was willing  
8 to commit to spending more money in this area, I  
9 think we would continue to see new technologies be  
10 developed to lessen the environmental impact of  
11 manure.

12                   Nutrient requirements for pigs have  
13 also come a long way in the last 30 years. Today  
14 producers have a better understanding of what the  
15 pig requires for optimal growth. Additives can be  
16 included in diets to help reduce the total  
17 nutrient load in the manure. Phase feeding diets  
18 helps to ensure the pigs receive only the proper  
19 level of nutrients for their stage of growth.

20                   In our operation we are continually  
21 conducting feed tests to make sure our pigs are  
22 growing the best they can. It not only makes  
23 environmental sense, it makes economic sense too.  
24 Why pay to include nutrients the pig does not need  
25 and will only excrete in their manure?



1                   Research by itself is great, but is  
2 only part of the picture. The other key component  
3 is education. Advancements in science and  
4 technology are useless unless people are trained  
5 how to use them properly. Farmers as a whole want  
6 to do what is right. We are no different than the  
7 rest of society. The farms where fertilizer is  
8 spread is where we make our homes and raise our  
9 children. It does us no good to destroy the very  
10 land that we depend on for our livelihood through  
11 mismanagement of manure. I say fertilizer, as I  
12 see no difference between manure and synthetic  
13 chemicals. Phosphorous is phosphorous, nitrogen  
14 is nitrogen, it doesn't matter where it comes  
15 from. If it is used properly it can be an  
16 invaluable asset in crop production.

17                   In my mind, manure management is all  
18 about simple economics. Crops require certain  
19 levels of nutrients to produce optimal yields.  
20 Manure is nothing more than nutrients. If you  
21 apply too little manure to the land, the crop  
22 growing the following year will not perform up to  
23 its maximum potential. If you apply too much  
24 manure, not only do you risk contaminating the  
25 environment, you also have to purchase more



1 synthetic fertilizer than would have been  
2 necessary had the manure been applied properly.

3           This is the whole basis for the manure  
4 management program. If all farmers could be shown  
5 the economic value of manure and how applying the  
6 manure properly could save them thousands of  
7 dollars a year in reduced fertilizer bills, or  
8 give them increased crop yields, manure would be  
9 looked at as an asset and not as a waste product.  
10 Since farming economics is about producing the  
11 most amount of product with the least amount of  
12 cost, producers would be quick to adopt new  
13 environmentally sound procedures.

14           If the government were to hold  
15 workshops around the province showing farmers  
16 simple, practical steps they can take to reduce  
17 the amount of nitrogen and phosphorous leaking  
18 into the environment, I believe it would have a  
19 greater impact than any new law ever would.  
20 Encourage people to take practical steps, show  
21 them how to take them, and proving the economic  
22 impact of making these simple changes will be  
23 easier than enforcing new regulations. Teach  
24 farmers what are the best plants to grow along the  
25 edges of fields to help capture any runoff. What



1 are the benefits of shelter belts in capturing  
2 runoff? Are there certain types of grasses that  
3 are better at soaking up nutrients that could be  
4 seeded into ditch banks to help prevent any  
5 leakage into the water system? Simple solutions  
6 will be adopted and enhanced by farmers faster  
7 than any law.

8                   Technological advancements have been  
9 made in many areas other than farming over the  
10 last 30 years as well. In 1977, if I said the  
11 word internet, most people would not have a clue  
12 what I was talking about. Today I was able to  
13 talk to a relative over in the Netherlands via our  
14 web cam in the basement. It cost me more in gas  
15 to get here today than to have a video  
16 conversation with someone on the other side of the  
17 world.

18                   GPS technology has also taken off in  
19 the last few years. Now tractors are able to map  
20 out a field and follow signals from a satellite to  
21 make sure they do not overlap while working in the  
22 field. What other new technologies are out there  
23 just waiting to be discovered to show producers  
24 how they can save money and reduce their economic  
25 impact on the environment? I do not know. But I





1 do know that research and education will help  
2 speed their use on Manitoba farms.

3           On our farm we installed heat pads in  
4 our farrowing room to supply supplemental heat to  
5 the newborn piglets. We were previously using  
6 heat lamps to supply the heat. We have been able  
7 to reduce our hydro consumption by about \$5,000 a  
8 year since we installed the heat pads. This has  
9 reduced the size of our environmental footprint.  
10 Not only did installing the heat pads help to  
11 reduce our environmental footprint, it has also  
12 lowered our pre-weaning mortality and increased  
13 our weaning weights. We installed the heat pads  
14 only a few weeks after being educated about the  
15 impact they would have on our operation. Once we  
16 were shown how practical they are, it made total  
17 sense to switch. No law was required, just  
18 education.

19           The biggest problem facing farmers  
20 today is that we are price takers not price  
21 setters. Any new laws requiring paperwork,  
22 detailed soil testing, manure testing, facility  
23 upgrades, which are all paid for by the producer,  
24 we have no way of being able to pass those costs  
25 on to the end consumer. If the government were to



1 pass new regulations that increased the cost of  
2 production, the producer would most likely see a  
3 lower return. This in turn makes it harder for  
4 producers to continue farming and many will exit  
5 the industry. As well, some may leave for other  
6 parts of the country or even move to a new country  
7 where the environmental laws are more relaxed and  
8 cost of production is lower. This will have a  
9 very negative impact on the provincial economy.  
10 Manitoba hog farms alone contribute \$1 billion to  
11 the provincial economy and employ 15,000 workers.

12                   Consumers always vote with their  
13 wallet. They want a steady supply of high quality  
14 food and they want it cheap. The Government of  
15 Manitoba is now telling us that the consumer also  
16 wants the food to be produced in an  
17 environmentally sustainable manner. I propose the  
18 government adopt a similar system to what the  
19 United States is proposing. The Americans are  
20 considering country of origin labeling, or COOL  
21 for short. It is designed to let the consumer  
22 know where the food product they are purchasing  
23 came from. If it was a Manitoba born pig, but  
24 raised and processed in the U.S., the product  
25 would be labeled as such.



1                   I propose that Manitoba adopt  
2 environment of origin labeling. This way the  
3 consumer would be able to tell at the grocery  
4 store where the product was produced, and if it  
5 was produced at or below standards acceptable here  
6 in Manitoba. I also propose all food produced at  
7 a lower standard than here in Manitoba be given an  
8 environmental levy similar to the one currently on  
9 plastic pop bottles. The consumer should be  
10 forced to pay for a product that carries a higher  
11 level of environmental risk. The levy could be  
12 used to fund government research and education  
13 programs, as well as funding projects by producers  
14 to decrease their environmental impact. This  
15 would have a profound effect on the food  
16 production industry in Manitoba. If the consumer  
17 chose to purchase products produced at a lower  
18 standard of environmental regulations, the levy  
19 fund would grow large enough to fund projects  
20 across the province to help reduce the impact  
21 Manitoba producers have on the environment. But  
22 if the consumer chose instead to purchase Manitoba  
23 products only, it would drive up demand for  
24 locally produced food. Not only would the  
25 consumer be purchasing a locally produced product



1 with a smaller environmental footprint, they would  
2 also be helping to support the local agriculture  
3 industry.

4                   According to the Lake Winnipeg Water  
5 Stewardship Board final report in December of  
6 2006, it was estimated 35 per cent of the nutrient  
7 loading in Lake Winnipeg came from the U.S. and 18  
8 per cent from other provinces. If the Manitoba  
9 consumer stopped buying food products from these  
10 places to avoid paying an environmental levy, the  
11 demand for their products would drop. If the  
12 producers in those locations knew all they had to  
13 do was improve their environmental practices and  
14 the levy would be removed, I don't think it would  
15 take them long to start pressuring their  
16 governments to make changes. It will be much  
17 easier for the Manitoba consumer to change their  
18 government's mind by not buying their products,  
19 than it will be for our politicians to change  
20 their politicians' minds. Politicians want to get  
21 re-elected, and if they think their constituents  
22 want change, they will campaign for change. But  
23 if they think their constituents are happy with  
24 the status quo, nothing will happen.

25                   If the Manitoba consumer is not





1 willing to pay a price for environmentally  
2 responsible food, then we are falling into the not  
3 in my backyard trap. It is okay to ruin the  
4 environment so I can have cheap food, but just  
5 don't do it in this province. That kind of  
6 attitude does not sit well with me.

7           Normally, I wouldn't be advocating for  
8 trade levies with our neighbors, but it seems that  
9 more and more environmental issues are at the top  
10 of peoples' priority list. Most nights the  
11 evening news has a story on climate change or  
12 global warming and what we can do to be better  
13 stewards of the environment.

14           If the Government of Manitoba wants to  
15 take the lead and develop some of the toughest  
16 regulations for food production, why not continue  
17 to take the lead and demand that all food sold in  
18 the province be produced according to our  
19 standards? Some of the countries we export food  
20 to do not want genetically modified food products,  
21 so why can't we say we don't want food products  
22 produced below our environmental standards? The  
23 government had no problem implementing a  
24 province-wide smoking ban to help protect the  
25 health of all Manitobans. Why not do the same to



1 protect our environment? After all, if our  
2 neighbors account for 53 per cent of the nutrient  
3 loading in Lake Winnipeg, and they don't increase  
4 their environmental standards, by how much will  
5 this nutrient loading increase? But if they came  
6 in line with our environmental standards, how much  
7 could we reduce the total nutrient load in our  
8 lakes and streams?

9                   In closing, I would like to say that I  
10 believe hog production in Manitoba is being done  
11 under some of the toughest rules and regulations  
12 anywhere in North America. Research, education,  
13 innovation and adaptability will go a long way in  
14 continuing to reduce the environmental impact of  
15 food production in Manitoba. A government willing  
16 to make tough environmental rules should also be  
17 willing to take measures against those who  
18 contribute to the nutrient loading of our lakes  
19 and rivers. By working together, the consumer and  
20 producer, we can make a difference.

21                   THE CHAIRMAN: Thank you, Mr. Adema.  
22 This is -- you have made some very provocative  
23 suggestions here. Whether we accept them or how  
24 far we go with them remains to be seen, but you  
25 certainly have given us some food for thought.



1 Needless to say, we haven't heard some of these --  
2 your specific suggestion about an environmental  
3 levy, we haven't heard that anywhere else.

4 I do have one question, though, you  
5 talked about the country of origin labeling. My  
6 understanding, though, is that Canadian farmers  
7 are quite concerned about that?

8 MR. ADEMA: That's correct, I agree  
9 absolutely that as hog producers we are concerned  
10 about that. I guess my concern is that if costs  
11 of production here in our province go up based on  
12 stronger environmental regulations, the consumer  
13 at the grocery store never sees those results.  
14 Yet if they had an environment of origin labeling  
15 and knew that they were purchasing food produced  
16 according to the standards that Manitoba producers  
17 have to comply, then they would know what it is  
18 they are indeed receiving.

19 THE CHAIRMAN: In a way we could give  
20 them an environmental seal of approval similar to  
21 an organic seal or something?

22 MR. ADEMA: That's correct.

23 THE CHAIRMAN: Thank you.

24 MR. YEE: Yes, Mr. Adema, you  
25 mentioned that there is new advances in technology



1 as well as -- and you monitor your feeds for your  
2 animals to reduce the amount of phosphate. Do you  
3 incorporate some of the new enzymes in your  
4 process?

5 MR. ADEMA: If I'm correct, I believe  
6 that we currently have phytase in our rations, and  
7 if not, we are looking at bringing it in. I have  
8 a meeting set up with my feed salesman for Friday  
9 afternoon where we will be going over some of the  
10 latest results from my last feed test, and looking  
11 at trying to just make some of those kinds of  
12 changes to our rations.

13 MR. YEE: And in terms of the  
14 advancement of equipment for better manure  
15 spreading, can you elaborate on that a bit more?  
16 What specifically are you employing?

17 MR. ADEMA: I'm referring to the  
18 manure incorporation technologies, as over the  
19 years those technologies, they have been further  
20 enhanced and adapted so that it is easier and the  
21 manure is better incorporated, better mixed in,  
22 sooner, rather than say the broadcast spreading,  
23 or with the large injection hose where they are  
24 spraying it across the fields in the past, those  
25 kind of technologies have been advanced on. And





1 it has been realized that incorporating the manure  
2 into the soil is a much better way of retaining  
3 the nutrients for the following crop years.

4 MR. YEE: And do you apply the manure  
5 yourself or do you have a professional applicator?

6 MR. ADEMA: We have a custom  
7 applicator come in and apply the manure.

8 MR. YEE: Just one other question, and  
9 I am a little bit ignorant on this, but I realize  
10 that cross border trading and NAFTA, there may be  
11 issues with various levies and it may be viewed in  
12 the context of negative. So I don't know if you  
13 have had any consideration or any thoughts on  
14 this?

15 MR. ADEMA: I have had thoughts on  
16 that, and I guess I was looking more, like  
17 Mr. Sargeant said, I guess as an environmental  
18 seal of approval. If the Manitoba producer is  
19 required to produce food according to a certain  
20 set of standards, yet we can go out and purchase  
21 food that was produced at a lower set of  
22 standards, like if that is really what the  
23 Manitoba consumer wants is environmentally  
24 sustainable food, they need to know what it is  
25 that they are purchasing and then how to go about



1 doing it. Whether a levy is the best way to go or  
2 not, that is maybe not -- maybe that is not the  
3 right way. I guess I suggested it as an idea. It  
4 is a provocative statement, and if it gets people  
5 thinking and discussing about the idea, then to me  
6 that was the whole point, to get people thinking  
7 about the food that they purchase and according to  
8 what standards was it produced.

9 MR. YEE: Thank you very much.

10 MR. MOTHERAL: Thank you, Mr.  
11 Chairman.

12 Mr. Adema, congratulations, I feel as  
13 though I'm adjudicator at a musical festival. You  
14 had an excellent presentation. I would like to  
15 mark you on it.

16 You suggest education, and we have  
17 heard that from several presentations around, in  
18 our travels around Manitoba, and education both to  
19 the producer and to the consumer, and we have had  
20 the emphasis on the consumer. That is one point  
21 that you have brought forward and I think it is  
22 very interesting. And as I said, we are hearing a  
23 lot about it.

24 I might even go to the point to  
25 suggest that when you said that the government



1 should be holding workshops, et cetera, in trying  
2 to train everybody, I would almost turn it around  
3 and say maybe the farmers should be holding  
4 workshops for the government.

5 That is all. I have got no technical  
6 stuff, but it is a presentation that I'm going to  
7 read over again and put more thought into it.

8 MR. ADEMA: Thanks.

9 THE CHAIRMAN: Thank you very much,  
10 Mr. Adema.

11 Ted Ross.

12 (OFF THE RECORD DISCUSSION)

13 MR. ROSS: I'm ready.

14 THE CHAIRMAN: We can administer the  
15 oath and then we will wait for Wayne.

16 TED ROSS, having been sworn, presented as follows:

17 MR. ROSS: Okay. Again, my name is  
18 Ted Ross. I'm with the Roseisle Creek Watershed  
19 Association. We are located in the RM of Lorne in  
20 the south central planning district. Our area is  
21 characterized by a rolling topography, high to  
22 severe risk of soil erosion, and is generally  
23 classified as being water deficient.

24 I want to talk about our experiences  
25 with water quantity in the area and water quality



1 in the Roseisle and Lyle creeks. These creeks  
2 flow into the Stephenfield Lake, or more properly  
3 a reservoir, which provides drinking water for  
4 many towns and municipalities. The town of  
5 Carman, the RM of Dufferin, the RM of Gray, just  
6 to name a few. I will also talk about the manure  
7 storage approval process and land use and  
8 approval.

9                   This is just our water shed boundary,  
10 it runs from Roseisle, Notre Dame, Altamont areas.  
11 Our experience over the last five years, first in  
12 our municipality, human activity, changes of risk  
13 to our water. While although we have welcomed  
14 hogs into our area, the population has decreased.  
15 Hog production is the only new and growing  
16 industry. We have the St. Leon Wind Farm, but  
17 that is not a water quantity or quality issue.

18                   Now I will talk about our experiences  
19 with hog production, and our development plan and  
20 zoning. Both of these reflect process and/or  
21 regulation issues, incompetence, and priority on  
22 pig production at the sacrifice of our water.  
23 That is in our opinion anyway.

24                   I have six case studies on hog  
25 productions and I will go through them very





1 quickly. The first on highway 245; drilling at  
2 the site showed that there was water approximately  
3 three metres below ground level, an obvious water  
4 issue. An aerial photo we have showed the lagoon  
5 being constructed too close to a water source. We  
6 estimate that the water is about 100 to 150 feet  
7 from the lagoon, rather than the required  
8 300 feet, which was with the Environment Act in  
9 force at that time. That Environment Act has been  
10 changed but that is what it called for at that  
11 time.

12                   There is a photograph of the lagoon  
13 construction on the left and the water source on  
14 the right. You can tell by the maintainer, the  
15 top most yellow piece of equipment, that the  
16 lagoon construction is about 150 feet, I would  
17 say. I note too that this photograph was taken in  
18 July and the water level is much higher in the  
19 spring. The lagoon is also -- actually the whole  
20 operation is right in an area of first order  
21 drains. You can see it in the photograph, just  
22 around the bush edge there, actually it shows that  
23 the water has been flowing from there, and it  
24 flows right into the Stephenfield Lake.

25                   Another case study, this is near St.



1 Lupicin, the Environment Act calls for a site  
2 inspection after receipt of an application and  
3 before issuance of a lagoon permit. The applicant  
4 applied on October 10th. The permit was issued  
5 out of Steinbach on October 11th, so I don't know  
6 how a site inspection was done. This operation  
7 near St. Lupicin is adjacent to a marsh which is  
8 typically an entry point to an aquifer. The  
9 proponents are using two, perhaps three water  
10 sources, and all three water sources are in a  
11 water deficient area, risking water quantity and  
12 quality for St. Lupicin residents and nearby  
13 traditional farmers.

14           Also with that operation there was  
15 conflicting and maybe fudged technical review  
16 reports. The Lorne council asked the proponent,  
17 or told the proponent that he must meet the Farm  
18 Practices Guidelines and the proponent said he  
19 would.

20           The first technical review report in  
21 September declared that the operation did not meet  
22 the Farm Practices Guidelines as there were eleven  
23 residences within one mile of the site. The  
24 technical report was reissued in November stating  
25 that now the operation met the Farm Practices



1 Guidelines as there were only ten residences. The  
2 count is, or was and still is eleven. And these  
3 operations, both operations I have talked about  
4 were built anyway.

5           Three more cases, one, the top one,  
6 the shale bedrock aquifer may exist too close to  
7 surface. Two of these on this page did not meet  
8 the Farm Practices Guidelines. One is being built  
9 near the head of Tobacco Creek in an area that is  
10 very water deficient. And then the bottom one,  
11 just east of Notre Dame, nine quarter sections in  
12 the manure plan, manure management plan, are  
13 traversed by second order drains into the Boyne  
14 River. One area too has a first order drain into  
15 the Lyle Creek, and again into the Stephenfield  
16 Reservoir. And the bottom one, that operation is  
17 located in an area full of gravel pits. All of  
18 these were built anyway.

19           And my last case study, and I think  
20 this one is a perfect example of some absurdity.  
21 And this one is currently, it is near Swan Lake,  
22 it is currently held by the temporary pause. It  
23 is to be located over the aquifer providing  
24 drinking water to Swan lake and the nearby First  
25 Nations community. It is in area where, and this



1 is a quote from the technical review report, the  
2 underlying aquifers are not very well protected.  
3 And it was stated by the technical review  
4 committee that the surface water flows north away  
5 from the reserve, so why should the First Nations  
6 people have any issue? But, in fact, the water  
7 flows south through the reserve, and that is  
8 documented right on the maps at the government's  
9 own website. So I don't know what happened there.  
10 I guess the Technical Review Committee doesn't  
11 know about that website and those maps.

12                   And the siting of hog operations, as  
13 we discovered, ignore homes situated in First  
14 Nations communities. Namely, their dwellings are  
15 not counted in determining setback distances for  
16 barns and lagoons. One has to wonderer why.

17                   Next, I want to talk about our  
18 development plan. The first development plan made  
19 public in 2003, noted that our district is very  
20 dependent on this groundwater because it has none  
21 piped in. Consequently, a water sensitivity map  
22 was developed by the planning consultant based on  
23 conservation maps and input from the Natural  
24 Resources Institute. That map identified about 75  
25 per cent of the area as being water sensitive and,





1 of course, would be subject to conditional use in  
2 the zoning bylaws. And there is that map that  
3 they produced. The gray area is what was  
4 classified as combined environmental sensitivity  
5 areas, and this was based on surface and  
6 groundwater sensitivity maps.

7                   Lorne, this is the entire district,  
8 the RM of Lorne is the bottom portion that I  
9 signify with that black arrow. In my estimate 70  
10 per cent of that area that is shaded is  
11 environmentally sensitive.

12                   That map lined up quite nicely with a  
13 combined surface and groundwater sensitivity  
14 map -- or I am sorry, that map lined up quite  
15 nicely with a map that we had from Agriculture  
16 Canada, which showed soil suitability limitations  
17 for earth and manure storage. And you can look at  
18 that map. I won't go through that one.

19                   The water sensitivity map that was put  
20 together also lined up well with the province's  
21 own groundwater pollution hazard map. Now, what  
22 happened to that map? Well, it was changed to an  
23 agricultural map, and Manitoba Agriculture  
24 rejected this water sensitivity map and had it  
25 replaced with a map showing nutrient management



1 areas. And the nutrient management area 4 is most  
2 like the water sensitivity areas in the original  
3 maps. And I would say now the water sensitivity  
4 areas are about 5 per cent of the district, versus  
5 70 per cent before Manitoba Agriculture imposed  
6 their obvious pig priority map. I don't know why  
7 Water Stewardship didn't lead this process, but  
8 anyway, they didn't.

9                   There is the new map. The orange  
10 area, I don't know why it doesn't show up so good  
11 on here and I'm sorry, but group 4 is orange. And  
12 if you could see it in colour, better colour, the  
13 bottom area, you can hardly see the orange  
14 anymore.

15                   Consequences of this; well, once clear  
16 and potable creek water has been replaced by  
17 murky, smelly and polluted water. As the  
18 oldtimers in the area say, Stephenfield Lake looks  
19 like pea soup, where at one time you could see to  
20 the bottom of that lake.

21                   Boyne River Watershed Riparian  
22 Assessment Survey produced this year has water  
23 samples for the Roseisle Creek. Out of 190  
24 samples, they always exceeded the Manitoba Water  
25 Quality Guideline for phosphorous. And the



1 highest concentration of phosphorous measured in  
2 that creek was 5.6 milligrams per litre, more than  
3 100 times the acceptable limit.

4           For the Lyle Creek they had 83  
5 samples. On average total phosphorous levels were  
6 greater than 25 times the guideline. And this one  
7 is really good; on four separate sampling dates  
8 total phosphorous was greater than 100 times the  
9 objective at a single site. And this site was  
10 located downstream of a hog farm operation. On  
11 the same sampling dates, at the nearest site  
12 upstream of the hog barns, total phosphorous  
13 concentrations were always less than 0.5. Is that  
14 just one poor operator, and if it is, then why is  
15 he allowed to stay in business?

16           Other issues: Access to water for pig  
17 production, based on our experience anyway, is  
18 given the highest priority, even if the usage puts  
19 local residents and other agriculture at risk of  
20 water shortage. The proposed Swan Lake barns will  
21 require 11.7 million litres of water per year, and  
22 I'm curious what the total consumption is across  
23 the province.

24           In our area we are seeing  
25 deforestation as proponents or owners of hog



1 operations need acreage for their manure spread.  
2 There was a report produced last year from the  
3 United Nations titled "Livestock's Long Shadow"  
4 and in there they make note that most livestock  
5 pollution goes unrecorded. I found that  
6 interesting because that is certainly the case in  
7 Manitoba. It makes it very difficult for groups  
8 like ours, with few resources, to try and find  
9 information.

10                   Although it is not relative to water  
11 issues, in that report, and this was specific to  
12 hogs, and I quote,

13                   "As a species, pig production  
14                   contributes the largest share of  
15                   methane emissions."

16                   I would like to talk about  
17 regulations quickly, because I keep hearing  
18 Manitoba Pork talk about the tough regulations.  
19 Well, here is some examples of how these  
20 regulations protect our drinking water. Under the  
21 proposed water quality management zones manure can  
22 be applied within just 30 metres or 100 feet from  
23 a surface water body used as a source for drinking  
24 water. Manure pits can be located adjacent to  
25 marshes or any other water body that does not flow





1 off the property. And the contents of a manure  
2 pit can be spread as close as 16 feet from a well,  
3 and a manure pit can be 100 metres or 328 feet  
4 from a well. I don't think anyone in this room  
5 would want to drink drinking water that close to  
6 manure.

7                   Recommendations: We don't think we  
8 need any more pigs in this province and there  
9 should be a moratorium. Put the poor operators  
10 out of business; change the regulations to really  
11 protect our water, using input from unbiased  
12 organizations; phase out the manure pits posing  
13 the most risk to our water, and make the RMs more  
14 accountable for water quality. It bugs me to no  
15 end when our council says that water quality is  
16 not their problem. Make them responsible and  
17 measure them against required improvements.

18                   I have said we would like to see no  
19 more pigs, but the reality is there probably will  
20 be. So when the moratorium is lifted, abandon the  
21 Technical Review Committee, replace it with a  
22 proper and independent environmental assessment  
23 group, and that new group will recommend or not  
24 recommend the operation, but the RM should be the  
25 final authority. Restrict the size of the



1 operations allowed, get rid of the factories, and  
2 the owners should live on the barn site, no more  
3 liquid manure, strict enforcement, and promote  
4 organic production.

5                   And just in closing, as an aside, I  
6 hear too often people saying, like our Premier,  
7 that most of the pollution comes from outside of  
8 the province. Well, Stephenfield Lake or  
9 Reservoir would show as a good case study on the  
10 pollution of Manitoba's waterways internally  
11 within our borders, because it is fed only by  
12 creeks within our province's border.

13                   That is it. Thank you.

14                   THE CHAIRMAN: Thank you, Mr. Ross.  
15 Edwin?

16                   MR. YEE: Yes, Mr. Ross, in your first  
17 case study you indicated that the location of the  
18 lagoon was within 100 to 150 feet and the  
19 regulations are 300. Was that before the  
20 regulations? I just want clarification on that.

21                   MR. ROSS: That was according to the  
22 Environment Act within the manure management  
23 regulations at the time of construction of this  
24 lagoon. That has since changed. I don't think  
25 that the regulations now care if the water is



1 sitting on the property like that, it is more  
2 concerned about water that flows away from the  
3 property.

4 MR. YEE: So you are saying at the  
5 time of the siting it was contrary to the current  
6 regulatory requirements?

7 MR. ROSS: Yes, and we raised that  
8 with Manitoba Conservation at the time.

9 MR. YEE: Okay. You mentioned  
10 throughout your presentation about water deficient  
11 areas. Are you referring to aquifer capacity in  
12 terms of the water deficiency?

13 MR. ROSS: I can't really answer that.  
14 I picked that up, I have it in quotes because that  
15 is from the Stephenfield Watershed Management  
16 Plan. They say the area is generally  
17 characterized as being "water deficient." From my  
18 own experience in the area and others, there is  
19 pockets of water where some people have all of the  
20 water they want in the world, and then you go  
21 where I am and it is a struggle all of the time  
22 for water.

23 MR. YEE: Just a couple of more  
24 questions, Mr. Ross. Does your watershed group  
25 undertake its own sampling of the rivers you have



1 mentioned in your presentation?

2 MR. ROSS: We did in 1998 and 1999,  
3 but we haven't since then. We are part of the  
4 Stephenfield Watershed Management Plan group, and  
5 we convinced them to continue to do sampling of  
6 our creeks.

7 MR. YEE: Okay. So in terms of, I was  
8 going to ask you, my other questions were, what is  
9 the frequency of sampling? And I know you have  
10 the number of samples, but how many sample  
11 location sites are there in the frequency of  
12 sampling?

13 MR. ROSS: That I don't have with me.  
14 It is within the report. I could give you that  
15 report that is on the internet. It is not our  
16 report, it is held by the LaSalle Redboine  
17 Conservation District. It was produced for them  
18 by a consultant and it was just published this  
19 year, by the way.

20 MR. YEE: We will get the report and  
21 it will answer my questions. Thank you.

22 MR. ROSS: I know the report shows all  
23 of the sampling areas along each creek.

24 MR. MOTHERAL: Yes, Mr. Ross, my  
25 questions are on your association. First of all,





1 I would like to know when was it formed and why  
2 was it formed?

3 MR. ROSS: It was formed back in the  
4 '70s, okay. Our main corporation, we have a  
5 corporation called Pumpkin Creek Fair, and it was  
6 put together to provide recreation in the area and  
7 also to provide, look after the environment. And  
8 then we eventually, there was so much  
9 environmental issues in the area, we formed a sub  
10 group called the Roseisle Creek Watershed  
11 Association. We have a directorship of eight, 15  
12 paying members, and backers of about another 50.  
13 It is a small organization.

14 MR. MOTHERAL: Would it get funding  
15 say from the -- well, I know Lorne is in the  
16 Pembina Valley Conservation District, and then you  
17 approach another district too? Do you get funding  
18 from them at all?

19 MR. ROSS: No. Our only funding is  
20 what we get from memberships, and we give our own  
21 time with no remuneration.

22 MR. MOTHERAL: And do you put dollars  
23 aside for research at all, like to research, you  
24 know, environmental issues like water quality and  
25 that?



1                   MR. ROSS: No. That is -- within our  
2 group most of the people are working except me, so  
3 I'm the researcher because I'm retired. I use the  
4 computer for that. But, no, we don't have any  
5 funding for that.

6                   MR. MOTHERAL: And just one technical  
7 question. You had mentioned that you had taken  
8 some samples of phosphorous, and I'm not sure of  
9 the numbers, there was 183, it was far, far over  
10 the guidelines that you said. I'm wondering if  
11 you knew -- if you had any idea what percentage of  
12 that was from hogs and --

13                   MR. ROSS: No, in the report -- and  
14 that is not our report, that is from the  
15 Stephenfield Lake Watershed people who hired a  
16 consultant to produce the report. But if it was  
17 known, it is not identified in the report, except  
18 for the one page that I talked about, the  
19 measurements of Lyle Creek downstream from a hog  
20 operation, and then they measured upstream from  
21 it. Okay. So they knew -- well, I mean it said  
22 there was somebody dumping, obviously, although  
23 they didn't say that in their report. Sorry, I  
24 don't know if I answered your question.

25                   MR. MOTHERAL: Actually, you didn't,



1 but it is something that we have to get a handle  
2 on, and any kind of research that we can get our  
3 hands on, we will.

4 MR. ROSS: Yes. And not to apologize  
5 for this, but it is hard to do this in 15 minutes.  
6 Like I could have talked about that report for 15  
7 minutes on its own.

8 MR. MOTHERAL: That is all I have got.

9 THE CHAIRMAN: Pardon my ignorance,  
10 but what is a first order drain and a second order  
11 drain?

12 MR. ROSS: Well, I don't know if I can  
13 define it that well. Actually, I don't know if I  
14 can. No. I couldn't. I know that first order  
15 drains, you don't want any kind of pollutants  
16 going into it, because -- I know of a first order  
17 drain near that operation, okay, and it is a deep  
18 gully, and anything that goes in there is going to  
19 flow real quick because it is hilly. What the  
20 difference is to a second order, I don't know, but  
21 I know the province does, Conservation does.

22 THE CHAIRMAN: Is a second order a  
23 smaller drain?

24 MR. ROSS: I don't know. Conservation  
25 would have to answer that question.



1                   THE CHAIRMAN: Okay. We will inquire.  
2 And I had some other questions that also arise out  
3 of that same report, so we will find that  
4 Redboine, or LaSalle Redboine report and look at  
5 that. Thank you very much for your time.

6                   MR. ROSS: Do you want my phone  
7 numbers or whatever if you can't find some of this  
8 stuff?

9                   THE CHAIRMAN: I think we have that.  
10 Thank you. We know where to find you.

11                   MR. ROSS: Thank you very much.

12                   THE CHAIRMAN: Thank you, sir.  
13 Raymond Kleinsasser.

14 RAYMOND KLEINSASSER, having been sworn, presented  
15 as follows:

16                   THE CHAIRMAN: Go ahead, sir.

17                   MR. KLEINSASSER: First of all I would  
18 like to thank the CEC for the opportunity to make  
19 the presentation today. And hello, my name is  
20 Raymond Kleinsasser. I reside at Sunnyside  
21 Colony, a mixed farming operation, roughly about  
22 20 miles southeast of here.

23                   My responsibilities at the colony  
24 include the manure nutrient management manure  
25 application and ensuring the operation is





1 following all applicable requirements of the  
2 various acts and regulations. I'm qualified to  
3 operate a class one water treatment plant as well  
4 as a small waterwaste collection and treatment  
5 facility. As such I oversee our domestic sewage  
6 and water.

7                   We farm around 7,000 acres and have a  
8 1,200 sow farrow to finish hog operation.  
9 Agriculture, both animals and land, have always  
10 been and now are more than ever the cornerstone of  
11 our existence. Our future and the future of our  
12 next generation hinges on the sustainability of  
13 the agriculture industry.

14                   At this point I would like to address  
15 some of the issues that the CEC has been mandated  
16 to examine, the first issue being nutrient  
17 management or manure nutrient management. The  
18 next issue I will talk about is ground and surface  
19 water management. The issue following that will  
20 be odour control.

21                   We look at manure as a valuable  
22 fertilizer and soil conditioner. Currently, we  
23 fertilize between 1,000 and 1,200 acres annually.  
24 For storage we use a clay-lined earthen manure  
25 storage. This earthen manure storage is



1 engineering and is situated a couple of miles from  
2 our hog operation. We chose this location since  
3 our land lies within close proximity and to  
4 eliminate odour issues.

5                   Our livestock industry, not unlike the  
6 rest of Manitoba's, has undergone significant  
7 changes, both in size and production methods. In  
8 the past, hog operations in general were part of a  
9 mixed farming operation. Our operation, like  
10 these, has experienced growth in production and  
11 significant increases in production unit size and  
12 capital intensity.

13                   The earthen manure storage was  
14 designed and built ten years ago with future  
15 expansion in mind. There is enough capacity for  
16 1,400 sows for 400 days of operation. We choose  
17 to direct inject our manure with a drag hose  
18 system. This practice allows us to maximize the  
19 efficiency and minimize the impact of the  
20 operation. There are virtually no losses due to  
21 volatilization. Less equipment and therefore less  
22 manpower is required.

23                   The equipment we use is equipped with  
24 the latest in technology. Equipment like GPS  
25 guided auto steer, field mapping capability, and



1 accurate flow meters allows us to precisely place  
2 the nutrients where they are required. It should  
3 be noted this leading edge technology is not  
4 really required by law. The fact is, this  
5 technology requires considerably more resources  
6 than what one can get away with. We choose to  
7 following leading edge technology because we  
8 believe it is better to be proactive rather than  
9 reactive. But manure nutrient management involves  
10 more than storage and injection. We work closely  
11 with local agronomists to ensure that crops we  
12 plant and crop rotations we use don't allow  
13 unnecessarily buildup of nutrients. Manure and  
14 soil is sampled and sent for analysis. Field  
15 samples of manure are taken for every quarter. On  
16 the feed nutrition side, the feed additives and  
17 enzymes are added to reduce the phosphorous and  
18 solid content of the manure.

19 Education and communication are also  
20 key components of our manure management team. We  
21 try to be aware of and comply with, or better yet  
22 exceed all legal requirements for our operation.  
23 We achieve this with meetings, planning sessions  
24 and summary meetings after each cleanout.

25 Communication with local neighbors



1 takes place to inform them of proposed application  
2 dates, and also pipeline road crossing and things  
3 like that.

4                   Our operation takes into account the  
5 huge importance of water quality, both surface and  
6 groundwater. Properly managed manure  
7 applications, like properly applied commercial  
8 fertilizers, propose very little risk of nitrate  
9 leaching and groundwater contamination. Not only  
10 does this include observing and following setbacks  
11 from water courses during injections, but also how  
12 we manage our hog facility. Water is conserved  
13 with more efficient drinking systems, better  
14 washdown equipment and leak detection alarms.  
15 Another example is the conversion of our poultry  
16 facility from a liquid manure to a dry manure  
17 system. To help us be aware of the quality of  
18 water, we sample and test our supply water  
19 frequently throughout the year.

20                   As with all farms, it is the  
21 application and agitation that gets people  
22 complaining about odours. In our area, as in many  
23 areas of Manitoba, the character of the rural  
24 residential population has changed. For various  
25 reasons, people have built or bought houses in and





1 around land that had been previously used for  
2 agriculture alone. These rural properties  
3 represent a major personal investment and owners  
4 are sensitive to any active that might interfere  
5 with their enjoyment of the property or affect the  
6 property value. The result of the changes in the  
7 livestock industry and in rural residential  
8 development has been the creation of a situation  
9 where conflicts may occur.

10                   Unwanted odours are a common cause of  
11 conflicts between neighbors. And the best  
12 opportunity for avoiding potential odour problems  
13 occur during land use planning. Ideally,  
14 agriculture land should be protected to ensure a  
15 full range of agriculture activities, including  
16 modern large scale livestock production. However,  
17 we are continuing to take steps to reduce odours.

18                   One step is through nutrition. We are  
19 currently experimenting with bacterial feed  
20 additives to reduce the solid content of the  
21 manure. But there is no standing still. We are  
22 always looking for better, more efficient and  
23 economical ways to manage our nutrients. We feel  
24 there is no silver bullet to manure nutrient  
25 management. It is a constant and evolving



1 pursuit.

2                   In conclusion, I would like to  
3 encourage the CEC and the Manitoba Government to  
4 recognize the importance of programs like the  
5 Environmental Farm Planning Process. I myself was  
6 certified in 2006. Programs like the  
7 Environmental Farm Planning Process challenge  
8 farmers to see the importance of best management  
9 practices and offer financial assistance to help  
10 achieve them. The government could go one step  
11 further and promote these farms that strive to  
12 operate their farm in an environmentally  
13 sustainable fashion. Government could also  
14 provide funding for positive public perception  
15 campaigns.

16                   Like I indicated at the beginning of  
17 my presentation, agriculture, both animals and  
18 land, have always been and now are more than ever  
19 the cornerstone of our existence. Our future and  
20 the future of our next generation hinges on the  
21 sustainability of the agriculture industry. Our  
22 hearts beat with the land, we breathe the air of  
23 the land, agriculture is our livelihood.  
24 Therefore, it is vitally important for us to be  
25 good stewards of the land. Our children depend on



1 us and we owe it to them to leave the land as good  
2 or better than it was left for us. Thank you.

3 THE CHAIRMAN: Thank you, Mr.  
4 Kleinsasser. As I was driving out here from  
5 Winnipeg this morning, I drove by, I came out  
6 highway 1, and there is crop fields on both sides  
7 of the road. And I noticed that every one or two  
8 or 300 yards there was just a little indentation  
9 where a stream would run from the middle a field  
10 across the field and into a ditch. What is the  
11 risk of fertilizer, whether it is manure or  
12 chemical fertilizer, getting into the those little  
13 runoffs and running into the ditch?

14 MR. KLEINSASSER: The risk -- it  
15 depends on incorporation of the fertilizers, I  
16 would think. If you incorporate it into the  
17 ground, the risk is much less than if you would be  
18 spreading it on top. That is one of the reasons  
19 why we incorporate it into the ground in the fall.

20 THE CHAIRMAN: So if it is  
21 incorporated, it is not likely to run off, or very  
22 little is likely to run off?

23 MR. KLEINSASSER: Yes, I believe very  
24 little will run off.

25 THE CHAIRMAN: Okay, thank you.



1 MR. YEE: Thank you, Mr. Chairman.

2 Mr. Kleinsasser, you mentioned in your  
3 presentation the fact, that referring to the GPS  
4 and field mapping capability and meter flows of  
5 the manure application, you mentioned this  
6 technology requires considerably more resources.  
7 Can you clarify that for me, in terms of  
8 resources, do you mean cost or --

9 MR. KLEINSASSER: Yes, cost.

10 MR. YEE: Just strictly cost, not  
11 manpower?

12 MR. KLEINSASSER: Not manpower, costs.

13 MR. YEE: One other question, in terms  
14 of you mentioned, we have heard from many  
15 presenters about the issue of odour, you mentioned  
16 one of the things that you are doing is  
17 communication with local neighbors. How  
18 frequently do you communicate with the local  
19 neighbors? Do you just go over and say when we  
20 are applying, or how do you do this?

21 MR. KLEINSASSER: Well, basically, the  
22 neighbors are around the yard quite often and  
23 there is a lot of dialogue between the neighbors  
24 and ourselves. And basically before a cleanout,  
25 we would let them know it is coming up here in a





1 couple of weeks. And during cleanout, sometimes  
2 there is a field right next to the neighbour,  
3 within close proximity, and we let them know and  
4 he is okay with that. And they always thank us  
5 for that, to be upfront, rather than have them  
6 find out on their way home and stuff like that.

7 MR. YEE: Thank you. Just one other  
8 question, maybe it is more of a comment. We heard  
9 from the previous presenter about the government  
10 going a step further and providing some assistance  
11 in promoting sustainable environmental  
12 agricultural activities in Manitoba. Your  
13 thoughts on your colony itself, in terms of what  
14 can you offer in terms education to your  
15 surrounding neighbors, like inviting them to see  
16 how you manage your manure and how your operation  
17 works, do you see that as being beneficial?

18 MR. KLEINSASSER: Yes, that is very  
19 beneficial. However, there is biosecurity issues  
20 that do come up if you plan to invite people out  
21 to the yard, especially with hogs. But we do have  
22 tours on the colony quite often -- well, maybe not  
23 quite often, but they do happen, where a group of  
24 people come out and tour the whole colony and we  
25 go through how we run our business, how we do



1 things.

2 MR. YEE: Yes, I realize the  
3 biosecurity measures. I'm thinking more in the  
4 terms of the big issues of odour and manure  
5 management, showing them how the manure is managed  
6 and even how it is applied?

7 MR. KLEINSASSER: There is -- one of  
8 the ways that we do, not only do we apply manure  
9 to our land but to adjacent land that is owned by  
10 other landowners and they actually pay for the  
11 manure, and they see the benefits with their  
12 yields and with their soil sampling, of how the  
13 nutrients are applied and how accurate everything  
14 is. And the cost, it is considerably less than  
15 applying commercial fertilizers and it does the  
16 same thing.

17 MR. YEE: Thank you, Mr. Kleinsasser.

18 MR. MOTHERAL: Thank you,  
19 Mr. Chairman. I wasn't going to ask any  
20 questions, but the farmer came out in me when you  
21 said you were selling some of the manure to your  
22 neighbors. I'm just curious, and I know the price  
23 of nitrogen, et cetera, it is way over 50 cents a  
24 pound. What do you get for your fertilizer? How  
25 much, or do you mind telling me that?



1                   MR. KLEINSASSER: Well, it is around  
2 half the cost.

3                   MR. MOTHERAL: Half the cost, okay.

4                   MR.KLEINSASSER: And it is only based  
5 on the nitrogen, not the phosphorous, because that  
6 is an added bonus.

7                   MR. MOTHERAL: That is all I have got.

8                   THE CHAIRMAN: You said that your  
9 lagoon or your -- is about two miles from the  
10 barn?

11                   MR. KLEINSASSER: Um-hum.

12                   THE CHAIRMAN: How do you move it? Is  
13 it above ground piping, underground piping?

14                   THE WITNESS: It is an underground  
15 pipeline.

16                   THE CHAIRMAN: Is that expensive to  
17 install?

18                   MR. KLEINSASSER: Yes, quite.

19                   THE CHAIRMAN: What is a ballpark say  
20 for two miles of underground piping?

21                   MR. R. KLEINSASSER: It is not quite  
22 two miles, it is about 1.7. I think it was around  
23 60.

24                   THE CHAIRMAN: 60,000, that is a fair  
25 chunk. How big a pipe is it?



1 MR. KLEINSASSER: Six inch.

2 THE CHAIRMAN: Thank you very much for  
3 coming out here today.

4 MR. KLEINSASSER: Thank you.

5 THE CHAIRMAN: Ian Wishart.

6 IAN WISHART, having first been sworn, presented  
7 as follows:

8 THE CHAIRMAN: Go ahead, sir.

9 MR. WISHART: I would like to thank  
10 the commissioners for the opportunity to speak to  
11 you today. My name is Ian Wishart, and together  
12 with my wife, Leslie, we operate Agassiz Farms  
13 north of Portage la Prairie. Our farm is  
14 1,200 acres of specialty crops, including  
15 potatoes, beans, cereals and oil seeds. We also  
16 have 1,300 acres of hay and pasture and 160 beef  
17 cow/calf operation, plus a beef feed lot for 450  
18 head. We are not hog producers.

19 THE CHAIRMAN: Can you just slow down  
20 a touch, Mr. Wishart?

21 MR. WISHART: Sure. We are not hog  
22 producers, and although I understand that is your  
23 focus, precedents you set for that industry will  
24 become the industry standards for all.

25 Farmers are very aware of





1 environmental issues. We live the impacts  
2 directly and see the results far more clearly than  
3 most Manitobans. We are in fact one of the groups  
4 that have taken action to deal with issues, some  
5 by regulation and some by voluntary efforts.

6           Let me give you an idea of the amount  
7 of reporting and documentation that we do on an  
8 ongoing basis. Annually, we file manure  
9 management plans, in our case for two locations.  
10 We do food safety manuals which contain  
11 substantial environment details, in our case, for  
12 both processors; nutrient management plans, which  
13 are voluntary but necessary to manage nutrients  
14 carefully. A substantial portion of our farm is  
15 located over a known aquifer. Environmental farm  
16 plans, which are voluntary, and good for several  
17 years, the process has been worthwhile but has  
18 generated a long list of activities we would like  
19 to complete. Some of the actions we have already  
20 undertaken include a managed marshland to deal  
21 with the feed lot runoff, well sealing, forage  
22 buffer strips and portable livestock shelters.

23           Earlier I mentioned nutrient  
24 management planning. This is something that we  
25 have been doing in a fairly formal manner for our



1 own purposes for more than ten years. It is very  
2 similar to the approach being taken by Water  
3 Stewardship to deal with nutrient losses from  
4 land. To make this work effectively, it must be  
5 done on a site specific basis and integrate good  
6 economic farm management practices that make sense  
7 to producers. This I believe can be accomplished  
8 but it requires a learning process for both  
9 industry and government.

10 Government is often tempted into  
11 thinking they can get real change in landscape  
12 management simply by regulating. They also often  
13 believe that this is the most cost effective way.  
14 The real cost of regulation is a lot more than the  
15 cost of conservation officers or other forms of  
16 environmental police. The real cost is the impact  
17 on the industry, the high startup costs that drive  
18 a young farmer out of business or influence them  
19 never to start. It is the cost of rural  
20 depopulation and loss of infrastructure, and the  
21 cost of building that infrastructure somewhere  
22 else. As an industry we have lots of regulation,  
23 but other jurisdictions have achieved better  
24 results by the proper use of incentives.

25 Programs like alternative land use



1 services, which is a Manitoba pilot, are an  
2 example. This is an innovative program that  
3 rewards farmers for the environmental benefits  
4 they provide for all Manitobans. Things like  
5 clean water, clean air, biodiversity and habitat,  
6 things that are not rewarded in the marketplace  
7 that we sell our food and fiber into. These are  
8 things that all Manitobans want from those that  
9 manage the landscape, and like education and  
10 health care, they are public benefits for all and  
11 should be funded accordingly.

12                   Programs like the Riparian Tax Credit  
13 here in Manitoba, although limited in scope,  
14 certainly move in that direction. Even some of  
15 the beneficial management practices available  
16 through the environmental farm plans touch on  
17 this, but leave the farmer to deal with ongoing  
18 costs. Ultimately, however, it is incentive  
19 programs like these that will accomplish the  
20 necessary change in thinking on the part of both  
21 government and industry that is required to create  
22 the sustainable industry we all seek.

23                   Part of your mandate is to look at how  
24 other jurisdictions have handled these issues. I  
25 encourage you to do this, but take the opportunity



1 to learn of the shortcomings and strengths, not  
2 simply to copy them. Our situation in Manitoba is  
3 unique and we need an unique solution. I believe  
4 that the use of site specific nutrient management  
5 plans is an excellent first step. Learning how to  
6 manage nutrients by crop removal is key to finding  
7 the solution.

8 I would like to refer you to the  
9 European attempt to regulate nutrient use and  
10 application via the checkbook method. This  
11 strictly measured nutrients in and nutrients out  
12 on each farm for many years, only to find that  
13 they could not account for a substantial amount of  
14 natural source origins, origins in both nitrogen  
15 and phosphorous. This approach has now been  
16 abandoned in many areas in favour of the site  
17 specific approach.

18 Carbon, phosphorous and nitrogen,  
19 along with sunlight, are the natural building  
20 blocks of life. The only way to achieve a  
21 sustainable industry for all of agriculture is to  
22 learn how to manage the resources for the benefit  
23 of all. Poorly designed policy will only limit  
24 the potential, not only for the hog industry, but  
25 ultimately for all Manitobans. Thank you.





1                   THE CHAIRMAN: Thank you, Mr. Wishart.  
2 Can you give us an example of poorly designed  
3 policy in Manitoba, in your opinion?

4                   MR. WISHART: Yes, I can. If you wish  
5 to do an on-farm water storage, anything more than  
6 four acre feet, it will take you a year and a half  
7 to get permits to do that. If you wish to drain  
8 that same site, you can probably have permits to  
9 do that within three months.

10                  THE CHAIRMAN: Why?

11                  MR. WISHART: You will have to ask the  
12 people who put the regulations in place. It  
13 certainly wasn't farmers' choice.

14                  THE CHAIRMAN: Any other examples?

15                  MR. WISHART: Quite a few when you get  
16 looking at the details. Field shelter belts are a  
17 good example. We certainly promote the use of  
18 them and they have been widely adopted by farmers,  
19 but PMRA, Pesticide Management Review Agency, has  
20 a regulation in place when they license pesticides  
21 requiring a 15 metre setback on either side for  
22 application of pesticides. Fortunately, that is  
23 not enforced. If it ever was, there would be no  
24 shelter belts left in Western Canada, they would  
25 be removed. You can't afford to lose that much



1 land simply on a regulation. There is quite a  
2 long list of specific examples, but regulation I  
3 believe is not the way to go. I believe  
4 incentives, which get the engagement of the farm  
5 community and clearly send them -- send them a  
6 very clear message as to what type of practices we  
7 as Manitobans want to see is a much better  
8 solution.

9 THE CHAIRMAN: You referred to that,  
10 you said other jurisdictions have achieved better  
11 results by proper use of incentives. Can you give  
12 us examples of some of those?

13 MR. WISHART: I can give you some  
14 examples. In the U.S., for instance, the  
15 conservation program has a number of different  
16 clauses in it, or sections in it, actually 17 if  
17 you want to look at them all, which include things  
18 like swamp management, where producers are paid to  
19 maintain these water sources to deal with nutrient  
20 issues. Europe has had for many years programs  
21 designed around multi-functionality, which are  
22 environmental programs really. They also have an  
23 impact on the rural population, they are a social  
24 program as well as an environmental program. But  
25 they certainly have been very successful in terms



1 of maintaining the rural population in those areas  
2 and maintaining the number of farmers, much more  
3 so than we have in North America. Even in Canada,  
4 some of the Quebec programs are very similar to  
5 this, providing fairly substantial incentives for  
6 the right type of practices, particularly those  
7 focused around riparian zones, where a lot of the  
8 agriculture in Quebec in particular does occur in  
9 river valleys.

10 THE CHAIRMAN: Are there some that  
11 could be applied relatively simply or easy in  
12 Manitoba?

13 MR. WISHART: Well, the pilot that is  
14 being run in Manitoba, the ALUS pilot, applies  
15 four different ones, which includes riparian,  
16 watershed preservation management, natural areas  
17 and fragile lands, sloped areas. In the first  
18 year out they signed up 75 per cent of the farmers  
19 in that particularly RM, RM of Blanshard. Very  
20 large uptake as far as these programs go. We were  
21 told that we might see a 15 per cent uptake and  
22 instead got 75 per cent, so that is obviously  
23 substantially more. It is not big dollars for the  
24 producer, but it is a clear message that if you do  
25 the right thing, you will be rewarded for doing



1 that.

2 THE CHAIRMAN: Is it big dollars for  
3 the province?

4 MR. WISHART: Well, we, through  
5 Keystone Ag Producers, we have done a cost  
6 analysis on this. It provides more benefits to  
7 the province than it does cost. We have done that  
8 nationally as well, and the cost nationally is in  
9 the neighborhood of \$750 million, providing  
10 benefits in the neighborhood of \$900 million. We  
11 went one step further and identified sources of  
12 funding from various government programs that we  
13 would argue have been less effective, and found  
14 available funds in excess of \$1 billion.

15 THE CHAIRMAN: Can we get access to  
16 some of that information?

17 MR. WISHART: We would be more than  
18 happy to share that with you.

19 THE CHAIRMAN: Thank you. Edwin.

20 MR. YEE: Thank you, Mr. Chairman.

21 Yes, Mr. Wishart, you mentioned the  
22 Alternative Land Use Services program. Can you  
23 just elaborate a bit for me? I don't know that  
24 program.

25 MR. WISHART: It is a pilot program,





1 Manitoba is the first in the country to have a  
2 program like that and the province has been  
3 instrumental in getting it put in place. In the  
4 RM of Blanshard, producers can elect, it is a  
5 voluntary program, producers can elect to put a  
6 portion of their farm into these types of services  
7 and they get a cash payment at the end of the year  
8 for the service rendered. As I said, it is not  
9 necessarily big dollars on a per acre basis, but  
10 has been very well received. The average farmer  
11 there is getting in the neighborhood, runs about  
12 1,200 acres and is getting something in the  
13 neighbourhood of around \$2,000 per year for the  
14 environmental benefits. It has been particularly  
15 very effective in -- that area has a lot of  
16 potholes, it is pothole country -- has been very  
17 effective in maintaining them, stopping the  
18 ongoing drainage that was occurring.

19 MR. YEE: So that is putting land  
20 aside for biodiversity and habitat?

21 MR. WISHART: And water quality,  
22 wetlands in particular are well known for their  
23 characteristics on water quality. Greenhouse gas  
24 mitigation also occurs in these same type of  
25 habitats. One of the things that is often missed



1 when government looks at their desire to have an  
2 impact on the landscape is they break it into the  
3 different pieces that their different departments  
4 deal with. But on the landscape, we deal with it  
5 all, all at one time. So what we need is  
6 something that sends very clear signals to  
7 producers that if you do these types of  
8 activities, you will get rewarded for doing it.  
9 We argue that they are in fact good public  
10 benefits, a good portion of the benefit does flow  
11 beyond the farm gate.

12 MR. YEE: Thank you very much.

13 MR. MOTHERAL: Thank you.

14 Mr. Wishart, you have mentioned in your own  
15 operation that you have done some things to help,  
16 as far as, you said managed marshland to deal with  
17 feedlot runoff, and well sealing, forage buffer  
18 strips, et cetera. Did you get any assistance to  
19 do those, to do those projects?

20 MR. WISHART: The managed marshland,  
21 because it was an innovative project, I did get  
22 some assistance from the conservation district.  
23 Most of it we did ourselves. The well sealing is  
24 an ongoing program. Some of the others we have  
25 gone through the Environmental Farm Plan. The



1 forage buffer strips are at our own cost.

2 MR. MOTHERAL: And just maybe a  
3 comment more than anything, here is your -- the  
4 natural source, sources of nutrients, you know, we  
5 just don't know where they are, how much they are.  
6 And it just, every time I hear that I think of the  
7 Tobacco Creek Watershed who are studying that  
8 issue, and they are going to continue the study if  
9 they have ongoing funding, and finding out that  
10 lots of -- from the phosphorous, that they found  
11 out their phosphorous check strip off natural land  
12 was higher than the stuff coming off the fields.  
13 And this is something that it is hard to get a  
14 handle on. So I'm sure that we will be  
15 encouraging more studying on that.

16 MR. WISHART: Yes, I think that is  
17 obviously part of the solution. One of the  
18 disadvantages of ongoing studies is you can study  
19 anything to death, the analysis -- or paralysis by  
20 analysis. You need to start taking actions. Many  
21 of the things that can be accomplished are things  
22 that farmers traditionally would do and have done,  
23 but with the economic pressures that we've seen in  
24 the last few years, some of these initiatives have  
25 been abandoned, simply trying to maximize return.



1 We need to get the right signals back into the  
2 marketplace to get the producers to do the right  
3 things.

4 MR. MOTHERAL: And I was busy reading  
5 something here, when you mentioned on the  
6 alternative land use, some of the examples of  
7 payments were around \$5?

8 MR. WISHART: The low end is five, the  
9 high end is 25. I mean, in terms of the  
10 alternative of growing a crop on those acres, it  
11 is not substantial dollars. I think it bodes well  
12 for producers that generally it doesn't take a  
13 very significant economic signal to get them to do  
14 their change in practices. And I made reference  
15 to the need to get change in thinking. And this  
16 sort of thing has been fairly successful, it sends  
17 a very clear message to me as producer, in a  
18 dollar figure, if that is what it takes. And I  
19 will get the changes done. I have talked to a  
20 couple of producers out of that area who farm  
21 around these wetlands all of the time, and they  
22 said it was the first time in their entire life  
23 that they farmed around a wetland and didn't think  
24 about how to drain it.

25 MR. MOTHERAL: Just one more,





1 Mr. Chairman. And I think this is very important,  
2 the \$5 or \$10 you say is not a very large amount  
3 of money, and you and I know that. Does the  
4 average consumer know that that is not very much?

5 MR. WISHART: Well, the message on the  
6 environmental issues clearly hasn't gotten to the  
7 consumers yet. They buy, as one of the earlier  
8 speakers said, based on costs. They don't realize  
9 that very often something they buy has a huge  
10 environmental cost, whether it is in their  
11 backyard or whether it is half a world away. I  
12 believe that we can bring that message to the  
13 consumers and get them to buy the products that  
14 are produced in an environmentally friendly way,  
15 it doesn't have to be organic or anything. But  
16 the marketplace fails to pass that back to  
17 producers. When you increase a product in the  
18 marketplace by a dollar a pound, you will be lucky  
19 if you get two cents of that back to the producer,  
20 it is absorbed in the chain. So we need to find  
21 another market mechanism beside increased price,  
22 because that is simply not passed back to the  
23 person or organization that provided the service.

24 MR. MOTHERAL: Thank you.

25 THE CHAIRMAN: Thank you very much,



1 Mr. Wishart.

2 Janine Gibson.

3 MS. GIBSON: While we are setting up,  
4 I will introduce myself.

5 MS. JOHNSON: Could you use the  
6 microphone, please, so it can be recorded?

7 MS. GIBSON: Okay. While we are  
8 getting this technology set up, I will just  
9 introduce myself because I value everyone's time.

10 As you heard, I'm Janine Gibson. I  
11 have lived on family farms my whole life. My  
12 grandpa always raised about 50 sows just outside  
13 of Minnedosa, Manitoba, outside on pasture. And  
14 the combination of being raised on his family farm  
15 and my father's quarter horse ranch, and  
16 eventually a PMU operation, pregnant mare's urine,  
17 gave me an idea that animals could suffer for  
18 production. He got out of it after ten years  
19 because we couldn't really find a production  
20 system where the horses were as healthy as he  
21 wanted them to be.

22 I currently live in Hanover. And I'm  
23 sorry I wasn't able to attend the Steinbach one,  
24 but I'm very delighted to be here and appreciate  
25 your time this afternoon.



1                   I live on a small mixed farm. We  
2 raise about ten pigs a year, so we are very small  
3 scale. But I have been working -- I'm not doing  
4 direct farming myself, I earn my living as an  
5 organic inspector and I am the past president of  
6 Canadian Organic Growers and the current  
7 chairperson of our Manitoba chapter, which is the  
8 Organic Food Council of Manitoba.

9                   MS. JOHNSON: Could we just stop for a  
10 second, and we will get you sworn in and then you  
11 can take it away. You did state your name.

12 JANINE GIBSON, having been sworn, presented as  
13 follows:

14                   MS. GIBSON: Thank you.

15                   THE CHAIRMAN: I would note also that,  
16 Ms. Gibson, we are on a tight schedule today, you  
17 have 30 minutes.

18                   MS. GIBSON: And I will be talking as  
19 quickly as I have already been to try and get  
20 through, I will be getting it all through.

21                   THE CHAIRMAN: You can't talk too  
22 quickly because our recorder has to be able to get  
23 it down.

24                   MS. GIBSON: Okay. I have given you a  
25 copy and they are available at the back, copies of



1 my presentation, and so I will be adding  
2 supplemental information.

3                   So the Organic Food Council of  
4 Manitoba is the organization that I'm representing  
5 here. It is a chapter of Canadian Organic  
6 Growers. And I just wanted to start off by saying  
7 that I was pleased that the wind has been blowing  
8 in Manitoba, as it usually does, because this  
9 presentation was put together using only wind  
10 power and solar power. Our farm is off the grid,  
11 and that is how it was put together. And contrary  
12 to the popular notion that Manitoba is so windy  
13 because Saskatchewan sucks and Ontario blows, I  
14 think that it is great to be looking at  
15 alternative production methods. So I'm glad to be  
16 here.

17                   So basically my presentation is in  
18 four parts; an overview of the sector and the  
19 standards as they exist today, a very brief  
20 overview of the environmental benefits of organic,  
21 some organic industry development needs, and I  
22 have got a list of websites and references for  
23 further research.

24                   To follow up on what the colleague  
25 just before me said, there actually is a demand





1 for environmentally produced food in Canada and  
2 that is reflected in these organic statistics.  
3 Roughly 40 per cent of Canadians now buy organic  
4 products, 18 per cent regularly, 22 per cent  
5 several times, we call those light buyers, another  
6 31 per cent occasionally. And 64 per cent of  
7 Canadians believe strongly or somewhat that  
8 organic food is better, and that better is both  
9 for their health and for the environment.

10                   And again for those of you that have  
11 copies of it, I have referenced all of the  
12 statements that I make, so you can check it. This  
13 was research done by Rosalee Cunningham of Alberta  
14 Agriculture in 2001. It is the most recent  
15 profile, and you will see from some of my other  
16 statistics that this has been increasing, not  
17 decreasing in any way.

18                   So organic production standards have  
19 evolved internationally in response to a phenomena  
20 known as ethical consumerism. They are based on  
21 the precautionary principle which is that inputs  
22 and processes are allowed only when proof exists  
23 that they are the safest known alternatives for  
24 both health and the environment.

25                   There are over 25 organic



1 certification agencies in Canada accredited to  
2 meet the standards by four internationally  
3 recognized third party accreditors. All require  
4 an organic farm plan based on this precautionary  
5 principle, which is exclusion of the worst known  
6 toxins, and that the organic farm plan is a  
7 systems approach to preventative measures. So the  
8 farms need to document how they are maintaining  
9 healthy water systems in their environments.

10                   So organic farmers produce food using  
11 locally based integrated management systems that  
12 are monitored annually. A consultant such as  
13 myself, an independent third party person that is  
14 very familiar with agriculture, monitors and  
15 assesses their management plan, and this is done  
16 every year.

17                   Manitoba currently has about 250  
18 certified operators. Canada has over almost 4,000  
19 certified operators. The International Federation  
20 of Organic Agriculture Movements has guidelines  
21 for how the Canadian standard has been developed,  
22 for how all countries can develop standards. So  
23 this is not something that a bunch of folks have  
24 just pulled out of a hat, this is an international  
25 movement. Also working, IFOAM has worked with



1 representatives to the World Health Organization,  
2 Codex Alimentarius, and again I'm providing you  
3 with their websites, have standards on organic  
4 agriculture and what is requested, what is  
5 required to call something certified organic.

6                   So the group I'm representing, the  
7 Organic Food Council of Manitoba, has about 90  
8 members in Manitoba. We are part of almost 2,500  
9 across the country who are supporting local  
10 production and consumption of organic food.

11                   We have an organization in Manitoba  
12 called OPAM, the Organic Producers Association of  
13 Manitoba, which is a cooperative. They are the  
14 primary certification body in Manitoba. They have  
15 about 300 members, and as I said earlier, I  
16 believe the most recent statistic is they are  
17 certifying around 250. And these two  
18 organizations have selected a Manitoba  
19 representative to the Organic Federation of  
20 Canada, that is what OFC stands for. I'm afraid  
21 there is quite a number of acronyms that are  
22 defined throughout this piece. The Organic  
23 Federation of Canada is working with the Canadian  
24 Food Inspection Agency on a Canadian organic  
25 regulation to enforce the standards that the



1 certification bodies have to meet. You will see  
2 that a little bit later.

3               So just briefly, our national standard  
4 harmonizes with all of our international trading  
5 partners. Our Organic Federation of Canada is  
6 designing with the Canadian Food Inspection Agency  
7 Canada's organic office and a regulatory system to  
8 oversee the standard. But as agriculture is a  
9 provincial jurisdiction, provincial standards and  
10 regulations are needed for products produced and  
11 traded within the province. So the new federal  
12 standard and regulation applies only to  
13 inter-provincial and international sales.

14               So the Manitoba Government is in the  
15 process of drafting a regulation and standard for  
16 organic production within Manitoba, based on the  
17 recently adopted federal regulation under the  
18 Canadian Agricultural Products Act and the CGSB,  
19 Canadian General Standards Board, organic standard  
20 maintained by Agriculture and Agri Food Canada.

21               Here is small portion of the pigs  
22 being raised organically. This operation is near  
23 Forrest, Manitoba.

24               So now I'm briefly going to shift into  
25 some of the concrete principles and standards in





1 what makes an operation organic. So management  
2 methods must be selected in order to restore and  
3 then sustain ecological stability within the  
4 enterprise and the surrounding area. So this is a  
5 key component, that is why I'm very pleased to be  
6 talking to you about the potential problem solving  
7 benefits of organic agriculture and how we can  
8 support more of our producers to produce hogs  
9 organically.

10                   So under an organic production system,  
11 these are all in the preamble of our national  
12 standard that has been ratified, a system of  
13 organic production, livestock are provided with  
14 living conditions and space allowances appropriate  
15 to their behavioral needs and organically produced  
16 feed. Now, the point there is that means they  
17 have to be straw based, pigs root so they have to  
18 be on straw based rooting system. And they have  
19 to have access to the outdoors. They have to have  
20 minimum space requirements.

21                   And the organically produced feed, why  
22 that is very important is when the manure is  
23 composted and used to apply to the fields near to  
24 where the barns are, that greatly reduces the  
25 greenhouse gas emissions of trucking the manure in



1 a liquid form and then trucking in the feed. So  
2 it is a closed loop system that has to be created  
3 in organic, which has very big environmental  
4 impacts.

5                   And the minimizing of stress in  
6 promoting the good health and disease just about  
7 does away with antibiotic use. There is no  
8 prophylactic use of the antibiotics. So these are  
9 the principle statements that are then  
10 interpreted. And I didn't go into, we don't have  
11 time for me to go into all of the specific  
12 standards, so I just wanted you to see the  
13 principles that override the specifics.

14                   So the six basic principles, and I  
15 will just be referring, and I have listed them all  
16 in the handout, but I'm just going to refer to the  
17 ones that directly impact the environment. And  
18 that is the number one principle of organic  
19 agriculture is to protect the environment,  
20 minimize soil degradation and erosion, decrease  
21 pollution, optimize the biological productivity  
22 and promote health. So there you go.

23                   The next is about soil, and then this  
24 one, I will draw your attention to number 5 --  
25 well, number 4 is pretty interesting, recycling



1 materials and resources to the greatest extent  
2 possible. So that is a requirement of a farm if  
3 they are to be certified organic. And 5, provide  
4 attentive care that promotes the health and meets  
5 the behavioral needs of the livestock, hence the  
6 straw based systems and the access to outdoors,  
7 the being housed in social groups, relative social  
8 groups. We all know that hogs are very social  
9 creatures and how stressful it is when those  
10 social groups are broken up.

11                 Number 6 basically just says that  
12 anything that comes in, or anything that is  
13 produced has to be treated in a way that maintains  
14 its organic integrity, so they can not be  
15 commingled with non-organic hogs or meat.

16                 Number 7, rely on renewable resources  
17 in locally organized agricultural systems. So the  
18 emphasis is on our watersheds and local systems  
19 being as healthy as possible. So those are the  
20 principles under which certified operators have to  
21 function.

22                 So in the organic plan, section 4,  
23 4.1, the operator of an enterprise shall prepare  
24 an organic plan outlining the details of how they  
25 are going to farm. And that is what is checked



1 every year to make sure they are doing what they  
2 say they are doing. And they pay through their  
3 certification company for an independent auditor  
4 to check every year that their management plan is,  
5 in fact, not polluting the local watershed. So  
6 the organic plan has to be updated annually to  
7 address any changes and any challenges in  
8 executing the plan. So this is very preventative.  
9 So it is being assessed in a way that offers a  
10 chance to prevent problems from developing. It  
11 has to have a detailed internal record keeping  
12 system with documents sufficient to meet audit  
13 trail and record keeping requirements. So it is  
14 not the way our current Manitoba system is, sort  
15 of the honour system, I think it is less than 3  
16 per cent of our manure management plans are  
17 actually audited in the province. If they are  
18 certified organic, they are audited every year and  
19 they have to have detailed records of what they  
20 have done with their manure for the entire year.

21           So the records have to trace all of  
22 the inputs, so that would include compost, if they  
23 are composting or bringing compost in, the nature  
24 and the qualities, the quantity that is coming in,  
25 anything that leaves the unit, and any other





1 information such as the origin, nature and  
2 quantities of agreements. I have put this in  
3 because this is all about how organics insist on  
4 quality composting, which really reduces nutrient  
5 loss, really ensures that those valuable nutrients  
6 in the manure are being cycled properly, and you  
7 are not losing them to nitrification either in the  
8 air or in the surface or groundwater.

9                   So here we have what 32.310-2006  
10 requires. The livestock section in its specifics  
11 is section six. So it is just saying these are  
12 the benefits that livestock make primarily around  
13 fertility of the soil and biodiversity. And there  
14 is a lot of research now, especially in the  
15 States, I wasn't able to include it simply for  
16 time, about the incredible beneficial aspects of  
17 promoting biodiversity, and organic has clearly  
18 been proven to promote biodiversity in a watershed  
19 and in an eco-system.

20                   So organic agriculture defines  
21 livestock production as land related, that  
22 herbivores have to be access to pasture, all  
23 animals have to have open air runs, and there can  
24 be exceptions for inclement weather or for the  
25 state of the land, if it is too dry and they are



1 going to destroy it, or it is too wet, whatever.  
2 So there are exceptions, it is not an all or  
3 nothing situation.

4                   Stocking rates have to recognize what  
5 is appropriate for the region, and feed production  
6 has to be considered, stock health, nutrient  
7 balances, and once again environmental impacts.  
8 So these are all assessed on every operation every  
9 year.

10                   The other areas of the standard  
11 headings, which I'm not going into, but these are  
12 specified, I wanted to focus a little bit more on  
13 6.9, which is manure management. So manure  
14 management practices used to maintain areas in  
15 which livestock are housed, penned or pastured  
16 shall be implemented in a manner that minimizes  
17 soil and water degradation. So, for example, when  
18 I have been on a certified organic operation, I  
19 have had occasion to say, I'm really glad that you  
20 are stockpiling your manure. I would like you to  
21 notice this leaching, you have got it on a slope  
22 and it is leaching down. So that would be written  
23 up in my report and the certification committee  
24 would make a requirement that the siting be  
25 changed for the composting facility, that it is on



1 an even grade, that there is no leaching. In this  
2 case it was into an on farm pond, but that is  
3 still not appropriate under organic standards.

4                   6.9.2, manure storage and handling.  
5 All facilities shall be designed, constructed and  
6 operated to prevent contamination of ground and  
7 surface water. You will see a little later on, I  
8 will make reference to how Europe has used this  
9 extensively to protect watersheds for cities. And  
10 that research, I have just cited the City of  
11 Munich, but there are several countries in Europe  
12 that have used organic agriculture in a  
13 preventative way. When they know how expensive  
14 watersheds are to clean up, they actually pay  
15 their operators to convert.

16                   So here you have a whole series of  
17 acronyms. These are the International Organic  
18 Accreditation Service, the Standards Council of  
19 Canada, the National Organic Program of the USDA,  
20 Certified Organic Associations of British  
21 Columbia, and the Conseil des Appellations  
22 Agroalimentaires du Quebec, and these are the  
23 accreditors that oversee the certifiers with whom  
24 the organic producers are working. So if you  
25 don't, you probably don't recognize any of them



1 but perhaps the Standards Council of Canada. It  
2 is very important, this is an international  
3 oversight here, so this is not -- if they don't  
4 maintain these standards, there is serious  
5 repercussions. So the standards are verified in  
6 an annual inspection that they are complying with  
7 what they have signed that they are doing.

8               So I train organic inspectors. I am  
9 an organic inspector. I'm a member of the  
10 Independent Organic Inspectors Association, and  
11 what we train our inspectors to do is risk  
12 assessment, risk management, go in there and help  
13 the operator understand that to preserve the local  
14 watershed, you can't have your compost pile on  
15 sloping land down to a creek. And that sure we  
16 may have a buffer of, what is it, 100 feet before  
17 an open waterway, but if you have got a slope, if  
18 it is graded at all, then to meet the organic  
19 standards it has to be much greater than that.

20               So the compliance with specific  
21 certification agency policies are in addition to  
22 the organic standards that are national and,  
23 hopefully, soon to be a provincial regulation here  
24 in Manitoba. But I think it is quite something to  
25 know that our Provincial Government is drafting an





1 organic regulation for Manitoba. So they see the  
2 potential benefits of this. So organic food has  
3 an organic premium as part of its price. This  
4 premium covers the costs for the operation as part  
5 of their cost of production. Far too many of our  
6 farmers are not getting back their cost of  
7 production. So we have increasing numbers of  
8 ethical consumers who are choosing to pay this  
9 premium as a way of rewarding organic farmers for  
10 the environmental services that they provide to  
11 the communities. And also because Canadians care  
12 about farmers. We have long been an agricultural  
13 country and we want our local producers to stay  
14 financially viable.

15           This is I know too confusing for you  
16 to follow, but this is the national organic regime  
17 that the CFIA, you see at the top, Canadian Food  
18 Inspection Agency, I'm the Manitoba representative  
19 on the advisory committee over there on this side,  
20 which is advising the CFIA on how to put this  
21 regime into place based on what is currently being  
22 practiced in the country. So I'm ensuring that  
23 the Manitoba producers of whatever scale, small,  
24 medium and large, are met within this system of  
25 basically ensuring integrity. This whole system



1 is set up to ensure integrity, that people do what  
2 they say they are doing.

3                   So in that we have members of both the  
4 Independent Inspectors Association and Canadian  
5 Organic Growers. As I said, that is a national  
6 organization that promotes organic agriculture.  
7 Locally we produced this directory, I have a  
8 couple here, of where to find organic food in  
9 Manitoba. Nationally we have also produced this,  
10 "Gaining Ground, Making a Successful Transition to  
11 Organic Agriculture," how important that is. And  
12 I have passed out some of our booklets, a  
13 quarterly magazine, and we have a library on how  
14 to produce organic. That is our role, to educate  
15 people. Through all of this, we have been around  
16 since 1975, we have had a role in ensuring that  
17 our national standard harmonizes with our  
18 international trading partners so that what is  
19 organic in Canada can be traded around the world.  
20 We also, we have had quite a bit of consultation  
21 on the regulation, and we also train inspectors as  
22 well as training farmers. So we offer classes, I  
23 teach through Assiniboine Community College  
24 organic livestock production.

25                   And Canadian Organic Growers has



1 gathered the organic statistics in Canada since  
2 1991. And we believe that a sustainable food  
3 system is economically viable to all participants,  
4 is socially supportive, ecologically sound, and  
5 meets the needs of future generations. So that is  
6 how we define sustainable agriculture and why we  
7 support it.

8                   Now, if this were a cardiogram this  
9 guy would be dead, but nonetheless it is going up,  
10 and it is continuing to go up. This is some of  
11 our Canadian Organic statistics from 2001. You  
12 can see just over 3,000 producers in 2001. Here  
13 is our latest, and you can see there, it is up and  
14 down and up and down, and we have got some weather  
15 difficulties that we feel are contributing to  
16 that. Also there is Quebec and BC are two of the  
17 largest producers, and when Quebec put  
18 requirements on maple syrup production, that has  
19 impacted the figures somewhat. But we still feel  
20 there is excellent growth, we are now up to just  
21 under 4,000 producers across Canada.

22                   Same thing, same nice upward curve in  
23 terms of processors and handlers. This would  
24 include abattoirs, this would include on-farm  
25 slaughter facilities, this would include, you



1 know, the cleaning and processing of feed for  
2 organic. So it is going up. Now, most processors  
3 and handlers, organic is a small percentage of  
4 what they are doing, but more and more know the  
5 importance of niche marketing and want to offer  
6 those services.

7           So Canada, and people are surprised to  
8 learn this, is in the top five world producers of  
9 organic grains and oilseeds. So we have the  
10 capacity to grow the organic feed that an organic  
11 livestock sector would require. And it is over a  
12 billion dollars now, which includes processed and  
13 non-processed product. This is not just a small  
14 little niche market that many people think of it  
15 as. It is very big on the coast. We are in the  
16 middle of the country and sometimes we are a  
17 little behind in adopting to change, but we really  
18 have a tremendous opportunity here to convert some  
19 of these operations that are causing environmental  
20 impacts into more sustainable systems.

21           So our standards give a guarantee to  
22 consumers. They promote good practice by guiding  
23 the organic producers. They maintain a base for  
24 inspection. Here again you have the international  
25 accreditors. You will notice that both Quebec and





1 B.C. have a level of oversight, they have their  
2 own accreditors, whereas the rest of us in Canada  
3 rely on the Standards Council of Canada, or  
4 National Organic Program, or the International  
5 Organic Accreditation Service, which is an  
6 offshoot of IFOAM, the International Federation of  
7 Organic Agriculture Movement. And it is a tool  
8 for this precautionary principle. It is easier to  
9 prevent a mistake than to clean it up.

10                   So here I want to quote Helen Fosey of  
11 the Environmental Green Paper on Agriculture.

12                   "Farming is in crisis in Canada, so  
13 is the environment. Since agriculture  
14 and the environment are intimately  
15 entwined, both crisis must be  
16 addressed together."

17 And I think you are doing that by looking at this  
18 type of alternative production.

19                   So my presentation does not address  
20 the social and the financial benefits of organic  
21 agriculture. There are clear studies,  
22 longitudinal studies showing that per acre return  
23 for organic production is higher. And I am sure  
24 that that could be for the newer market of hog  
25 production as well. This is the rationale that



1 now over 14 U.S. States subsidize organic  
2 certification costs for their producers.

3                   So now this next little bit that I'm  
4 going to be rambling through, I don't know if I am  
5 going to get an award for talking so fast, but I  
6 hope I don't run out of breath here. It is just,  
7 you can tell, I was so pleased to have the  
8 opportunity to present this to you, I wanted to  
9 give you so much information in such a little  
10 time.

11                   These were presented at the IFOAM,  
12 International Federation of Organic Agriculture  
13 Movements conference in Victoria in 2002.  
14 Canadian organic growers hosted a meeting of over  
15 93 countries around the world, and one of the  
16 scientists presented a breakdown of direct  
17 measures and indirect benefits to the environment  
18 of organic agriculture.

19                   So I'm going to very quickly, and I  
20 have just touched on a few of them because of time  
21 constraints. So for you to know that there are a  
22 restrictive list of permitted inputs in organic  
23 agriculture. That is a direct measure that we  
24 have a positive impact on the environment.  
25 Indirectly we have very good traceability systems,



1 so we know what is going on in all of our farms  
2 and we can track all of our products, right from  
3 the time they are born until where they get on the  
4 shelf and you pick up your pork chop, it is  
5 tracked. As well, again, special input criteria.

6           In terms of risks to the environment  
7 of parasites and bacteria, we have the same as  
8 chemical agriculture, but our indirect risk  
9 benefits are that we have pasture grazing, through  
10 rotational measures, the parasite load is reduced  
11 through very careful rotational grazing, and other  
12 preventative measures such as the nature of how  
13 the stock is rotated, the type of stock, the  
14 quality of the feed, that sort of way. Because we  
15 have very restrictive use of parasiticides.

16           In terms of bacteriological risks,  
17 strict exclusion of sewage and industrial manures.  
18 In fact, no food product, no grain product to be  
19 exported to Europe can be fertilized with a manure  
20 from a non-land based system. So all of our  
21 confinement manure cannot be composted and used on  
22 an organic system because it is a non-land base.  
23 So this is an international standard.

24           However, we do support appropriate  
25 manure compost treatments. I have actually seen



1 organic slurry systems where they aerated the  
2 slurry. In Ontario they aerated the slurry and  
3 applied it to the manure. So it can be composted  
4 even if it is not in an organic straw based  
5 system, but appropriate manure compost treatment  
6 for the environment.

7           In terms of mycotoxin risks, again  
8 basically the same as chemical agriculture, but  
9 indirectly, because we have less intensive systems  
10 and a drastically reduced use of concentrates in  
11 animal production, we don't have the same kind of  
12 fungal problems, and there is more extensive  
13 grazing. So that also contributes indirectly to  
14 more beneficial healthy mycelium rather than  
15 mycotoxins.

16           Chemical contamination risks, we  
17 exclude a wide range of synthetic pesticides.  
18 Most synthetic pesticides are not allowed. Some  
19 are restricted, in certain special criteria,  
20 allowed for use. And, of course, there are  
21 natural pesticides that occur naturally, that are  
22 also restricted because they can be dangerous. We  
23 do have now a general background of contamination  
24 throughout the whole world, as we see with  
25 atrazine turning up in Inuit breast milk. We do





1 have pollution. So organic agriculture gets away  
2 from that. Organic hog production requires that  
3 the feed for the hogs be produced without chemical  
4 pesticides.

5                   In terms of veterinarian medicines,  
6 organic exclusion of antibiotics in feed in all  
7 organic standards, and indirect because of our  
8 stress on preventative measures with longer  
9 withdrawal periods for antibiotic use. No animal  
10 that is sold for slaughter stock can have  
11 antibiotics administered, but breeding stock can,  
12 because it is a criteria in organic standards that  
13 animal welfare is number one priority. No animal  
14 should be withheld from treatment just to preserve  
15 its organic status. That's very strictly upheld.

16                   Nitrates, nitrites and nitro amines;  
17 direct measures, complete exclusion of synthetic  
18 nitrogen, not allowed in organic agriculture.  
19 Most people don't know the production of synthetic  
20 nitrogen. It is an incredible greenhouse gas  
21 emitter and we are going to have to get away from  
22 that. I mean, global warming is all of our  
23 responsibility.

24                   So organic is a less intensive  
25 production. There is very controlled use of



1 nitrogen sources primarily from legumes and  
2 animals, which is more cost effective on the  
3 farms.

4                   Okay. I'm going to have to just buzz  
5 through here. So less use of concentrates, no use  
6 of growth hormones, only for physiological needs,  
7 no use of genetically engineered. I have said  
8 BSE, but this is the same for hog pneumonias, a  
9 lot of contagious problems on farms have not been  
10 found on organic operations, restrictions on  
11 inclusion of animals from non-organic holdings.  
12 Here I was referring to the City of Munich paying  
13 its farmers. So contamination and production  
14 concentration and improper manure management needs  
15 overall monitoring to identify early potential  
16 risks and ensure better documentation and better  
17 risk management.

18                   So here is some organic pigs up from  
19 Poplarfield.

20                   This is what our industry needs. So  
21 many farmers do all they can to preserve and  
22 protect water by establishing buffer zones,  
23 drainage, composting sites and reducing chemical  
24 inputs, but we have record low farm incomes and we  
25 cannot expect our farmers to do this alone.



1 Organic supports help with higher organic  
2 premiums, but we need more support.

3                   So Haycrest Organics, which is run by  
4 Robin Goodmundson and Eric Bjornson of Poplarfield  
5 now produce, it varies between 100 and 400 hogs a  
6 year. So I'm giving you some examples of current  
7 organic operations here in Manitoba. They have  
8 almost completely eliminated wastewater in  
9 converting from a slurry barn. There were three  
10 slurry system based barns on their property.

11                   However, we need coordinated  
12 provincial and federal support. The National Farm  
13 Stewardship Program declined their request for  
14 rubber matting, to help them pay for the rubber  
15 matting. So they paid for two of barns to have  
16 the rubber matting installed, but the third barn  
17 is sitting unused because they couldn't pay for  
18 any more matting. And that would have completely  
19 eliminated their wastewater had they received that  
20 support. So what are they thinking?

21                   So 100 per cent of their pork is farm  
22 gate sold, and they sell out regularly. They  
23 could be selling a lot more. But the supports are  
24 needed for them to market locally, and they want  
25 to use the empty barn. A quote from Robin,



1 "People love the quality of our meat products and  
2 they want connection to farms."

3                   They would really benefit from an  
4 advisor to help them apply to programs.

5                   And this is a slide that I didn't have  
6 time to make -- advisors not only in terms of what  
7 grant possibilities are, but engineer advisors  
8 that understand organic standards to say here is  
9 how to convert a slurry based barn into a  
10 sustainable farm production, you need more  
11 windows, you need more air flow, this is how to  
12 get access to outdoors, and the rubber matting  
13 over the grids.

14                   Bruce Daum, Krisandra Farms near  
15 Forrest, increased longer term supports for  
16 developing new markets. They tend to minimize  
17 just how much effort and private investment goes  
18 into the developing of these markets. He said he  
19 could be -- he has got an order now for 125  
20 organic pigs a week into New York that he can't  
21 meet. And I know of several organic marketers who  
22 say the demand is greater than the supply right  
23 now.

24                   So governments need to also educate  
25 the banks so that they will finance compost





1 facilities. I know applications have been turned  
2 down, hog producers have been told, have an  
3 inground slurry pit, you don't need a compost  
4 facility. Well, we need to have a taxation system  
5 that gives an economic break for farms that are  
6 providing environmental services.

7                   So we need alternative market  
8 development support, a sustainable model needs to  
9 come up with. Ian Smith, another producer, calls  
10 for more custom and on-farm slaughter facilities  
11 which could be certified organic, transition  
12 supports to help people convert to local feed.

13                   Ian is humane certified. And humane  
14 certified has the same space and outdoor access  
15 requirements as organic but they can be fed  
16 whatever feed is available. Many of these would  
17 be certified organic if there were a local source  
18 of feed.

19                   Assistance with farm labour costs.  
20 Ontario actively promotes composting facilities.  
21 PEI subsidizes 75 per cent of organic cost,  
22 fourteen U.S. states do. So we need advisors on  
23 complex labeling requirements for organic as well.

24                   The moratorium wouldn't be needed if  
25 we switched to a diverse sustainable model such as



1 the Swedish loose housing. Our livestock  
2 specialists in new business development do not  
3 seem to be aware of the demand for organic pork,  
4 or how to offer organic production and transition  
5 advice. We need expert in-house advisors, not  
6 just for grants, which is why I put it in  
7 brackets, but for converting our existing barns  
8 into more sustainable systems.

9                   So to achieve ongoing sustainable  
10 environment risk management, indirect systems  
11 based approaches need to be developed, rather than  
12 single isolated issues. We need to work together  
13 locally, provincially, and nationally to support  
14 organic production and consumption as a needed  
15 tool for more sustainable environmental risk  
16 management.

17                   Now the rest of my presentation is  
18 just all the websites, the COG website where you  
19 can find out how to order the books, the Organic  
20 Ag Centre of Canada, ATRA, excellent publication,  
21 "Considerations in Organic Hog Production";  
22 University of Minnesota, "Hogs Your Way." These  
23 are all straw based organic certifiable production  
24 systems that are well recognized. The Canadian  
25 Environmental Green Paper on Agriculture. U.S.D.A



1 Economic Research Service, I didn't go into the  
2 tremendous boon of organic. The Organic Trade  
3 Association.

4 And thank you for your interest in  
5 safe and sustainable organic hog production in  
6 Manitoba.

7 THE CHAIRMAN: Thank you, Ms. Gibson.  
8 Is it possible for all farmers to be organic or  
9 will organic foods always be a niche market?

10 MS. GIBSON: I think it is possible.  
11 I don't know if we would want such a thing,  
12 because what organic strives for is diversity, and  
13 in some bioregions -- that is why the standards  
14 always say, given your bio region. For example,  
15 is it possible for to us grow bananas in Canada?  
16 Well, I have a friend with a living banana tree in  
17 southern B.C. So we don't know. But the fact of  
18 the matter is we could be solving and preventing a  
19 lot of environmental problems if a much higher  
20 percentage -- we are at about 1 per cent now. I  
21 think we could easily move to about 10 per cent  
22 within the next five years. And it would be a  
23 boon to our family farms in terms of economic  
24 viability, as well as care of our watersheds.

25 THE CHAIRMAN: I think you are



1 suggesting towards the end of your presentation  
2 that it would require significant subsidization,  
3 at least to start up?

4 MS. GIBSON: To convert -- no, not to  
5 start up.

6 THE CHAIRMAN: Or to convert.

7 MS. GIBSON: If you are going to  
8 convert, and I wanted to talk to you primarily  
9 about the problems. I live in Hanover, you know,  
10 I have 72 ILOs within a five-mile range of my  
11 small 220 acre farm. So I want to -- that is what  
12 made me excited about doing a presentation -- I  
13 want to see us heal, like build on the investment  
14 that is already here in Manitoba. We don't have  
15 to say these are polluting, we should shut them  
16 all down. A hog moratorium would not be necessary  
17 if we could help some of them convert to a more  
18 environmentally sustainable method. But new  
19 operations, if someone wants to invest, and this  
20 investment is happening on the coasts, I just  
21 don't see it here in central Canada or the central  
22 U.S. to the same extent that it is happening say  
23 in Europe.

24 THE CHAIRMAN: Wayne?

25 MR. MOTHERAL: Just one question, and





1 I get confused every time I hear this, because you  
2 hear it in different presentations. Even when  
3 liquid hog manure, or whatever, the slurry you  
4 call it, can be separated into liquid and into a  
5 solid material, that can be composted?

6 MS. GIBSON: Yes.

7 MR. MOTHERAL: When that goes on the  
8 land, that goes on the land and it is perfectly  
9 all right for organic --

10 MS. GIBSON: Not if it comes from a  
11 confinement facility.

12 MR. MOTHERAL: Okay. Just going back  
13 to the ordinary compost that you talk about, what  
14 is the percentage of nitrogen and phosphorous left  
15 in that compost, and is it still not able to go  
16 into your streams also? This is what I'm  
17 concerned with or confused about.

18 MS. GIBSON: This is why I spent some  
19 time talking about the standards and the fact it  
20 is annually monitored, is because how much  
21 nitrogen and phosphorous is in your end product  
22 totally depends on the skill with which it is  
23 composted. You have to have nitrogen and carbon  
24 in an anywhere from 25 to 40 to one ratio, so your  
25 carbon to nitrogen ratio has to be just right.



1 You have to have the right amount of moisture and  
2 it has to be turned regularly. If it is not done,  
3 you could have phosphorous leaking from it.  
4 However, compost, that is one of the challenges in  
5 organics is phosphorous supplementation. So most  
6 organic farmers really treat their compost well,  
7 because they want that phosphorous, they want  
8 those nutrients cycling and staying on the farm,  
9 they do not want it leaching. So, yes, compost is  
10 very effective in holding on to nutrients and  
11 ensuring they get back into the soil. It can be  
12 abused, if it is applied, if it is not built  
13 properly, if it is on a slope as I was saying, or  
14 if it is applied, it doesn't run off the same way  
15 that liquid slurry does, so it is much less likely  
16 a problem. But the problems come up with compost  
17 in the making of it. This is why it is important  
18 to know that an organic farmer is paying to have  
19 an independent third party person come in and say,  
20 you know what, this isn't quite up to snuff, I'm  
21 afraid I'm going to have write you up on this, and  
22 you will have to work with your certifier about  
23 improving your composting process. Basically what  
24 you are doing is just piling it and there is  
25 leaching or whatever. So there can be problems



1 from compost too, but it is much less likely. And  
2 if that operator is investing in paying their  
3 certification fees, which can be anywhere from 500  
4 to \$1,500 every year, as well as filling out,  
5 keeping all of that record keeping, they want to  
6 meet the grade, they want to get those returns.

7 MR. MOTHERAL: Thank you. That is  
8 all.

9 MR. YEE: Thank you, Mr. Chairman.  
10 Ms. Gibson, you mentioned specific standards for  
11 organic hog production. Would one of those  
12 standards be a limitation as to the number of  
13 animal units?

14 MS. GIBSON: Yes, stocking rates, we  
15 call it stocking rates, because there has to be  
16 access to outdoors. And that would also be that  
17 the operator, if they didn't have sufficient acres  
18 for application of their compost, and I'm sure you  
19 are aware, the panel is aware that when manure is  
20 composted it is reduced usually by two-thirds in  
21 volume, so you don't have to truck it, you reduce  
22 your trucking expenses as well. But it is  
23 important that compost not be overapplied. So  
24 they have to have sufficient acres, or in some  
25 cases they sell it, because a lot of folks, you



1 know, need that nitrogen, need a nice balance. As  
2 well, compost is full of biological activity,  
3 which tends to be in demand in Canada because in  
4 the summer our soil gets baked and in the winter  
5 it gets frozen, so we lose a lot of the soil  
6 critters, the microorganisms that are so important  
7 in keeping nutrients cycling properly in a healthy  
8 soil.

9 MR. YEE: You mention in terms of  
10 standards for organic feed, would that exclude the  
11 use of certain enzymes like phytase that increase  
12 the uptake of phosphate?

13 MS. GIBSON: If the enzymes are  
14 produced naturally, again, because of the  
15 exclusion on prohibited processes such as anything  
16 that involves genetic engineering or radiation,  
17 those are prohibited. So enzymes are allowed, I  
18 have seen them used in silage and haylage  
19 production in organic dairies. It depends on the  
20 source and the production. There are not a lot of  
21 real black and whites in organics. That is why I  
22 went over the principles. If you meet the  
23 principles, you can make a case for what you need,  
24 but you have to be going with the most natural,  
25 you know, you can use natural yeasts or you can





1 use synthetically engineered yeasts. Those are  
2 not allowed in organic, but there is usually a  
3 natural alternative available.

4 THE CHAIRMAN: Thank you very much,  
5 Ms. Gibson. I think we can discuss this for quite  
6 some time, unfortunately, we don't have a lot of  
7 time today.

8 MS. GIBSON: No problem, I really  
9 appreciate the opportunity. Thank you.

10 THE CHAIRMAN: We will take a break  
11 and reconvene at 3:30 sharp, please.

12 (PROCEEDINGS RECESSED AT 3:14 P.M.  
13 and RECONVENED AT 3:30 P.M.)

14 THE CHAIRMAN: Can we come back to  
15 order, please? We have four more presentations  
16 between now and dinner hour. First up is Mr. Glen  
17 Koroluk. He took the oath in Winnipeg, so we  
18 consider that to be still in effect.

19 Carry on, sir.

20 GLEN COROLUK, previously sworn, presented as  
21 follows:

22 MR. KOROLUK: Thank you, Mr. Chair.  
23 Glen Koroluk with a national organization called  
24 Beyond Factory Farming. I work for them part  
25 time. There's four of us in the country. We've



1 got an annual budget of about \$175,000 a year, and  
2 we focus our energies on stopping factory farming  
3 across the country.

4           We've heard a lot in the last month  
5 and a half that the pork industry is one of the  
6 most regulated industries in the province. And  
7 what I'm going to show today is that I don't  
8 believe that, basically. And I've gone through  
9 some of the legislation, and I have witnessed over  
10 the years some of the deregulation that has  
11 actually happened in this province. And not only  
12 in this province, it's happened across the  
13 continent. These are things that happened in  
14 other states and provinces in this continent.

15           And just to give you a few examples  
16 here. Single desk selling was removed in the hog  
17 sector back in 1996. You're quite familiar with  
18 the Wheat Board and the single desk in Canada for  
19 marketing wheat. We had a similar desk for  
20 marketing hogs in the province, and that was  
21 removed in the mid '90s to make way for the Maple  
22 Leaf slaughter house plant in Brandon.

23           Also, during this time, we had some  
24 modifications to the Farmland Ownership Act. It  
25 used to be that if you were a business or



1 corporation outside of the province, you had to  
2 apply through the Farmland Ownership Board to make  
3 your case that you could set up shop in this  
4 province. That was changed to make it now only if  
5 you're a company outside of the country, you would  
6 have to apply for the board. And again, that was  
7 to allow for corporate structures such as Maple  
8 Leaf to purchase Elite Swine and get into a  
9 vertically integrated operation system.

10           Also, you know, the Farmland Ownership  
11 Act basically defines what a family farm  
12 corporation is. We've seen some fights in not  
13 allowing corporate operations in other states in  
14 the U.S. It's called anticorporate legislation.  
15 And Nebraska and South Dakota are two examples  
16 where they specifically state that if you are a  
17 corporation with shares that do not belong to the  
18 majority of your family, you can't operate in that  
19 jurisdiction.

20           Another change or deregulation we've  
21 had in the last decade too is the introduction of  
22 the Farm Practices Protection Act. What this  
23 piece of legislation does basically is allow the  
24 right for a factory farm to set up operation in  
25 your community. It insulates this operation from



1 nuisance suits and it also defines normal farming  
2 practices. And normal farming practices in this  
3 instance for hog operations are these giant barns  
4 that house anywhere between 2,000 to 10,000  
5 animals in a confined system, with a big hole in  
6 the ground that collects the untreated liquid  
7 slurry and spreads it out on the countryside as  
8 manure.

9                   The Farm Practices Protection Act also  
10 sort of defines setback distances and siting  
11 criteria. And the last time the regulation under  
12 this piece of legislation was amended was almost  
13 10 years ago, in the absence of acknowledgment of  
14 major health studies that had been conducted in  
15 the U.S. in the last five years about the impacts  
16 that these operations do pose on citizens who live  
17 close to them.

18                   Another measure of deregulation has  
19 been the Planning Act. And we've got a new  
20 Planning Act now. The old Planning Act was  
21 amended a number of times over the past decade.  
22 The amendments basically enshrined sort of a quasi  
23 environmental assessment process called a  
24 technical review committee, which isn't an  
25 environmental assessment process. It's a process





1 that gives the false illusion that the  
2 environmental aspects of that operation will be  
3 taken care of.

4           The technical review committee process  
5 is inadequate and the public is not afforded the  
6 right to have input into the process. It's a  
7 black box process which avoids public scrutiny and  
8 claims to perform a preliminary environmental  
9 assessment.

10           Also, with the recent new Planning  
11 Act, there has been some major changes where now,  
12 when a community accepts an ILO, there is no  
13 flexibility in placing conditions on it, and local  
14 decision makers are not allowed to raise the bar  
15 for the protection of their citizen's health and  
16 environment.

17           Bill 33, the new Planning Act, is also  
18 very prescriptive as to what must be included in a  
19 livestock operational policy and these criteria  
20 are very limited and narrow in scope. So that's  
21 another form of deregulation. And of course, with  
22 the Manitoba's Pork Council's presentation of  
23 March 5th, in their opening statement they want to  
24 further make requests, or they are asking, they  
25 are lobbying for further changes to the Planning



1 Act, which will totally get rid of the limited  
2 democracy clause in the Planning Act, and  
3 basically they want to get rid of the conditional  
4 use process for ILOs.

5                   When Bill 33 was passed, the new  
6 Planning Act a year and a half ago, the Pork  
7 Council didn't get 100 per cent of the things they  
8 wanted, they only got 95.

9                   So anyway, I did show you these  
10 pictures to you in Winnipeg. I just briefly want  
11 to go through them for the sake of my second part  
12 of the presentation. And you know, if the panel  
13 has a question to ask as I go through them, maybe  
14 it might be a good idea that you can ask a quick  
15 question.

16                   THE CHAIRMAN: Can you explain a bit  
17 about when and where these were taken?

18                   MR. KOROLUK: Basically, okay, this  
19 would have been the June heavy rainfalls of 2002  
20 in southeastern Manitoba, same time, same time,  
21 southeastern Manitoba, June of 2002; April 2001,  
22 near Steinbach; again, April 2001, southeastern  
23 Manitoba.

24                   THE CHAIRMAN: And what kind of  
25 concerns should we be --



1                   MR. KOROLUK: Well, for this one for  
2 instance, this was April 19, 2001, southeastern  
3 Manitoba, the soils are saturated. We just had  
4 the snow melt, and you could see three barns there  
5 and the lagoon, which has been emptied, you can  
6 see the freeboard on the side. So, you know, you  
7 empty your lagoon in the nearby fields onto  
8 saturated fields, you can see the ditches there  
9 are flowing, and the ditches, you know, end up in  
10 the drainage ditches into our streams, and this  
11 will eventually end up in Lake Winnipeg.

12                   THE CHAIRMAN: Do you know that that  
13 lagoon was emptied in the spring or was it emptied  
14 in the fall?

15                   MR. KOROLUK: Oh, I don't know that.  
16 It's possible it could be emptied in the fall. I  
17 mean, they are operating through the winter.

18                   THE CHAIRMAN: No comments from the  
19 audience, please.

20                   MR. KOROLUK: 2002, yeah, torrential  
21 rainfall southeastern Manitoba, saturated fields.  
22 Again same period, 2002, June, saturated fields.  
23 I've got a problem there with that lagoon. I  
24 forget what municipality this was, 2003,  
25 mortalities on the roadside in western Manitoba.



1                   THE CHAIRMAN: Were those pigs just  
2 left there or was this taken immediately after  
3 they might have fallen off the truck?

4                   MR. KOROLUK: A citizen just found  
5 them on the road as they were driving home and  
6 gave them to us.

7                   THE CHAIRMAN: Okay.

8                   MR. KOROLUK: Interlake, late '90s,  
9 I'd say '99, a manured field to the left, you can  
10 see the algae growth in the ditch; southwestern  
11 Manitoba, a drainage ditch going through a manured  
12 field.

13                  THE CHAIRMAN: Can you tell by looking  
14 at that picture that it's a manured field, or did  
15 somebody report that this was?

16                  MR. KOROLUK: The person who lives  
17 closest to the field knows that this is a manured  
18 field. When you live beside them, you know that  
19 they are there.

20                  THE CHAIRMAN: Okay, I accept that.

21                  MR. KOROLUK: Interlake, again,  
22 manured field, purification, algae growth, soil  
23 saturation. Southeastern Manitoba, 2001, this is  
24 only half of the whole operation. There is 16  
25 barns on one section of land housing 32,000 pigs





1 in the bush. A broken pipe, leaking pipe, the  
2 colour isn't good on this, but you could see the  
3 manure escaping between the lagoon and the barn.  
4 This is a guess, and we think this is manure  
5 burn-outs, dumping the manure perhaps in the  
6 winter time with a truck, and you could see the  
7 burn-outs on the field.

8                   A 10,000 operation barn in western  
9 Manitoba, just wanted to show the emissions coming  
10 out of the stacks of the barns. And we could see  
11 the air pollution travelling across the  
12 countryside onto someone else's property.

13                   Is it an industry? Well, we are doing  
14 the pork industry review. The Pork Council calls  
15 it an industry and, you know, I think it is an  
16 industry.

17                   I want to give you two guiding  
18 principles for the second part of my presentation.  
19 It is important that the regulatory system  
20 recognize the difference between high volume, high  
21 speed production for export, and smaller scale  
22 more labour intensive production for local,  
23 regional and domestic markets. Inappropriate  
24 regulations for the scale and purpose of the  
25 operation have been used unfairly to push smaller



1 producers and processors out of the market.

2                   And as a second principle, any  
3 publicly supported program contemplated by a new  
4 policy must acknowledge the distinction between  
5 ownership structures at the producer level. A  
6 family farm entity and family farm corporation,  
7 whereby most of the labour, management and  
8 investment are made by someone in the family is  
9 different from a corporate agri business  
10 investment scheme. And cooperatives can be  
11 considered to be a collective of family farms.  
12 And I know some of the Hutterite colonies probably  
13 fit into the cooperative or family farm  
14 corporation definition.

15                   So is it an industry? Yes, it is an  
16 industry. Then it must be regulated like any  
17 other industry in this province. And just to talk  
18 more specifically of environmental and health  
19 issues, we've got a messy flow chart here, it's a  
20 typical process flow chart of the environmental  
21 impacts of pig farms. And I lifted this from the  
22 Manitoba Pork Council presentation of March 5th.  
23 And it's actually not too bad of a flow chart.  
24 It's got almost everything there that you should  
25 be looking at. If you look at the rations, they



1 talk about the addition of antibiotics and  
2 pro-biotics, and also meat, bone meal, blood,  
3 other dead animals. And if you trace the flow  
4 from the rations to when it ends up in the  
5 environment, you will see that, yeah, there are  
6 gases coming out and odours coming out from the  
7 barns, and collection gutters in the floors and  
8 the pipes, et cetera, et cetera. They identify  
9 the gases, carbon dioxide, methane, ammonia,  
10 hydrogen sulfide, other. So it's a good flow  
11 chart. Unfortunately, in the Pork Council's  
12 presentation, they didn't even talk about a number  
13 of these things.

14                   So getting back to regulating this  
15 industry like other industries in the province,  
16 other industries are defined as developments under  
17 the Manitoba Environment Act. When a proponent  
18 proposes to build their operation, the public is  
19 provided the opportunity to comment on it. This  
20 does not happen right now with the technical  
21 review committee process. The public is not  
22 afforded the ability to comment on it. It's  
23 really important to get local ecological knowledge  
24 at the assessment table.

25                   The province sets up a technical



1 advisory committee. It involves up to 14  
2 departmental members who provide expertise. The  
3 proposal is also sent to the Federal Government  
4 for input. So it's heavily scrutinized and the  
5 public is engaged in the process. This is not  
6 what happens when a barn is being proposed.

7                   And I want to point out that the  
8 barns, the temporary storage pits underneath the  
9 barns and the manure storage facilities are not  
10 defined as a development under the Environment  
11 Act, and it's only the manure storage facilities  
12 and mortalities who are regulated through a  
13 permitting system under the Environment Act.

14                   Now I want to talk about air quality.  
15 Now, if we remember from our Manitoba Pork Council  
16 chart, they tell us that hydrogen sulfide,  
17 ammonia, methane odour and other gases are emitted  
18 from the barn and lagoon, but currently have no  
19 regulatory oversight to protect human health and  
20 the environment. So Manitoba, we don't regulate  
21 the air emissions from these operations.

22                   Other industries we do. For instance,  
23 in the oil and gas industry, the Oil and Gas Act  
24 to be specific, Manitoba regulation 116-2001  
25 regulates acceptable concentrations of hydrogen





1 sulfide at the property level. And they got two  
2 levels here in the schedule, 11 parts per billion  
3 for the one hour average and four parts per  
4 billion for the 24 hour average.

5                   Manitoba also has air quality  
6 guidelines for ammonia and the maximum acceptable  
7 levels of concentration are set at 200 parts per  
8 billion. That's any other industry in this  
9 province, but not the pork industry.

10                   Other industries have to follow  
11 workplace safety and health legislation.  
12 Currently, farm workers are not classified  
13 compulsory under the new Workers Compensation Act.  
14 Farm workers are also not covered under the  
15 Employment Standards Code.

16                   Contaminated sites legislation, I'm  
17 actually not too sure if this legislation applies  
18 to the pork industry. It does apply to other  
19 industries in the province. We have asked for  
20 figures as to how many of these operations have  
21 been decommissioned over the last little while,  
22 and whether these decommissioned sites are posing  
23 an environmental hazard or if they've been  
24 classified as contaminated sites. We currently  
25 have guidelines for site investigation, guidelines



1 for designation of a site, and we have a Manitoba  
2 sites list. And I checked the list on-line and  
3 it's of course outdated like everything else on  
4 the government website, but there appears not to  
5 have any manure storage facilities on that  
6 listing.

7 THE CHAIRMAN: Could you back up to  
8 your previous slide, Glen, please? Wayne and I  
9 don't have slide 30 or 31.

10 MR. KOROLUK: Oh, sorry, is that  
11 contaminated sites or workplace safety?

12 THE CHAIRMAN: Workplace safety and  
13 the contaminated sites one, we don't have those  
14 pages.

15 MR. KOROLUK: I'll get copies of  
16 those. Sorry about that.

17 Public health, another area which is  
18 regulated in other industries in the province.  
19 Now, I haven't had a chance to go in detail on the  
20 Public Health Act, and I wish I had the resources  
21 to do that. So really I can't say if the Public  
22 Health Act is currently being utilized within the  
23 ILO hog industry. From reading it over roughly, I  
24 think it should, because there are community  
25 illnesses and occupational illnesses in this



1 industry, and the Public Health Act tells us that  
2 we should be tracking these and reporting these  
3 illnesses.

4                   So that leads us to where we're at  
5 right now in Manitoba, North America basically.  
6 What's next? Well, it's a tough situation to be,  
7 I mean, you're going to have to come out with a  
8 report. If we want to move to a sustainable  
9 industry, as we just heard from a previous  
10 presentation, it's going to cost money to make  
11 that transition, and we're going to have to help  
12 some of our family farm corporations to do it.

13                   And family farms, right now the  
14 Canadian Pork Council, the Canada Pork  
15 International and the Canadian Meat Council is  
16 appealing, i.e., lobbying the Federal Government  
17 to assist in addressing long and short-term  
18 competitiveness issues in light of challenges  
19 currently facing the pork production and  
20 processing sectors in this industry. And some of  
21 those issues are, you know, high hog production  
22 costs, labour shortages, new disease outbreaks,  
23 and the requirement for more risk management  
24 programs.

25                   A bit closer to home, Michael McCain,



1 who made a luncheon presentation last fall to the  
2 Brandon Chamber of Commerce, and he gave out some  
3 ideas of how the pork industry has to move, in his  
4 perspective. And he's looking at potential  
5 private public partnerships for a new wastewater  
6 treatment facility in Brandon. And he says,

7 "Governments must find ways to deal  
8 with social and related problems  
9 arising from influx of workers at low  
10 wage jobs, low income housing,  
11 daycare, demands on healthcare system  
12 and justice system, the need for big  
13 expansion in English as a second  
14 language training for workers, their  
15 spouses and their children."

16 And this is a direct quote from someone who  
17 attended that luncheon.

18 Michael McCain also says to offset the  
19 appreciating Canadian dollar, we must apply  
20 biotechnology to pig production so that you get  
21 bigger pigs, faster, with less food. And we could  
22 also increase production of hogs, which will drive  
23 down their prices, which will be good for the kill  
24 plant. And he also said that we could reduce the  
25 cost of labour by reducing wages or speeding up





1 the line speed. That's how we could compete on  
2 the global market.

3                   And what was Manitoba's -- what has  
4 been Manitoba's response? Well, a few days before  
5 this past Christmas, and with no public  
6 notification or public input, the Minister of  
7 Conservation used a discretionary clause in the  
8 Environment Act and licensed the Maple Leaf pork  
9 plant to increase their yearly kill capacity by 50  
10 per cent, or more than one million hogs per year.  
11 Nice little Christmas present.

12                   THE CHAIRMAN: Now, you said there was  
13 no public input into that, but wasn't that subject  
14 of review by the Clean Environment Commission in  
15 2003?

16                   MR. KOROLUK: No, no, that was in 2002  
17 where they wanted to expand to two shifts. They  
18 expanded by 50 per cent, and the discretionary  
19 clause was determining whether this was a minor  
20 alteration or a major alteration, and they defined  
21 it as a minor alteration, therefore, no public  
22 review.

23                   THE CHAIRMAN: Thank you.

24                   MR. KOROLUK: Well, my conclusion, or  
25 my question, I guess, is the hog industry the most



1 regulated industry in Manitoba? And I guess  
2 another question I have is, is the hog industry  
3 sustainable?

4 Any bright spots for the future?

5 Well, this just came in a few days ago. It must  
6 have been my lucky day. The State Senate in North  
7 Dakota voted to permanently ban the construction  
8 of lagoons for hog farms. This is basically what  
9 our moratorium is with Manitoba regulation  
10 238-2006. We are temporarily banning the  
11 construction of liquid manure storage facilities.  
12 And I think North Dakota has been a leader in  
13 North America, and since they have taken a new  
14 initiative, it's time for Manitoba to follow.

15 THE CHAIRMAN: North Carolina.

16 MR. KOROLUK: North Carolina, sorry.

17 THE CHAIRMAN: Now, I have sort of  
18 been following this story on websites as well. I  
19 believe it's only passed the Senate so far. It  
20 hasn't passed the House of Representatives or the  
21 Governor.

22 MR. KOROLUK: That's right, and I have  
23 the new story on that for you in the package.

24 THE CHAIRMAN: Yes.

25 MR. KOROLUK: Just to conclude my



1 presentation, I found this quote on a piece of  
2 scrap paper this morning that I used to put  
3 together my presentation, sometimes you find these  
4 old ones kicking around. This one is from  
5 sociologist Doug Constance from the University of  
6 Minnesota. He says,

7 "It is important that we do not accept  
8 the industrialization process of  
9 agriculture as something natural, as  
10 something inevitable, as something  
11 predetermined. It is no such thing.  
12 It is a plan, a plan for certain  
13 people to benefit and other people to  
14 pay."

15 Thank you for your time.

16 THE CHAIRMAN: Thank you, Mr. Koroluk.

17 Where would you draw the line? You say that  
18 industry farms should be regulated differently  
19 than family farms, where would you draw the line?

20 MR. KOROLUK: Actually, the line has  
21 already been drawn, the Farmland Ownership Act  
22 actually defines a family farm corporation and it  
23 defines a corporate structure, and to draw that  
24 line, if the public -- I mean, we tend to believe  
25 in the polluter pay principle, i.e., those who



1 pollute must pay. But if we're very supportive of  
2 sustainable agricultural systems and sustainable  
3 food systems, and we want to support our family  
4 farm and our family farm corporation, I mean, any  
5 transition program or subsidy program to fix the  
6 problem should just go to those entities.

7                   THE CHAIRMAN: We've heard, during the  
8 last couple of months that we've been going around  
9 the province, about some family operations that  
10 have six or eight large barns and produce a couple  
11 of hundred thousand pigs a year. Where would that  
12 fit in? I mean, technically speaking it's  
13 probably a family farm by the definition in the  
14 Farmland Ownership Act, but it's a pretty large  
15 operation.

16                   MR. KOROLUK: Well, if it's that  
17 large, I highly doubt if it fits within the  
18 definition of the Family Farm Corporation. And  
19 I'll just read it.

20                   "The Family Farm Corporation means a  
21 corporation that is primarily engaged  
22 in the business of farming, that is  
23 under the control in fact of farmers  
24 or eligible individuals related to  
25 farmers, or a combination of both, and





1                   of which a majority of the issued and  
2                   outstanding shares of each class of  
3                   share are legally and beneficially  
4                   owned by farmers or eligible  
5                   individuals related to farmers."

6                   THE CHAIRMAN: Well, we've heard from  
7                   at least a couple, and perhaps more, who fill that  
8                   definition but run very large operations.

9                   MR. KOROLUK: Okay. Well --

10                  THE CHAIRMAN: So I'm not sure where  
11                  we draw the line.

12                  MR. KOROLUK: Where you want to draw a  
13                  line, I mean, I would look at the State of  
14                  Nebraska and their constitutional amendments, and  
15                  their definition of a family farm corporation  
16                  doesn't allow other farmers to be investors. If  
17                  we want to define family farm corporations, it's  
18                  only the immediate family.

19                  THE CHAIRMAN: But what's immediate  
20                  family? Are cousins --

21                  MR. KOROLUK: That's right, yeah. And  
22                  it says that in this legislation.

23                  THE CHAIRMAN: But cousins are a part  
24                  of the immediate family?

25                  MR. KOROLUK: Well, let me quickly



1 look. It could be cousins.

2 THE CHAIRMAN: I mean, it becomes  
3 really difficult. I mean, if we are to recommend  
4 a different set of regulations for different kind  
5 of operations, it becomes really difficult to  
6 decide where to draw the line.

7 MR. KOROLUK: It is difficult, yes.

8 THE CHAIRMAN: It might be more fair,  
9 if there's going to be a line, that it be on the  
10 size of the operation, no matter how it's owned.

11 MR. KOROLUK: Well, of course, we want  
12 smaller sizes. Let's put it this way. In a  
13 different way, you tell me -- I don't know if you  
14 invest in the stock market, it doesn't really  
15 matter -- but can you tell me of any stocks you  
16 could buy on this planet where, if the market  
17 bottoms out, you get a business risk program to  
18 help you out in the future? I mean, that's a  
19 pretty defined line right there.

20 THE CHAIRMAN: Well, actually, I think  
21 there are probably a lot of different tax breaks  
22 that one can accrue if you have financial losses,  
23 but that's not our point here. Edwin?

24 MR. YEE: I guess just to expand on  
25 that, Mr. Koroluk, in terms of the issue of family



1 versus corporate farm, where would you classify --  
2 I think you did mention the Hutterite operations.  
3 Would you consider them an industry, a corporate  
4 entity, or are they considered a family farm?

5 MR. KOROLUK: I'm not aware of their  
6 business structure. I think they are probably a  
7 combination of -- they could be family farm  
8 corporation, they could be cooperatives, they  
9 could be a corporation, yeah. You would have to  
10 find that information yourself.

11 MR. YEE: I'm just, again along the  
12 same lines of questioning as the Chairman in terms  
13 of when we're looking at, if we're looking at  
14 different regulations for the family farm versus  
15 the corporate entities. We really have to make  
16 that distinction.

17 You mentioned also in your  
18 presentation about inappropriate regulations for  
19 the scale and purpose and the operation have  
20 unfairly pushed smaller producers and processors  
21 around. Are you referring to the existing  
22 legislative framework? Can you sort of clarify  
23 that statement for me?

24 MR. KOROLUK: Existing, yes, and for  
25 anything in the future, obviously. I mean, we



1 just, I mean, certain aspects of the industry, and  
2 very narrow aspects, there has been more  
3 regulation, and that's just dealing basically with  
4 the manure. So that has put some stress on the  
5 smaller operations. I mean, you've got a small  
6 holding facility. You don't have the cash on hand  
7 to build a new one or make it bigger or find more  
8 land. You just have to look at the stats. I  
9 mean, 10 years ago we had 2,000 hog farmers. This  
10 year we have, I don't know, 1,200, 1,000, 800. I  
11 don't know the number yet.

12 MR. YEE: Thank you.

13 MR. MOTHERAL: Yes, Mr. Koroluk, I  
14 have just one, I don't know if it is a question,  
15 comment, but it's on the planning issues. You  
16 have mentioned I think more than once about public  
17 input into plans, you know, into municipal plans,  
18 and maybe the public weren't aware of some things  
19 that are going on. Do you feel as though in the  
20 new Planning Act, with the requirement of  
21 municipalities to come up with a livestock  
22 operation policy which will be formulated through  
23 public meeting process, would you say that that is  
24 a proper means by which the public can have input  
25 into what happens in their own area?





1                   MR. KOROLUK: That's only one process  
2 of many. You know, we like the checks and  
3 balances. It's very hard for a community to  
4 anticipate a development going up in their  
5 neighbourhood. Having input and up-front planning  
6 is good, but getting away from a political and  
7 democratic decision-making process such as  
8 conditional use hearings, I mean, that would be  
9 devastating. I find it very curious as to why a  
10 technical review committee has been established  
11 through the Planning Act where everyone is saying  
12 the province should be responsible for  
13 environmental matters. If that's the case, why  
14 isn't there environmental assessment?

15                   We have a dual decision-making process  
16 in place that's worked very well for a long time.  
17 If it's a development, you apply for an  
18 environmental licence, and you do environmental  
19 assessment, and the public is engaged and there's  
20 a decision-making process established by the  
21 province. At the same time, we have community  
22 decision-making through conditional use hearings.  
23 That's the political decision-making process, and  
24 the siting issues, and that's separate. So that  
25 happens for any type of development. If you build



1 a landfill, the community does a conditional use  
2 hearing on it and they decide. The province has  
3 its political decision-making. With ILOs, for  
4 some reason, we combine that all into the Planning  
5 Act and it doesn't work. I mean, there is  
6 oversights. I mean, the technical review  
7 committee process is kind of like a checklist  
8 process. They don't even do, you know, they don't  
9 do the on-site inspection, you don't get public  
10 input. So this is where we get problems, this is  
11 where we get operations that are built in  
12 ecologically sensitive areas. This is where we  
13 get pollution escaping the farm site. And this is  
14 happening, you saw the pictures. So that process  
15 has to be changed. We have to go back to how  
16 everything else is licensed like an industry.

17 MR. MOTHERAL: I don't know how to  
18 take that, whether that was a yes or a no.

19 MR. KOROLUK: Well, your question is,  
20 are public input to development plans good? Well,  
21 yes, but that's only one part of it.

22 MR. MOTHERAL: Okay.

23 THE CHAIRMAN: Are you suggesting that  
24 lagoons and barns should both be subject to the  
25 development process, environmental assessment



1 process?

2 MR. KOROLUK: Yes, of course, yeah.  
3 The barn is exempt. I mean, I showed you pictures  
4 of gases escaping from those barns. The Pork  
5 Council's flow chart defines those gases, where  
6 they escaped from.

7 THE CHAIRMAN: But that might have  
8 been steam or condensation.

9 MR. KOROLUK: Well, it would have been  
10 also, yeah, but it's also gases too. It's ammonia  
11 and hydrogen sulfide, it's methane, et cetera, et  
12 cetera.

13 THE CHAIRMAN: Have those been  
14 measured?

15 MR. KOROLUK: Yes, they have. They've  
16 been measured, I think they've been measured in  
17 some research in Manitoba. They've been measured  
18 everywhere across the continent, in Europe, I  
19 mean, they are well defined.

20 THE CHAIRMAN: Can you point us in the  
21 direction, you don't have to do it right now, but  
22 in the direction of Manitoba studies that have  
23 measured, or even North American, but certainly if  
24 there are Manitoba ones?

25 MR. KOROLUK: Yes, I can. In fact, on



1 the health section I want to put it on record that  
2 I do have a stack of about a foot tall of all the  
3 health studies that have been done on the  
4 continent, peer reviewed and journaled in  
5 professional, refereed, you know, they are in  
6 professional journals -- I'm losing my words here.

7 THE CHAIRMAN: I don't know if we need  
8 a foot of stuff.

9 MR. KOROLUK: I'll give you the  
10 choice.

11 THE CHAIRMAN: If you can give us the  
12 choice pieces, we can certainly have a look at  
13 that.

14 MR. KOROLUK: I just want to tell you  
15 that the measuring of gases in Manitoba have only  
16 been at the stack and they haven't been at the  
17 property line.

18 THE CHAIRMAN: Okay. Thank you very  
19 much for coming out this afternoon.

20 MR. KOROLUK: Well, thank you.

21 THE CHAIRMAN: Next is Bev Froese.  
22 BEVERLY FROESE, having been sworn, presented as  
23 follows:

24 THE CHAIRMAN: Go ahead, please.

25 MS. FROESE: Thank you. Good





1 afternoon Mr. Chairman and members of the panel.  
2 As I have just indicated, my name is Beverly  
3 Froese, I'm a lawyer at the Public Interest Law  
4 Centre. It's my pleasure to be here this  
5 afternoon and I thank the Commission for allowing  
6 me this time.

7                   When I looked at the schedule of the  
8 public meetings that have stretched out over the  
9 past couple of months and I saw the number and  
10 diversity of presenters, I have to admit it didn't  
11 really surprise me, because I think it confirms  
12 the significance of this review of the hog  
13 industry to Manitobans. I know that very  
14 different views have been expressed at these  
15 meetings from a variety of perspectives. And I  
16 just think the importance of this opportunity for  
17 public debate and input can't be overstated, and  
18 particularly when the stakes are as high as they  
19 are here in terms of environmental impact of  
20 livestock operations.

21                   I'd just like to talk a little bit  
22 about the Public Interest Law Centre. We  
23 celebrated our 25th anniversary this year, and  
24 over the course of those 25 years, we have  
25 participated in numerous hearings before



1 regulatory bodies such as this Commission. We  
2 regularly represent Manitoba consumers, Manitoba  
3 seniors and First Nations throughout this  
4 province, and we have appeared before the Public  
5 Utilities Board, the CRTC, and this Commission as  
6 you will recall in the Wuskwatim Dam Hearings.

7           Whenever we participate in a public  
8 process like this, the Public Interest Law Centre,  
9 of course, strives not only to zealously advocate  
10 on behalf of our clients, but we are also driven  
11 by a belief that encouraging and promoting public  
12 awareness and debate is equally important. And we  
13 believe that participating in a proceeding like  
14 this in a responsible manner means being able to  
15 test and challenge the evidence put forward by the  
16 parties to determine its credibility and  
17 reliability, and also by bringing forward as much  
18 information as we can so that well-informed and  
19 well-reasoned decisions can be made. We also  
20 believe there's much value in the decision-making  
21 process to have new ideas introduced and new  
22 interests heard.

23           The Public Interest Law Centre is  
24 mandated under the Legal Aid Act of Manitoba to  
25 take on cases that are in the public interest, and



1 that expressly includes environmental matters.  
2 But the cases that we have been involved in over  
3 the past 25 years have also given us deep roots in  
4 promoting and protecting democracy, open and  
5 transparent decision making, freedom from  
6 arbitrary state action, citizen empowerment and  
7 due process.

8                   Our office was contacted by Mr. Glen  
9 Koroluk of Beyond Factory Farming, who we've just  
10 heard from, about whether we were interested in  
11 also making a presentation. And it didn't take us  
12 much convincing to realize the importance of these  
13 meetings. And we recognize the Commission has no  
14 easy task before it, but we believe we do have a  
15 worthwhile contribution to make that will  
16 hopefully address some of the questions you'll be  
17 asking yourselves when you turn your minds to  
18 preparing your report and recommendations.

19                   It's a little bit different in this  
20 proceeding, because in this case we are not  
21 representing a specific client, we're making this  
22 presentation solely on behalf of the Public  
23 Interest Law Centre.

24                   So to try to get a grasp of the issues  
25 the Commission is going to be considering, I



1 reviewed material on the hog industry that was  
2 provided to me by Beyond Factory Farming, but I  
3 also read the lengthy written submission of the  
4 Manitoba Pork Council to get the industry's  
5 perspective. Two things immediately struck me.  
6 One is how quickly the hog industry has changed in  
7 Manitoba. As according to the Pork Council, pig  
8 production in Manitoba is 10 times what it was 30  
9 years ago. And to me, that's a pretty drastic  
10 change in a short period of time. And so I  
11 questioned right off the bat whether our laws have  
12 caught up with those changes, or whether they lag  
13 behind and they are no longer responsive to the  
14 reality of today's agricultural operations. And I  
15 also questioned whether our current laws have  
16 advanced with the times or whether they are still  
17 a remnant of the past before intensive livestock  
18 operations were ever conceived of.

19                   And the second thing that struck me,  
20 and what I found rather disturbing was what the  
21 industry admits we still don't know about the  
22 environmental impacts of the intensive livestock  
23 operations, and we really don't know yet how to  
24 fix some of them.

25                   So rapid changes, together with holes





1 in our knowledge of long-term effects and  
2 effective solutions, made me wonder that when it  
3 comes to intensive livestock operations, whether a  
4 sort of full steam ahead, down the torpedos kind  
5 of approach may have been taken up until this  
6 point. So I therefore applaud this process and  
7 this review, because I think it's always a good  
8 idea to take a step back, take a deep breath and  
9 take a sober second look before we go past the  
10 point of return, where in this case we may be left  
11 with irreparable harm to our environment.

12                 So as a lawyer certainly not an expert  
13 in the science or social impacts of the hog  
14 industry, or how they operate, specifically, but I  
15 have read the material on how they affect the  
16 environment and our rural communities. As I  
17 mentioned, where we believe we can make a  
18 meaningful contribution is through a review and  
19 analysis of the legislation and regulations  
20 governing the hog industry.

21                 Now, I know the Commission is going to  
22 be making, or conducting its own review of the  
23 legislative framework, but we wanted to provide  
24 our comments, opinions and recommendations. And  
25 so when we undertook this endeavour, we asked



1 ourselves several questions. First of all, what  
2 is the current legislative framework? Then we  
3 asked ourselves, is there sufficient regulation of  
4 the hog industry to mitigate its impacts on the  
5 environment to the greatest extent possible? And  
6 then we said, well, if there isn't, what more can  
7 be done to alleviate what we believe are very real  
8 and valid apprehensions and fears that many have  
9 about the state of the hog industry in Manitoba?  
10 And then we asked ourselves, what can be done so  
11 that Manitobans can take comfort and assurance  
12 that our environment will be protected?

13               So to answer those questions, we did  
14 what most lawyers do when they are faced with a  
15 complex issue and a complex regulatory regime, we  
16 went back to basics and we took a principled  
17 approach.

18               We will be filing a written submission  
19 with the Commission by the deadline date of May  
20 7th, and yet although we haven't yet finalized our  
21 review and analysis, the purpose of my  
22 presentation this afternoon is just to sort of  
23 briefly highlight a few points. But to say that  
24 at this time, in our opinion, while there is  
25 regulation in place that is intended to reduce or



1 eliminate some of the environmental impacts, there  
2 is still cause for concern. In our view, we  
3 believe more can and should be done and that there  
4 are gaps in the law that need to be filled before  
5 we can comfortably say our environment and our  
6 natural resources will be sufficiently protected.

7           And in addition to that submission, we  
8 also felt we could contribute to the process by  
9 providing the Commission with additional  
10 information, and we have retained Professor Alan  
11 Diduk and Professor Patricia Fitzpatrick from the  
12 University of Winnipeg who will conduct a  
13 literature review and prepare their expert report  
14 that will focus on community based monitoring of  
15 the hog industry.

16           We expect their report will not take  
17 place in the theoretical plane, but will consider  
18 how to practically implement methods of monitoring  
19 the hog industry. And I have confirmed with both  
20 Professors Diduk and Fitzpatrick that they would  
21 be more than happy to appear before the Commission  
22 should it have any questions on their report, and  
23 we expect to have this report filed with the  
24 Commission by the deadline date of June 30th.

25           So as I mentioned, what I'd like to



1 talk today is not sort of a list of the specific  
2 legislation and what it states, but just some of  
3 the concepts that guided our legislative review,  
4 and there's three of them. And one is openness  
5 and transparency in decision-making, the second is  
6 monitoring of the industry, and the third is  
7 enforcement of existing laws.

8               So the first thing we looked at was  
9 openness and transparency in government  
10 decision-making. Because government action must  
11 be open and transparent, because our elected  
12 representatives are accountable to the public and  
13 the public is entitled to know what they are  
14 doing. And this concept has always been a  
15 cornerstone of a democracy, and it is particularly  
16 crucial, I think, in the context of intensive  
17 livestock operations and the hog industry, because  
18 of the profound impacts they have on the  
19 environment and the consequences that might flow  
20 if we make wrong decisions, or if ill-informed  
21 decisions without sufficient public input are  
22 made. And indeed I think it's trite to say that  
23 decisions made by governments after there have  
24 been a fair and open process instill greater  
25 public confidence and they carry with them a far





1 greater degree of legitimacy than decisions made  
2 behind closed doors or without regard to the  
3 voices of those affected by them.

4           So because of that, when we reviewed  
5 the current legislation, and we are still  
6 continuing our review, we kept that thought in  
7 mind and we asked ourselves, where are there  
8 opportunities for public input and scrutiny when  
9 decisions are being made? And are there  
10 circumstances where we need a full and fair  
11 process so that the public can participate, where  
12 evidence can be tested and challenged, where  
13 decision makers must justify their decision, for  
14 example, by giving written reasons that are  
15 subject to review.

16           And it didn't take us very long to  
17 find such a circumstance. And I'm sure there will  
18 be more in our written submission, but at this  
19 time, I am just going to focus on one as an  
20 example because I think it's very significant.

21           Mr. Koroluk actually was just  
22 referring to that, that intensive livestock  
23 operations are currently not subject to any type  
24 of environmental assessment under the Environment  
25 Act. And we believe that that should change and



1 that there should be a process in place that is  
2 fair and open and transparent, and where there is  
3 an opportunity for meaningful participation by  
4 interested parties. And I say this for two  
5 reasons.

6           First, I don't think there's any  
7 question, and someone may correct me if I'm wrong,  
8 that intensive livestock operations pose a serious  
9 risk to the environment. And these, of course,  
10 include things like ammonia, nitrogen and  
11 phosphorus levels, contamination of our  
12 groundwater from runoff and erosion.

13           Second, the industry itself admits  
14 that there's much we don't know about the  
15 environmental impacts of intensive livestock  
16 operations. And I found that somewhat alarming.  
17 When I was reviewing the Pork Council's written  
18 submission, I kept coming across statements to the  
19 effect that either nothing or very little is known  
20 about how to deal with certain environmental  
21 concerns, or else while there may be "promising  
22 strategies" not enough time has passed to know  
23 whether what's being done right now is actually  
24 going to work. And I am going to just give you a  
25 few examples from the Pork Council's written



1 submission. They said,

2 "Information to adequately mitigate  
3 nutrient transfer by runoff and  
4 erosion is not yet available for the  
5 Manitoba situation. Much research is  
6 required to develop mitigation  
7 strategies that will prove to be  
8 effective in reducing transport of  
9 nutrients in various landscapes, soil  
10 types, cropping systems, et cetera."

11 And then it goes on to say,

12 "Research is needed to develop  
13 methodology to economically and  
14 environmentally sustainably transfer  
15 manures and manure constituents from  
16 high livestock density areas to crop  
17 lands elsewhere. Studies on methods  
18 of economically and environmentally  
19 transporting nutrients among various  
20 agricultural systems warrants much  
21 more attention than that received to  
22 date."

23 And further,

24 "Diets using amino acids to replace  
25 proteins in regular feeds are



1           challenging to formulate and adding  
2           particular amino acids to replace  
3           regular proteins are not yet cost  
4           effective. More research in this area  
5           is needed."

6   And again,

7           "Strategies to reduce inputs and  
8           decrease outputs of nutrients are  
9           needed to increase environmental  
10          sustainability."

11   And again,

12          "Further work and research relating to  
13          a reliable in-field test for  
14          estimating manure phosphorus is  
15          needed."

16          So when I looked at both of those  
17   things, the known environmental impacts and the  
18   things that we still don't know about, in our  
19   view, continuing to exempt them from any type of  
20   environmental assessment under the Act basically  
21   to me is like walking a high wire without a safety  
22   net. And not only doing that, but doing it  
23   blindfolded.

24          So I think the benefits of a fair and  
25   an open decision-making process are many. For





1 instance, it ensures that decisions are not  
2 one-sided, in the sense that the only information  
3 before the decision maker comes from the industry.  
4 Because in these types of circumstances, when all  
5 that's presented is one party's perspective,  
6 there's a very real risk that the decision maker,  
7 unknowingly and unintentionally, may become  
8 nothing more than a rubber stamp. And so to  
9 protect against that, there must be this  
10 meaningful process that leads to, as I mentioned,  
11 well-informed and well-reasoned decisions. And  
12 that means having an opportunity to test and to  
13 challenge the industry's evidence to assess its  
14 reliability and credibility. And it means having  
15 an opportunity for interested parties to present  
16 objective and independent scientific evidence.  
17 And it means allowing those affected by the  
18 decisions to express their views and have voices  
19 heard.

20                   So when the Commission is conducting  
21 its legislative review, we simply want to urge it  
22 to look for ways to improve decision-making by  
23 incorporating these principles that relate to  
24 openness and transparency, and administrative law  
25 principles such as natural justice, procedural



1 fairness, written reasons and review.

2           The second point I want to briefly  
3 talk about is ongoing and vigilant monitoring of  
4 the industry so there can be as much accurate  
5 information gathered as possible. And I think  
6 that's particularly important in light of the  
7 things we may not know about the long-term  
8 environmental impacts. Because proper monitoring  
9 confirms that the decisions that are made are the  
10 right ones, an increased knowledge through  
11 research, testing, investigations and gathering of  
12 statistics means that if it turns out the problems  
13 continue, or if unforeseen or unpredicted events  
14 occur, or what we thought would work actually  
15 turns out not to work, then those decisions can be  
16 corrected.

17           My review of the legislation to date  
18 reveals that monitoring provisions are in place.  
19 For example, the Environment Act expressly states  
20 that one of the department's functions includes  
21 research, monitoring, studies, investigations,  
22 relating to the acquisition of knowledge, data or  
23 technological understanding necessary to perform  
24 its mandate. The Department of Agriculture, Food  
25 and Rural Initiatives Act contains a provision



1 that the Minister collect information and  
2 statistics relating to agriculture. And then  
3 further the Agri Food and Rural Development  
4 Council is mandated by its enabling legislation to  
5 provide the Minister with innovative ideas to  
6 develop long-term strategies to work towards  
7 vibrant rural communities.

8 I'm not certain what activities under  
9 those acts are currently being carried out, but I  
10 raise this point and certainly urge the Commission  
11 to pay particular attention when it conducts its  
12 review and makes its recommendations to ensure  
13 that proper monitoring is a priority, so that  
14 we're not operating in the dark when it comes to  
15 the hog industry.

16 And hand in hand, I think with  
17 accurate information gathering is accessibility.  
18 And by that, I mean information be available --  
19 made available to the public, because we believe  
20 the public is entitled to know how intensive  
21 livestock operations are being monitored and how  
22 effective that monitoring is.

23 And one final point I wanted to raise  
24 under the heading of monitor is to take note of a  
25 recent press release, dated April 19th that was



1 entitled, "Province Introduces Legislative Changes  
2 That Will Close Loophole In Planning Act." And my  
3 understanding of this legislative amendment is to  
4 ensure that multiple livestock operators under the  
5 same ownership can't set up in close proximity to  
6 one another without first going through a local  
7 review. And I think this was a good illustration  
8 of monitoring the activities of livestock  
9 operators, in this case, those who may be trying  
10 to circumvent the law or find a so-called  
11 loophole, and that leads to necessary changes.

12           And the third and final thing I wanted  
13 to speak about this afternoon is enforcement of  
14 existing legislation. There must be public  
15 confidence that violaters will be prosecuted for  
16 non-compliance of the law. We feel that's very  
17 important. And there's several pieces of  
18 legislation that specifically contain offence  
19 provisions for failure to comply with either the  
20 legislation, a regulation, or a permit. For  
21 example, I am speaking of the Animal Care Act, the  
22 Contaminated Sites Remediation Act and the Water  
23 Rights Act, just to name a few.

24           The industry itself, in its written  
25 submission, acknowledge that there are violaters





1 out there. And I believe their estimation was  
2 that five to seven per cent of intensive livestock  
3 operators do not comply with their manure  
4 management plans. And while on its face that may  
5 not be a large percentage, given environmental  
6 impacts that may be caused by even one of these  
7 operations, I think a one is too many philosophy  
8 is the more prudent way of looking at it.

9                   When I talk about enforcement, I am  
10 not sort of just talking about a sit back and  
11 respond to complaint type of approach. More is  
12 required, and we urge the Commission in its  
13 deliberations and when it's doing its legislative  
14 review to look for ways to ensure that there's  
15 consistent and vigilant enforcement of the law,  
16 for example, by ensuring that complaints are fully  
17 investigated and appropriate action taken, and  
18 having proactive enforcement, for example, through  
19 inspections and other means of ascertaining  
20 compliance with the law.

21                   So to conclude, I have just  
22 highlighted some of the principles that have  
23 guided us on our legislative review journey so far  
24 and those that we believe are critical. Much more  
25 will be set out in our written submission that I



1 anticipate the Commission is waiting for with  
2 bated breath. I am hoping the Public Interest Law  
3 Centre's contribution will be of value to the  
4 Commission and to this process.

5                   And subject to any questions you have,  
6 Mr. Chairman and members of the panel, those are  
7 my comments this afternoon.

8                   THE CHAIRMAN: Thank you very much,  
9 Ms. Froese. I don't have any questions today, and  
10 while I might not be with bated breath, I  
11 certainly do look forward to your submission,  
12 because it's a topic that we have specifically had  
13 been asked to look at. And the fact that you are  
14 doing a comprehensive review will certainly help  
15 us in our overall review. I suspect quite  
16 strongly that once we see first your written  
17 submission and then your later expert report, we  
18 may well want to meet with you and/or some of the  
19 experts to seek some clarification or discuss some  
20 of the points you've made.

21                   Any questions now?

22                   MR. YEE: I think I'll wait until I  
23 see the reports as well, Mr. Chairman. I have  
24 some questions but I think it will be better  
25 served if I see the reports before I ask the



1 questions. Thank you.

2 MR. MOTHERAL: No questions. Just  
3 thank you very much. Our Commission is going to  
4 be looking after anything we can to make our  
5 report. That's all.

6 THE CHAIRMAN: Thank you very much for  
7 coming out this afternoon.

8 Peter Manness.

9 STEWART PETER MANNES, having been sworn, presented  
10 as follows:

11 MR. MANNES: Good afternoon,  
12 Mr. Chairperson and members of the Clean  
13 Environment Commission. My name is Peter Manness,  
14 I am 28 years old. I farm with my dad and brother  
15 in Domain, Manitoba, about 20 minutes southwest of  
16 Winnipeg in the Red River Valley. I also work  
17 full time in the city as a farm management  
18 consultant. Up until December of this past year,  
19 I worked as a certified manure management planner  
20 for a large swine organization.

21 Today I come to you wearing the hat of  
22 a swine producer. My family has been involved in  
23 the swine business for over 40 years. We have a  
24 small finisher barn in our home yard and are  
25 involved with a group of producers in a large



1 operation where our home section is used for  
2 manure spread acres. My brother David and I are  
3 both interested in continuing our family's farming  
4 operation.

5                   Ever since we began discussions on how  
6 we would grow our operation, we have always talked  
7 about hogs being a significant component to our  
8 plans. Not only do we see opportunity in the  
9 swine industry itself, but also with the ability  
10 to use manure to benefit our grain farm. By using  
11 manure, we are able to save thousands of dollars  
12 on commercial fertilizer and improve the  
13 productivity of our soil.

14                   I understand the need for regulations  
15 for livestock producers. My concern is that the  
16 public pressure will force additional regulations  
17 on swine producers that will significantly harm  
18 their profitability, while having little or no  
19 effect on nutrient loading in our lakes and  
20 streams. I do not agree with swine producers  
21 continuing to be singled out and forced to defend  
22 our actions in the public arena. It is these  
23 reasons that I feel the need to speak to you  
24 today.

25                   In the '90s and early 2000s, the hog





1 industry was looking for opportunities to expand.  
2 There were many good proposals that were turned  
3 down throughout Manitoba in the middle of wide  
4 open prairie because of political pressure,  
5 especially at the municipal level. Instead of  
6 providing an appeals process for producers or some  
7 type of certainty in the permitting process, the  
8 Provincial Government did very little to help. So  
9 hog operators built their barns in areas where  
10 there was less opposition. This in some part has  
11 contributed to the current situation of too many  
12 barns in the southeast corner of the province. In  
13 some cases, these barns were built with only the  
14 minimum land requirements available. Now, as the  
15 current spread acres are not adequate, there is no  
16 more land available.

17           Even with changes to the Planning Act,  
18 there continues to be no certainty for producers  
19 who wish to expand or build large livestock  
20 operations, especially hog barns. Applicants can  
21 meet all requirements set out by municipalities  
22 and the province, and still be turned down without  
23 reasons. And I think that's something I didn't  
24 put in on the sheet, but I think that's important,  
25 is that they seem to be able to be turned down



1 without any apparent reason.

2                   Our farm exists in an area where there  
3 is low density of livestock operations. Our clay  
4 soils lend itself well to both manure storage and  
5 to retain nutrient in the soil for manure  
6 application. Manitoba needs more finishing barns  
7 to reduce our dependence on the U.S. market. This  
8 is especially important with the impending  
9 implementation of country of origin labeling which  
10 is coming in less than 18 months. This is the  
11 type of operation that we are hoping to build on  
12 our farm. These are also the barns that have  
13 historically come with the stiffest opposition  
14 because they tend to smell more and provide fewer  
15 jobs in the community.

16                   The Provincial Government needs to  
17 step forward and establish a process where if  
18 producers meet the requirements for sustainable  
19 spread acres, acknowledge concerns from local  
20 neighbours, and meet land use planning guidelines,  
21 they should be able to build, or at minimum have  
22 some type of appeal to the decision. This is not  
23 only a hindrance to existing producers, but people  
24 moving in from other provinces or countries hoping  
25 to establish farms of their own.



1                   How can you explain to a young farmer  
2 who has come from Germany, hoping to raise his  
3 family in the wide open spaces of the Red River  
4 Valley, that he cannot expand his hog operation on  
5 his farm when he has met all environmental  
6 approvals, land use planning requirements, and his  
7 operation sits almost two miles from his closest  
8 neighbour. And this is a true case of something  
9 that has actually occurred.

10                   Currently in the technical review  
11 process, Manitoba Conservation and Manitoba Water  
12 Stewardship give two different recommendations for  
13 land requirement calculations. Both of these  
14 organizations sat on phosphorus expert committee,  
15 so why do they not use same formulas and  
16 assumptions for calculating what are acceptable  
17 amount of spread acres in application.

18                   So much has been said about how hog  
19 farmers need to do their part. People talk about  
20 how the city is spending billions of dollars doing  
21 their part to reduce phosphorus. Well, the truth  
22 is, as hog farmers have been doing their part,  
23 consistently improving their practices over the  
24 last 10 years. As few as 12 years ago, most  
25 manure was applied using a process called big gun



1 irrigation. Now, I'm sure if you have not seen  
2 this process, I'm sure that you can imagine how it  
3 worked. Application rates were far in excess of  
4 crop requirements. Today the majority of liquid  
5 manure is injected or direct incorporated into the  
6 soil. Practices like GPS mapping, flow metres,  
7 and N to P rationing are common today. Producers  
8 are also trying out new technologies like in-crop  
9 application techniques and variable rate  
10 technology. Application rates are matched closely  
11 as possible to the individual crop nutrient  
12 requirements.

13                 Now, at the same time in this ten-year  
14 time frame, the cost of manure application has  
15 more than doubled in price. Manure is treated now  
16 as a valuable resource, not as a waste product.

17                 Hog producers have also focused their  
18 feeding programs to reduce the amount of excess  
19 nutrients in their feed through techniques like  
20 phase feeding and the use of enzymes like phytase.  
21 Through application and feed improvements,  
22 producers have reduced the amount of phosphorus  
23 being applied to each spread acre, in some cases  
24 by as much as 80 per cent. This is what we have  
25 accomplished in the last 10 years. Think of what





1 we can accomplish on our own in the next 10 years.

2                   There is currently the opportunity to  
3 further reduce the phosphorus used in some swine  
4 diets, but restrictions put on the by the CFIA  
5 limit the full benefit of using phytase in feed.  
6 The CFIA sets out a minimum available phosphorus  
7 level in swine feed, and this is known in the  
8 industry as table 4. Because phytase in and of  
9 itself does not contain phosphorus, it does not  
10 count towards this minimum. There is an  
11 application for an exemption that can be used for  
12 individual feed rations, however, this is  
13 impractical because every time a producer uses a  
14 different ration, he would then have to reapply.  
15 For a feed company this could mean thousands of  
16 applications, and there's a cost every time you  
17 submit an application to be considered. This  
18 debate has been going on between swine  
19 nutritionists and CFIA for a number of years to no  
20 avail.

21                   Finally, I have put together five, a  
22 list of five recommendations, I guess, or areas of  
23 action that I see as a possibility, and I have  
24 added a bit of commentary in here as well. As a  
25 citizen and a hog producer, I realize that there



1 will be a cost to reduce nutrient load in Lake  
2 Winnipeg. I am not, however, willing to open my  
3 wallet and be forced into making changes that will  
4 cost me money and provide no benefit. I will not  
5 be forced into changing for the sake of changing.

6                   Our current hog barn at home was built  
7 in 1974 and is by no means new, however, we still  
8 think that it has a few good years left in it. It  
9 currently has enough storage for about three  
10 months. That means that we need to spread manure  
11 a couple of times in the winter on frozen ground.  
12 It has been established that most of the  
13 phosphorus entering Lake Winnipeg from  
14 agricultural lands comes in the springtime, so I  
15 see that we have a contradiction. I agree that  
16 this practice on our farm needs to cease. The  
17 government has imposed a winter spreading ban for  
18 all operations in the Red River Valley. Why do we  
19 not also include the rest of the province and  
20 municipalities as well?

21                   For our operation, we will face a  
22 significant decision. Do we build a lagoon or  
23 manure storage and continue to run our barn at  
24 home, or do we shut it down? If the government is  
25 concerned with the cost to small producers, then



1 consider this: Currently the Quebec Government is  
2 offering to pay up to 90 per cent for producers to  
3 expand their manure storages. So if the  
4 Provincial Government is serious about this  
5 problem, why don't they do the same?

6                   Number two, it has been well  
7 documented the benefits of injecting or  
8 incorporating manure. Nutrients worked into the  
9 soil are less likely to leave the field. It is  
10 time that injection or incorporation, after a  
11 short time, be mandated for all manure application  
12 on annual cropland. This technology currently  
13 exists to apply this to all manure types on most  
14 cropping systems, including minimum tillage.

15                   The Provincial Government needs to  
16 assist producers in lowering the nutrients being  
17 excreted from the pig. The easiest way to do this  
18 is by limiting the nutrients going into the pig.  
19 Specifically, the Provincial Government needs to  
20 push the Federal Government and the CFIA to update  
21 the phosphorus requirements in swine feed. The  
22 Provincial Government should provide funding for  
23 the next step in this process as well, if they are  
24 not already doing so, which is for the production  
25 of low phytate feed grains. These grains will



1 further improve the ability of livestock to absorb  
2 phosphorus out of the course grain portion of  
3 their diet.

4                   Number four, producers need more  
5 certainty in the approval process. There needs to  
6 be a way that sites that meet the necessary  
7 requirements have an opportunity for appeal. One  
8 possible idea will be to set up an appeal board  
9 with representation from impacted parties such as  
10 the livestock sector, municipal planning, and the  
11 Provincial Government.

12                   I would say that, in general, the  
13 current existing regulations are adequate, and I  
14 think the environmental livestock team at Manitoba  
15 Conservation should be praised for working with  
16 producers to comply with regulations. I am  
17 convinced that this relationship has led to  
18 greater compliance in the entire industry. I  
19 think we heard earlier a number of about 95 per  
20 cent, which I think is excellent. I think this  
21 attitude needs to continue, but also those  
22 producers who continue to practice willful  
23 disobedience of the existing regulations need to  
24 face different consequences. If the easiest way  
25 to accomplish this is with more enforcement





1 officers, then so be it. These producers are  
2 making the rest of us look bad.

3                   We need to focus on the science and  
4 things that we know are true. These are the easy  
5 things to accomplish. The science will convince  
6 producers it is the right thing to do, and at the  
7 end of the day, we, the general public, including  
8 swine producers, will get what we want, which is  
9 healthier lakes and streams. Thank you.

10                   THE CHAIRMAN: Thank you very much,  
11 Mr. Manness. In the middle, I think it's your  
12 third page, you talk about producers are trying  
13 out new ideas like in-crop application techniques  
14 and variable rate technology as well.

15                   MR. MANNES: Yes.

16                   THE CHAIRMAN: Could you explain  
17 those?

18                   MR. MANNES: Certainly. In-crop  
19 application techniques would be the use of  
20 applying manure when the crop is already growing,  
21 which is -- historically manure has been either  
22 applied in the spring or in the fall, and it  
23 allows the nutrients to be, the crop to be  
24 uptaking the nutrients essentially as they are  
25 being put on. And variable rate technology is the



1 use of, basically breaking individual fields down  
2 into separate management zones based on the  
3 productive capacity of the individual portion of  
4 the field. So that in areas where there is a  
5 greater yield potential -- where there's greater  
6 yield potential, then there's opportunity for more  
7 nutrient uptake. So it is matching manure  
8 application to those type of fields.

9 THE CHAIRMAN: Now, in your  
10 recommendations, you state that you are not  
11 inclined to incur more costs if it's not going to  
12 benefit you.

13 MR. MANNES: Could I just make one  
14 statement?

15 THE CHAIRMAN: Certainly.

16 MR. MANNES: I think, not that it  
17 won't benefit me, but if it doesn't benefit  
18 anyone, I don't really want to incur it.

19 THE CHAIRMAN: True, true. But you do  
20 make some fairly tough recommendations. You think  
21 that injection or incorporation should be  
22 mandatory.

23 MR. MANNES: On annual crop land,  
24 yes.

25 THE CHAIRMAN: Yes. And then you are



1 also tough on treating producers who continue to  
2 practice willful disobedience.

3 MR. MANNES: Yes.

4 THE CHAIRMAN: Just to get back to  
5 your point about injection or incorporation, you  
6 obviously have a fairly small operation if you're  
7 still able to winter spread?

8 MR. MANNES: Yes.

9 THE CHAIRMAN: How much do you  
10 currently inject or incorporate?

11 MR. MANNES: From our small  
12 operation, none.

13 THE CHAIRMAN: Okay. But you are of  
14 the view that it should be mandatory for all?

15 MR. MANNES: Yes, absolutely. I  
16 think certainly with producers that have existing,  
17 you know, for instance, the honey wagon as it's  
18 called, with the splash plate on the back, then  
19 why, you know -- it is just a matter of making the  
20 point of going out to work it in after it's been  
21 applied, because it's the right thing to do.

22 THE CHAIRMAN: Okay. Thank you.  
23 Edwin.

24 MR. YEE: Yes, Mr. Manness. I just  
25 have one question, Mr. Chairman. In terms of,



1 we've heard from previous presenters and we've  
2 heard at other hearings on the issue of who should  
3 be making the decision, especially I guess in  
4 terms of conditional use. Some people have said  
5 it should be provincial, other people say it  
6 should be left at the municipal level. You have  
7 also mentioned here, in terms of an appeal  
8 process, that there should be someone available,  
9 or a board for an appeal process. How do you  
10 feel, or what are your comments in terms of the  
11 issues as to should it be provincial versus  
12 municipal? As well as we heard from the earlier  
13 speakers, there needs to be transparency and  
14 public input into it. How do you feel that should  
15 all be addressed?

16 MR. MANNES: I guess it -- I have  
17 no -- I think that the public should be involved.  
18 The question is, who has the right to speak at  
19 these hearings I think is a reasonable question.  
20 The concerns of neighbours, you know, of my  
21 neighbours, you know, I need to take those into  
22 consideration when siting an operation. And they  
23 should be involved and they should have input.  
24 Can their needs be met all of the time, exactly as  
25 they want it? Probably not. But should they have





1 reasonable consideration? I think absolutely.  
2 Should the municipality be involved? Absolutely  
3 the municipality should be involved. The  
4 Provincial Government, as they state in the  
5 Planning Act now, they are the ones that have the  
6 environmental expertise.

7                   The concern is that you can put  
8 forward an excellent proposal, and I saw this  
9 quite a bit in my previous employment, an  
10 excellent proposal, a family farm proposal for all  
11 the right words, and be turned down with no  
12 reason. Just here is a letter, you have been  
13 declined, and that's it. You know, wait for the  
14 next round of municipal elections and try again.  
15 And I don't think that that's the right process.  
16 I don't think it serves, I don't think it serves  
17 anybody, serves anybody very well.

18                   MR. YEE: Thank you, Mr. Manness.

19                   MR. MOTHERAL: Mr. Manness, I take it  
20 from where you are, from Domain, that you are in  
21 the RM of Macdonald?

22                   MR. MANNES: That is correct.

23                   MR. MOTHERAL: I take from this that  
24 you are not pleased with their operating policy  
25 now in their planning. Are they not allowing very



1 many operations, or how many operations are there  
2 in your municipality? I mean, if that's a fair  
3 question, are there many large hog operations?

4 MR. MANNES: There are a number. I  
5 wouldn't say that I'm specifically opposed to our  
6 municipality, but our farmland borders very  
7 closely on two other municipalities as well. And  
8 I think that the problem is that there's no  
9 certainty, and so we don't know whether -- you  
10 know, obviously there's risk involved in putting  
11 forward a proposal, but how do we -- you know, for  
12 my brother and I, who is six years younger than I  
13 am, if we wanted to buy land, for instance, and  
14 look at an opportunity in that regard, is to group  
15 our land in such a way, we need to incur the land  
16 before we can expand the hog operation portion of  
17 our business. But, really, the way that it is now  
18 is that all it takes is a change in council and  
19 things could change drastically. And I think that  
20 would be my -- I don't know if that answers your  
21 question.

22 MR. MOTHERAL: Yes, it does in a way.  
23 Like it isn't something, it's not the first time  
24 we have heard this, we have heard this from  
25 several municipalities, where some have a



1 development plan that allows something and maybe  
2 neighboring ones don't. And then we've heard from  
3 some people that they would like more consistency  
4 in that. And of course, we've heard that from  
5 Keystone Producers also. But I know that we won't  
6 hear from that tonight, we have municipal  
7 representation coming tonight, and I know  
8 municipalities always want to have that final say  
9 in land use planning.

10 MR. MANNES: I think that  
11 municipalities should be, I think the process is  
12 close, but if -- I just don't, you know, I just  
13 think it's right at the end of the day that they  
14 send you a notice in the mail that says, you have  
15 been declined, and that's it.

16 MR. MOTHERAL: I can't comment on  
17 that. That's part of the Planning Act and that's  
18 the way it is.

19 MR. MANNES: Absolutely, and that's  
20 my issue with that.

21 MR. MOTHERAL: Just one more thing  
22 here. What are your levels of phosphorus? Do you  
23 have any problems with the new regulations at all?

24 MR. MANNES: No, none at all.

25 MR. MOTHERAL: Your phosphorus is



1 being used up?

2 MR. MANNES: Probably the biggest  
3 issue for phosphorus and most annual crop  
4 situations is the fact that you have to swallow a  
5 tough pill and give the manure to your neighbour.  
6 In areas of annual crop land with abundant spread  
7 acres, that really is probably the reality.

8 MR. MOTHERAL: In that case, I'd like  
9 to be your neighbour. Thank you.

10 THE CHAIRMAN: If municipalities were  
11 required to give reasons for their decision, would  
12 that help?

13 MR. MANNES: Yes, and so then they  
14 need to be able to defend those reasons, they  
15 should be able to then defend those reasons in  
16 front of a panel of --

17 THE CHAIRMAN: An appeal process,  
18 okay. Thank you very much.

19 James Hofer.

20 JAMES HOFER, being first sworn, presented as  
21 follows:

22 THE CHAIRMAN: Go ahead.

23 MR. HOFER: Good afternoon,  
24 Mr. Chairman and panel members. My name is James  
25 Hofer. Thank you for the opportunity to address





1 this panel on important matters which affect  
2 Hutterian tradition, livelihood, values and  
3 future. I come from the Starlite Colony,  
4 Starbuck, Manitoba, where I am the hog manager.

5 I am privileged to address this panel  
6 and put forth the views and concerns of 16  
7 colonies from south central Manitoba, which  
8 provided 25 delegates to dialogue about hog  
9 industry issues, challenges and opportunities, and  
10 how we address key issues and move forward in the  
11 future.

12 This report, which I have tabled with  
13 the panel, from our April 12th workshop, provides  
14 details on colony representation, strengths,  
15 assets, and opportunities of the hog industry in  
16 Manitoba, our missions, values and vision, issues  
17 facing the hog industry in Manitoba in order of  
18 priority from our perspective, our practices and  
19 how they address the issues, other solutions and  
20 recommendations.

21 Our opening statement, based on  
22 strengths and assets, opportunities, Hutterian  
23 brethren have a rich history and family tradition  
24 of producing healthy, safe and quality food for  
25 Manitoba and elsewhere, while supporting the



1 rural, urban and provincial economy. We recognize  
2 and welcome the opportunity to demonstrate our  
3 operations and practices collaboratively with  
4 industry organizations, governments, and the  
5 public, as we work together innovations,  
6 improvements and recipes for success. We also  
7 recognize that the future holds possibility in  
8 diversification and growth in technology, value  
9 added natural products, expanded exports, organic  
10 operations and green energy.

11 I now move my Powerpoint presentation,  
12 Mr. Chairman.

13 Presentation outline, Colony  
14 representation, our mission and values, our  
15 vision, issues facing the hog industry ranked, our  
16 practices, recommendations, visual examples,  
17 conclusion. Participating colonies are listed  
18 here.

19 Our mission, our values: In pursuing  
20 environmental sustainability as number one  
21 farmers, we take seriously and value family, our  
22 reputation, helping and sharing in the community,  
23 volunteering, being good neighbours.

24 Our role as producers and suppliers:  
25 Honesty and straightforwardness, conserving



1 resources through practices like composting,  
2 recycling and rebuilding the soils.

3                   Details are in the report that I have  
4 tabled, Mr. Chairman, from the workshop.

5                   Our vision: We strive to be leaders  
6 in Manitoba's hog industry, recognized and  
7 supported as number one producers of a number one  
8 product with the highest operating and  
9 environmental standards. We will work  
10 cooperatively with organizations, governments, our  
11 neighbours, to achieve true sustainability in a  
12 healthy, green and vigorous rural setting,  
13 honouring the Creator in how we care for His land,  
14 His creature and each other.

15                   Industry and operations issues ranked:  
16 Odour, water supply and quality, nutrient/manure  
17 management, soil quality, and land use planning.  
18 This is the way we ranked them from our workshop  
19 in the order that we came up with, and we could  
20 debate which order to put them in. But for  
21 discussion purposes, we ranked them this way.

22                   Other issues: Lack of understanding  
23 about regulations, compliance, operations,  
24 techniques, progress, public information,  
25 messages, roles, responsibilities. What are they



1 and who does what? Unfair, inaccurate scrutiny in  
2 the face of more serious pollution sources, as we  
3 have heard today.

4           Enforcement: To address these issues,  
5 Mr. Chairman, we communicate with, inform and  
6 educate neighbours, public, profession, operators,  
7 government, and ourselves. Follow specifications,  
8 manure storage, siting, treatment and spreading.  
9 Uphold practices, injection, incorporation, crop  
10 rotation, zero till. Conserve water, filtration,  
11 recycling, reducing waste. We also embrace  
12 technology, two cell lagoons, enzymes, low phytate  
13 grain. Develop, follow manure management plans,  
14 undertake soil testing, manage barn operations and  
15 equipment, use buffers and setbacks, follow feed  
16 strategies including enzymes, phase feeding, low  
17 phosphate.

18           Recommendations: Enhanced research  
19 and information sharing, public relations,  
20 training, testing and recording, audited  
21 management plans, self-policing, increased  
22 enforcement, appropriate application of  
23 fertilizers.

24           Recommendations continued: Standards,  
25 recognition certification awards. We have heard





1 examples this afternoon on this also. Improved  
2 buffers, revised complaint process, third party  
3 assessment, willingness to adapt, continuously  
4 improve, doing and be seen to be doing the right  
5 thing.

6                   And this leads us into -- visual  
7 examples follow, Mr. Chairman, of some colony  
8 operations. This is where I live at Starlite  
9 Colony. And this is a picture of the barns right  
10 at the colony.

11                   THE CHAIRMAN: Your colony?

12                   MR. HOFER: Yes.

13                   THE CHAIRMAN: This is another colony  
14 just north of Portage la Prairie here, the Airport  
15 Colony, from a different angle. This is another  
16 colony just north of Portage here, the Northern  
17 Breeze Colony.

18                   THE CHAIRMAN: What's the lake at the  
19 bottom? Is that Lake Manitoba?

20                   MR. HOFER: That's part of Lake  
21 Manitoba, yes. This is the Delta Colony. You can  
22 see their manure storage facility, well kept, no  
23 waterways near it. Just a side view from one of  
24 the structures, one in construction. This is our  
25 earthen manure storage that we just built at



1 Starlite Colony and we chose to have it clay lined  
2 according to the specs of Conservation, and to go  
3 a step beyond what the regulations are, we went  
4 ahead and we concrete lined the storage.

5 THE CHAIRMAN: How thick is the  
6 concrete?

7 MR. HOFER: There is a 30-foot, I call  
8 it an interstate that goes from one end of the  
9 storage to the other, that is six, eight inches  
10 thick with rebar, and the sides are four inches  
11 with the fiber in the concrete. But the driving,  
12 the agitation is only done on the ends where  
13 concrete is the rebar.

14 MR. MOTHERAL: Just, I was going to  
15 ask the question later anyway. How much did that  
16 cost to put the cement down there, do you have any  
17 idea?

18 MR. HOFER: To put the concrete in  
19 cost us right around 30, \$40,000. That's an  
20 example, Mr. Chairman, panel members, of how we  
21 exceed and respond to regulations.

22 In conclusion, Hutterian Brethren  
23 recognize the importance and responsibilities  
24 associated with the hog industry in Manitoba. We  
25 are willing to adapt, continuously improve, and



1 not only do the right thing, but be seen to be  
2 doing the right thing. We see the need for public  
3 education about expertise, technology, standards,  
4 regulations, zoning, processes, and compliance in  
5 the industry. We urge regulators to address all  
6 phosphate sources for fair and equitable  
7 monitoring, enforcement and remedy. A blend of  
8 good information, sound science, effective  
9 communication, technology with team work and  
10 neighbourly audits will help keep the hog industry  
11 in its rightful place for the benefit of families,  
12 communities and the province. Thank you.

13 THE CHAIRMAN: Thank you, Mr. Hofer.  
14 I'd just like to ask a question or two about your  
15 recommendations. You talk about public relations,  
16 training, testing and recording, audited  
17 management plans, self-policing. Could you expand  
18 on those just a little bit, what you have in mind  
19 or what your group has in mind in respect of  
20 those?

21 MR. HOFER: We certainly have more  
22 detail in our report, Mr. Chairman, but when we  
23 talk about public relations, for an example, at  
24 the Starlite Colony we just constructed a new hog  
25 barn two years ago, and part of that hog barn has



1 an interpretive centre that is open to the public,  
2 causes no biosecurity risks, and we get school  
3 children, local people come in and have a look at  
4 how we operate and produce wholesome pork.

5 THE CHAIRMAN: Training, what are you  
6 looking at for training?

7 MR. HOFER: Training is something that  
8 the industry, together with the government, has  
9 been promoting. For an example, through the  
10 apprenticeship program, pork production has been  
11 recognized as a trade and is being taught out of  
12 the Assiniboine Community College. And that's  
13 something that the government needs to keep on  
14 supporting and help the industry establish  
15 certified journey people. Because in my view,  
16 quite frankly, with the size of the operations and  
17 with the way production practices are moving,  
18 we've got Canadian quality assurance program,  
19 we've got the American feed regulations, we've got  
20 the animal assessment program coming, we need a  
21 certain level of professionalism working in those  
22 barns to be able to ensure that the consumer can  
23 feel confident we are producing a product that we  
24 are in control of and that is, in my mind, the  
25 highest quality anywhere in the world.





1                   THE CHAIRMAN: And self-policing, what  
2 do you have in mind there?

3                   MR. HOFER: Self-policing is something  
4 that works, and the army has really demonstrated  
5 that very well. You are part of a regiment, and  
6 if somebody goofs up, everybody suffers, and so  
7 one looks out for the other. And part of the farm  
8 management plans have that proponent in there  
9 where one farm will audit the other to make sure  
10 that he is meeting the requirements.

11                  THE CHAIRMAN: Thank you. Wayne.

12                  MR. MOTHERAL: Yeah. Just back to the  
13 self-policing. Do you mean, and I think I know  
14 what you mean, but do you mean with the industry  
15 itself or do you mean with the Hutterite colonies?

16                  MR. HOFER: I'm talking industry.

17                  MR. MOTHERAL: I know it works in a  
18 lot of other areas. That is all.

19                  MR. YEE: Thank you, Mr. Chairman.  
20 Yes, Mr. Hofer, again on the same lines of  
21 recommendations, if you can just perhaps comment  
22 on this. You mentioned improved buffers. Can you  
23 expand a bit on that what you mean by improved  
24 buffers? Are you referring to the current buffer  
25 zone requirements or --



1                   MR. HOFER: I'm not sure what we are  
2 thinking there, Edwin.

3                   MR. YEE: And I guess one other  
4 question then, in terms of you mentioned under  
5 other issues unfair inaccurate scrutiny, can you  
6 elaborate a bit more on that? There's a bullet  
7 under other issues, unfair inaccurate scrutiny in  
8 the face of more serious pollution sources?

9                   MR. HOFER: We kind of as an industry  
10 feel that we've been singled out by government and  
11 put under a microscope in spite of what research  
12 or what science has demonstrated, and where  
13 nutrients are coming from and how they are being  
14 managed. We're not denying that we are  
15 contributors, but even if we do everything right  
16 in Manitoba, the watershed extends into Alberta,  
17 into Ontario, and into North and South Dakota. So  
18 we have to keep those point sources in mind when  
19 we try and address or fix a problem, mainly, we're  
20 talking Lake Winnipeg here.

21                   MR. YEE: Thank you, Mr. Hofer.

22                   THE CHAIRMAN: Thank you very much,  
23 and thank you to all of your colleagues on the 16  
24 different colonies that got together. Thank you  
25 for taking the trouble to put this together and



1 come out this afternoon and present it.

2 MR. HOFER: Thank you.

3 THE CHAIRMAN: We'll break now until  
4 7:00 o'clock.

5 (PROCEEDINGS RECESSED AT 5:10 P.M.

6 AND RECONVENED AT 7:00 P.M.)

7 THE CHAIRMAN: Good evening, ladies  
8 and gentlemen, welcome to our little sauna in the  
9 basement down here. Those of you that have been  
10 here all day will know that it has been quite hot  
11 down here.

12 Again, we have a very full schedule,  
13 so I'm going to be enforcing the time limits  
14 pretty strictly. We have seven presenters between  
15 now and about 9:15. I would just like to remind  
16 people of my earlier admonitions. Please turn off  
17 cell phones. Please do not engage in  
18 conversations while people are making  
19 presentations.

20 The first person this evening is  
21 Mr. Ron Bell from the Association of Manitoba  
22 Municipalities. Come up to the front table,  
23 please, sir?

24 RON BELL, having first been sworn, presented as  
25 follows:



1 THE CHAIRMAN: Go ahead, sir.

2 MR. BELL: Yes. My name is Ron Bell,  
3 I'm the president of the Association of Manitoba  
4 Municipalities. The Clean Environment Commission,  
5 as a part of its investigation, will review the  
6 current environmental protection measures now in  
7 place --

8 THE CHAIRMAN: Sir, can I ask you to  
9 slow down, we are recording these and the recorder  
10 can't keep up.

11 MR. BELL: -- now in place relating to  
12 hog production in Manitoba in order to determine  
13 their effectiveness for the purpose of managing  
14 hog production in an environmentally sustainable  
15 manner. The Association of Manitoba  
16 Municipalities understands that environmental  
17 protection is vital to a healthy economy and is  
18 directly linked to healthy communities.

19 The AMM is submitting concerns  
20 regarding municipal concerns for the CEC's  
21 consideration in the hog production industry  
22 review. AMM represents the 198 municipalities in  
23 Manitoba, and our chief role is to ensure our  
24 members' interests are represented. This is the  
25 reason the AMM are presenting two general issues





1 that are of concern to municipalities in Manitoba.

2           The role of municipalities is to  
3 address local concerns regarding land use. The  
4 Provincial Government is responsible for  
5 environmental perspectives. Therefore, the AMM is  
6 concerned about the impact on municipal planning  
7 and the public process associated with both  
8 environmental assessments and the technical review  
9 committee. These concerns are crucial to the  
10 environmental, economic and social well-being of  
11 communities and need to be taken into  
12 consideration through the CEC's investigation and  
13 subsequent recommendations.

14           The recent review and modification of  
15 the Planning Act has had a tremendous impact on  
16 municipalities province-wide. New regulations  
17 have required municipalities and/or planning  
18 districts to create development plans and zoning  
19 bylaws to encourage sustainable planning and  
20 development within the province. Our livestock  
21 operation policy is a requirement as part of the  
22 development plan, with section 42, subsection 2,  
23 in the Planning Act laying out the requirements.  
24 Municipalities are required to have this work  
25 completed by January 1, 2008. And while many have



1 already been completed, there are still many still  
2 forthcoming.

3                   The work of the CEC could have a  
4 significant impact on municipal planning,  
5 therefore, the AMM is requesting that the CEC  
6 complete the review promptly to ensure that  
7 municipalities are able to complete the planning  
8 process. The review of the Planning Act resulted  
9 in municipalities spending the last year adapting  
10 to a new planning system. The CEC's  
11 recommendations have the potential to have major  
12 implications for the Planning Act, however these  
13 should ensure that the Act's general principles  
14 are not altered. The CEC should not make  
15 recommendations regarding the Planning Act, but  
16 should only make changes to the province's  
17 environmental protection strategy.

18                   Municipalities and key stakeholders  
19 have previously participated in a protracted  
20 consultation process to renew this important  
21 legislation, and it would be unfair for municipal  
22 councils to have to work with a constantly  
23 changing set of planning rules. We believe that  
24 the current act, while not exactly what any single  
25 stakeholder advocated for, is the best available



1 solution, and thus the Planning Act should remain  
2 unchanged.

3                   Development of future regulations has  
4 the potential to increase the responsibility of  
5 municipalities in the planning process. Municipal  
6 budgets are already overextended, and municipal  
7 governments are not in the position to take on  
8 additional costs and responsibilities.  
9 Considerable capacity is required to make the  
10 current regulations a reality. The capacity of  
11 municipalities to increase their land use planning  
12 responsibilities to meet proposed recommendations  
13 should be kept in mind throughout the hog  
14 production industry review.

15                   Public consultations are a vital  
16 mechanism for ensuring that people have an  
17 opportunity to voice support and concerns in  
18 relation to a plan. The Clean Environment  
19 Commission has provided stakeholders an  
20 opportunity to provide an overview of specific  
21 concerns to assist in the development of the hog  
22 production industry review. As well, the CEC has  
23 a process that allows for an additional  
24 opportunity to further discuss issues, including  
25 land use planning and approvals, as specified in



1 the guide.

2                   Local control of decisions made  
3 regarding land use is fundamental to a high  
4 quality planning process, and the CEC should  
5 ensure that this opportunity for local knowledge  
6 to be included in the process remains intact. The  
7 land use planning process and the environment  
8 assessment processes are both equally important  
9 and should include opportunities for stakeholder  
10 input. This increases the strength and  
11 acceptability of decisions and is an indication of  
12 good governance.

13                   One of the key attributes of the  
14 current planning and licensing process is that the  
15 province is responsible for environmental issues,  
16 while municipalities are accountable for land use.  
17 The Provincial Government has the expertise and  
18 capacity in regard to environmental concerns and  
19 should be held responsible for the information  
20 they produce. The Province of Manitoba needs to  
21 be accountable for environmental decisions,  
22 therefore, technical information should not be  
23 left to be defended by municipal councils during  
24 the public hearings required by the Planning Act.  
25 This is why the AMM believes that the technical





1 review committee should be required to attend all  
2 municipal public hearings for which they have  
3 provided information.

4           It is important to the transparency of  
5 the planning process to verify all technical  
6 information received from the TRC, and allowing a  
7 public inquiry of the science based information  
8 would assist the public in accepting this as being  
9 true.

10           The AMM also believes that there  
11 should be local involvement on the TRC. This  
12 would allow local knowledge to be incorporated and  
13 cross checked with technical information. The TRC  
14 process needs to be examined to ensure that the  
15 information presented is precise. Municipalities  
16 will defend their own political decisions,  
17 however, should not be required to defend the  
18 technical decisions made by the province. There  
19 is adequate opportunity for this public process to  
20 occur at municipal public hearings.

21           The Provincial environmental licensing  
22 and approval process also needs to be examined.  
23 Currently the process allows for public hearings  
24 to be held at the discretion of the Minister of  
25 Conservation, and in reality are seldom held.



1 These public hearings should be mandatory, not  
2 simply based on how politically controversial an  
3 issue is. This would increase the transparency of  
4 the licensing and approval process, while allowing  
5 for public acceptance and understanding of the  
6 technical and environmental information being  
7 reviewed. The AMM believes that increasing the  
8 opportunity for public involvement would increase  
9 support for the science-based research and  
10 evaluation created by the province. Many citizens  
11 feel the need to be shown that the Provincial  
12 Government has taken proper care in gathering and  
13 assessing environmental information. As long as  
14 the public has no assurance that this is the case,  
15 they will continue to fight through the more  
16 public municipal land use planning process.

17           So in summary, the AMM believes it is  
18 critical that all Manitobans be made aware of the  
19 overall long-term Provincial environmental  
20 strategy for the hog production industry. The  
21 planning decisions made by the Province and  
22 municipalities have the opportunity to have  
23 positive environmental impacts affecting the  
24 residents' health and quality of life.  
25 Municipalities are constantly striving to create



1 healthy and balanced communities that have a  
2 positive impact on the environment, however, can  
3 only do so when they have a stable set of planning  
4 rules with which to adhere. The AMM believes that  
5 the CEC should ensure that the Planning Act  
6 remains unchanged.

7                   However, the AMM believes that the  
8 environmental licensing and technical review  
9 committee processes should be reviewed to ensure  
10 that crucial science-based information is  
11 available to the public regarding all hog  
12 production facilities. This will improve the  
13 quality of information presented and will assist  
14 in the dissemination of technical information and  
15 planning decisions. Improving the public process  
16 with increased communication among all  
17 stakeholders will allow for increased  
18 understanding and knowledge of planning and  
19 environmental licensing process.

20                   The AMM board would like to ensure  
21 that the CEC continues to be attentive to the  
22 needs of municipalities in this review in order to  
23 assist in making the recommendations viable. It  
24 is also important that this review be completed,  
25 keeping in mind the positive work that has been



1 previously completed in Manitoba. And that is my  
2 submission.

3 THE CHAIRMAN: Thank you very much.

4 Wayne, would you like to kick off?

5 MR. MOTHERAL: Thank you,  
6 Mr. Chairman. Yes, Mr. Bell, the new Planning Act  
7 with its inclusion that all municipalities have to  
8 come up with the livestock operation policy, and  
9 as you say in your presentation, many  
10 municipalities are holding back kind of waiting  
11 for the submission of this Commission probably, we  
12 heard that all over the province. We have heard  
13 today too, and in several places where -- the need  
14 for consistent planning in the province too. And  
15 you have probably heard this from many  
16 municipalities, how some have their development  
17 plan in place and would allow something as long as  
18 they come within their guidelines, and then the  
19 next municipality not. And we had a presentation  
20 today that asked for an appeal process, because  
21 municipalities do not have to give any reason at  
22 all why they turn things down. In your  
23 estimation, do you think that is right?

24 MR. BELL: I think that we have the  
25 right rules through the Planning Act. I believe





1 that there is no such thing as a consistent, or  
2 there should not be any such thing as a consistent  
3 policy across all of Manitoba. Our communities  
4 are different. We couldn't possibly have the same  
5 rules, especially for livestock, say in the  
6 municipality of the City of Winnipeg, as we would  
7 in the RM of Louise, or in a remote municipality  
8 in Northern Manitoba, or in a community along side  
9 a resort area. I think it is important that the  
10 local people have an opportunity to express what  
11 they believe should be happening in their  
12 communities.

13 MR. MOTHERAL: Thank you. Do you feel  
14 as though you have a real solidarity as far as  
15 most municipalities wanting control over their own  
16 planning? I mean, we have heard some places where  
17 some municipalities would rather have the province  
18 look after it, depending on what kind of problems  
19 they are having. Is it fairly solid?

20 MR. BELL: Yes, I would say it is. I  
21 know that in some cases there may have been some  
22 municipalities where it has been a very tough  
23 issue, but in the last two years, we believe we  
24 have solid support across all of Manitoba for the  
25 Planning Act.



1                   MR. MOTHERAL: Okay. That is all I  
2 have, I may have something later on, but that is  
3 all for now.

4                   MR. YEE: Yes, Mr. Bell, I guess  
5 following up on Mr. Motheral's comments, we heard  
6 from some of the municipal officials that in the  
7 past, before the changes to the Planning Act, they  
8 were able to put conditions on manure management,  
9 and of course with the Planning Act that is  
10 outside of their purview now. How do you feel  
11 about that? Should the municipalities have the  
12 ability to put more conditions on in terms of  
13 manure management?

14                   MR. BELL: I guess that is a bit of a  
15 tough issue. You know, at the time of the  
16 Planning Act review, we felt that there may have  
17 been some other areas that we could have control  
18 of. And having to do with odour control, you  
19 know, it specifies in the Act that we can deal  
20 with odours from the lagoons as far as shelter  
21 belts and things like that, covers. But for odour  
22 protection, we felt there should maybe be some  
23 circumstances around that. But, you know, many  
24 municipalities do not have the technical  
25 capability of doing a really good job of that.



1 And you know, with the clear distinction on  
2 environmental handled by the province, and land  
3 use planning handled by the municipalities, it  
4 does leave a fairly clear designation about who  
5 does what.

6 MR. YEE: And you mentioned also in  
7 your presentation that the AMM believes that there  
8 should be local involvement on the TRCs. How  
9 would that be facilitated, or what sort of  
10 involvement do you feel is required?

11 MR. BELL: I guess the point of that  
12 is, on the environmental sides and on the  
13 technical review, we think it is important that  
14 the local public have a sense that the issues have  
15 been looked at, that the technical review  
16 committee or the environmental approval committee  
17 truly knows all of the aspects of what is  
18 happening on that particular site. And so that is  
19 why we think that having a local person there  
20 would ensure that any local knowledge would be  
21 transferred to that committee.

22 MR. YEE: And when you mentioned  
23 allowing public inquiry of science-based  
24 information, I guess you are referring to the  
25 environmental licensing process and having



1 hearings. So is it your opinion that the province  
2 should be issuing licenses for all of these hogs  
3 operations?

4 MR. BELL: Well, there is a  
5 requirement for the province to approve an  
6 environmental license. I think we believe, well,  
7 I know that we believe that a lot of the public  
8 unrest around some of the hog developments are in  
9 place because they are not entirely sure that the  
10 environmental aspects have all been looked at.  
11 And there is no way, there is no public way that  
12 they can say, well, have you, or are you aware  
13 that there is a well within a mile or, you know,  
14 do you know that the aquifer has been looked at?  
15 And so when the public isn't sure whether those  
16 things have been looked at, sometimes it is a  
17 natural assumption to assume they haven't been.  
18 And so if they could have those matters clarified,  
19 to know that all of their concerns had been looked  
20 at and what the responses would be to them, I  
21 think that we would have a public that is more  
22 willing to look at these developments.

23 MR. YEE: I guess in the same theme,  
24 just to expand on that, in the current conditional  
25 use hearings, is the technical review committee's





1 report provided to the general public or to other  
2 stakeholders that attend the hearings?

3 MR. BELL: I have to tell you that I'm  
4 not entirely sure that is the case. I just don't  
5 know the answer to that. Our big concern is that  
6 there is not necessarily at those hearings anybody  
7 to speak on behalf of the technical review  
8 committee. So, again, the answers may not be  
9 given.

10 MR. YEE: Thank you, Mr. Bell.

11 THE CHAIRMAN: Mr. Bell, at one point  
12 you suggest, towards the end of your presentation  
13 you suggest that under the provincial  
14 environmental licensing and approval process that  
15 public hearings should be mandatory. Are you  
16 suggesting that there be a mandatory public  
17 hearing for all applications for an environmental  
18 license?

19 MR. BELL: Above the 300 animal unit.

20 THE CHAIRMAN: You are just talking  
21 about for hog industry?

22 MR. BELL: Yes.

23 THE CHAIRMAN: Okay. Thank you. If  
24 it were for all applications, I'm not sure how we  
25 could manage it, because we have a very small



1 staff.

2 MR. BELL: We are trying to stay  
3 within the hog industry in this presentation.

4 THE CHAIRMAN: Okay, thanks.

5 Wayne, you had another question?

6 MR. MOTHERAL: Yes. Just one more  
7 comment, Mr. Bell, on the, and I'm finding this  
8 very interesting, the local involvement on the  
9 TRC. I have to almost agree, I actually agree  
10 with this, but I would like to know more about how  
11 you feel local involvement -- do you mean somebody  
12 outside of the municipality, outside of the  
13 council, or do you mean including council or what?

14 MR. BELL: I guess I'm not being  
15 specific as to, but somebody from the community,  
16 somebody who has local knowledge, we think that  
17 that is important.

18 MR. MOTHERAL: Just in our case there  
19 is probably 25 out there that are experts.

20 MR. BELL: Especially on council.

21 MR. MOTHERAL: It is very interesting  
22 to know that, because the technical review  
23 committee, we have been up and down, all over the  
24 place with this, with that issue. So thank you.

25 THE CHAIRMAN: Thank you very much,



1 Mr. Bell, thank you for your presentation this  
2 evening.

3 MR. BELL: Thank you for listening.

4 THE CHAIRMAN: Randy Smith?

5 RANDALL SMITH and CHERYL SMITH, having been sworn,  
6 presented as follows:

7 MR. SMITH: Thank you. Good evening,  
8 Chairman Sargeant, commissioners, ladies and  
9 gentlemen. My name is Randy Smith, president of  
10 the Sandpiper Beach Lake Manitoba Estates  
11 Association of the RM of St. Laurent. We hope to  
12 provide you with some information tonight about  
13 our neck of the woods, which I hope you find  
14 informative. And to start with, I'm going to ask  
15 the founder of our association and my wife, Cheryl  
16 Smith, to tell us a little bit about St. Laurent,  
17 our community.

18 MRS. SMITH: St. Laurent is located  
19 approximately 60 kilometres northwest of Winnipeg.  
20 The community is accessed by Provincial Highway  
21 number 6 and has its west boundaries formed by  
22 Lake Manitoba. The latest census reported that  
23 the population of RM of St. Laurent is up to  
24 1,456, and this was an increase of 26 per cent.  
25 This number doubles, if not triples during the



1 summer months as the RM has six beach developments  
2 with well over 1,000 cottages.

3 St. Laurent is currently being  
4 featured at the Smithsonian Institute in  
5 Washington, DC, as it is the largest Metis  
6 community in the world. The Metis community of  
7 St. Laurent is not to be considered a people of  
8 the past, that we belong in a museum. It is a  
9 vibrant Metis community that still speaks its  
10 Aboriginal language, Metis. The people there  
11 still hunt, trap, and its main economic industry  
12 is commercial fishing.

13 I'm a Metis, part of a family of 12  
14 children, and have fished on Lake Manitoba with my  
15 dad, brothers and sisters. For my brothers and  
16 one sister, this is their livelihood. This is  
17 what they do for a living and count on for their  
18 future as well as their children's future.

19 The Metis community fishers have  
20 invested thousands of dollars throughout the years  
21 in putting together what they call an outfit.  
22 This includes purchasing equipment and training  
23 others as assistants and helpers. Each fisher can  
24 employ up to three people during the fishing  
25 season. In a small community, this is huge.





1                   Now, we will go to the next slides and  
2 the Metis fishers -- sorry, that is not mine.

3                   MR. SMITH: We will try and keep this  
4 straight, but the Metis did welcome us to the  
5 community of St. Laurent, and our association is  
6 now around 200 members strong, but that represents  
7 quite a cross section of year round residents, as  
8 Cheryl mentioned, cottagers, mainly from the City  
9 of Winnipeg in our six beach developments. We  
10 have a high percentage of commuters. Jobs being  
11 scarce in St. Laurent itself, a lot of us commute  
12 to the city. We have students, seniors, retirees,  
13 a large French, Francophone population and English  
14 population. We have residents, as it says, from  
15 many different backgrounds, Aboriginal and  
16 non-aboriginal alike.

17                   Our members are, and I think I can say  
18 unanimously opposed, but I will say strongly  
19 opposed to intensive hog operations locating  
20 anywhere near our wetlands. And later on we will  
21 get a little more into the unique features of our  
22 part of the province.

23                   Now, why our members are opposed, and  
24 I know from reading the transcripts of some of the  
25 past hearings that media headlines and stories are



1 not given perhaps the weight that some of the rest  
2 of us would give them, but we would suggest that  
3 to simply discard what we see in the media is  
4 perhaps as naive as accepting everything that is  
5 so-called science. So there is a headline that  
6 gets our attention, Lake Manitoba is now facing  
7 eco-challenges much like Lake Winnipeg did some  
8 time ago, and we know what has happened in the  
9 case of Lake Winnipeg and how the issues there are  
10 now having to be addressed.

11                   Hogs threat to rural water, and we  
12 read that in the Winnipeg Free Press and of course  
13 we get concerned. So perhaps these are not  
14 headlines that are offered so much for the truth  
15 of what they say, but more importantly for the  
16 state of mind for the effect that it has on the  
17 people in our area reading them.

18                   Twenty minutes north of us is the  
19 village of Lundar and now they are boiling their  
20 water, and we are seeing those headlines in our  
21 local media. It causes us great concern about our  
22 aquifer and our drinking water. Then we see  
23 headlines like this, and that of course causes us  
24 concern as well.

25                   Hogs using lots of water -- well, how



1 much water is there down in the aquifer, and is it  
2 really something that is going to be renewable and  
3 therefore for generations to come? And then we  
4 see doctors about wanting moratoriums on new hog  
5 farms. And a quote from that particular article,  
6 they want to look at the transmissibility of  
7 infection into the community from overburdened  
8 production, water quality and other environmental  
9 issues. So of course this causes the people who  
10 are subjected to these reports, the public,  
11 genuine concern.

12                   We read about what is going on in  
13 other provinces, other jurisdictions, Alberta's  
14 Water Table at Risk from Hog Farms, they say, and  
15 they quote Dr. David Schindler. Once again, more  
16 headlines about the boil water advisory remaining  
17 in effect in Lundar, doesn't look like it is a  
18 transitory thing, not going away any time soon.  
19 And there is always the concern over the smell of  
20 the hog operations. We don't have any hog  
21 operations in our RM per se, but we certainly have  
22 two located on the northern part of the RM of  
23 Woodlands, which is the RM to the immediate south  
24 of us, and if we get a south wind we certainly  
25 notice the stench at that time. And once again



1 more headlines dealing with the boil water  
2 advisory just north of us in Lundar. Health  
3 risks, once again, headlines that are causing us  
4 concern.

5           There is some good news too. We have  
6 reviewed the Water Protection Act and it seems  
7 constructive, it seems promising. We just had it  
8 announced that Lake Manitoba is now getting a  
9 board that is going to be looking at our issues,  
10 our water quality issues, our fishing issues and  
11 what have you, stewardship board. We have had  
12 good news from the RM of Donnotar, they outlawed  
13 septic fields there. And I think we all agree  
14 that that is a good thing when it comes to the  
15 Interlake and our waters. And we have examined  
16 the Department of Conservation's examination into  
17 the sustainability of the hog industry. And there  
18 is some good suggestions offered in there, it  
19 looks promising, especially the ones to do with  
20 Lake Winnipeg, and perhaps they will be giving  
21 some attention to Lake Manitoba issues as well.

22           And we have also noticed in these  
23 hearings, in other transcripts, that some of the  
24 intensive livestock operations appear to be  
25 improving. A case in point is the Marble Ridge





1 Hutterite Colony, and the hearings in Arborg  
2 suggested that they are looking after things quite  
3 well, at least to the satisfaction of their  
4 neighbors.

5                   More good news is that our cottage  
6 country, Lake Manitoba cottage country is  
7 continuing to grow. The third column, I added up  
8 the third column and there are approximately  
9 86,000 people living in what we now call the  
10 Interlake, in those various communities that are  
11 listed there. And then we got some more good news  
12 about abandoned wells being capped by the East  
13 Interlake Conservation District. So these are  
14 things that are happening now that are causing us  
15 to feel better about the future, about what is  
16 happening with our waters, and about the various  
17 sources of pollutants.

18                   What are our main concerns? Well, I'm  
19 sure you heard this 100 times from others, but we  
20 expect and demand healthy groundwater, we expect  
21 and demand protection for Lake Manitoba waters and  
22 its fish stocks. And tourism is growing in our  
23 municipality, and all are enjoying our beautiful  
24 public beaches, the lake-front developments, our  
25 marshes, our navigable channels, and we have



1 channels throughout the entire area, we have water  
2 everywhere. We have bird watching that is world  
3 renowned. We have a new golf course that is  
4 attracting a lot of attention and being enjoyed,  
5 except for when we get the south wind from the RM  
6 of Woodlands and the hog manure storage facilities  
7 there.

8 Cheryl is going to introduce you to  
9 some of our Metis fishers.

10 MRS. SMITH: The Metis fishers are  
11 worried and they have the right to be. They have  
12 witnessed firsthand the changes in the last few  
13 years in regard to their livelihood. The fish  
14 population is down. The main spawning areas are  
15 continually being flooded with chemicals and  
16 nutrients that are not conducive or naturally  
17 found in our environment, especially in our lakes,  
18 streams and drinking water.

19 The Metis people have also seen a  
20 decline in the muskrat population which affects  
21 the trapping industry.

22 The following slides will outline a  
23 few comments which the fishers have contributed to  
24 this hearing today.

25 "For the last few years I haven't been



1 able to make enough from fishing, not like I used  
2 to, I have had to go to Alberta to work."

3 "Thankfully our kids are now on their  
4 own and doing well. I wouldn't want to have to  
5 depend on fishing to pay for their post secondary  
6 education."

7 "Something needs to be done very soon  
8 to protect the fishery."

9 "I want my kids to have the  
10 opportunity to fish for a living. They've grown  
11 up with it but I don't know if that will be there  
12 for them."

13 "I've been fishing for 41 years and  
14 I'm concerned about the dwindling fish stocks.  
15 When we first set our nets after freeze-up, we  
16 often pull up nothing but algae..." complains  
17 Metis Fisher Frank Bruce.

18 Our RM is a highly sensitive  
19 ecological area. I just want to talk about, in  
20 1989 I was elected to the municipal council of St.  
21 Laurent. I served three terms for a total of nine  
22 years. One of the first tasks that I encountered  
23 as a municipal councillor was dealing with the  
24 Provincial Environment Department. It was dealing  
25 with the need to shut down the existing lagoon and



1 the need to build an adequate disposal and  
2 treatment system that would comply with  
3 environmental regulations. The RM retained J.R.  
4 Cousins Consultants, a registered professional  
5 engineering firm. So the municipality had to take  
6 a look at the total area which we thought may be  
7 conducive for a waste disposal site. It was  
8 determined by council and agreed by J.R. Cousins  
9 at that time that the areas such as the marshes,  
10 the swamps, the natural water canals, areas  
11 designated by Ducks Unlimited would not be  
12 appropriate sites. A soils investigation was  
13 conducted by J.R. Cousins. The purpose of the  
14 investigation was to verify the suitability site  
15 for the lagoon.

16                 Samples of the soils were submitted to  
17 an independent testing laboratory, Hardy BBT  
18 Limited, to provide a detailed analysis of the  
19 soils at various depths. In summary, there were  
20 varying concentrations of soil types at varying  
21 depths overlying sandy silt. Silt however  
22 appeared to be the predominant soil type  
23 containing sand, gravel and pebbles.

24                 Given that there were no suitable site  
25 areas to meet the departmental standards to build





1 a new lagoon, it was determined by the council and  
2 requested to the province, based on J.R. Cousins  
3 report, that the RM be allowed to truck in the  
4 suitable soil to build new cells and buffers at  
5 the existing lagoon site.

6           Based on this report and the soil  
7 conditions of St. Laurent, we are hoping that St.  
8 Laurent could be recommended, the RM to be  
9 recommended to be classified as a six or seven as  
10 per Manitoba Conservation standards. We strongly  
11 believe that we would fit into the definition  
12 being as follows: Lands generally containing  
13 areas with steep slope, exposed surface bedrock,  
14 sand dunes, marshes, swamps and so on.

15           The RM of Woodlands, which is adjacent  
16 to the RM of St. Laurent, has been approving major  
17 hog operations. These tend to be located right  
18 next to some of the major streams, such as the  
19 Lake Francis Canal, which is one of the major  
20 spawning areas for Lake Manitoba. Last year it  
21 was February before the canal froze. In all of my  
22 life, I lived there all of my life, I had never  
23 seen this. The lake was frozen but the canal  
24 wouldn't freeze. One has to start questioning  
25 what is in that water?



1                   Last year for the first time in my  
2 life I encountered an algae bloom on the shores of  
3 Lake Manitoba. This is such a horrible sight and  
4 everyone felt sick at the sight of this thick  
5 green type paint that was in the water. There  
6 were children playing with their dog. It was a  
7 long haired dog. They would throw the stick in,  
8 the dog would come out green. It was just an  
9 awful experience.

10                   Points for the province to ponder.  
11 With boil water advisories and beaches being  
12 closed for high e. coli counts, how long until our  
13 drinking water has to be boiled and our beaches  
14 closed? Will we heed the warning signs? Our lake  
15 and aquifer are having environmental chest pains.  
16 Is an environmental heart attack necessary before  
17 we address the causes? Aren't these nature's way  
18 of telling us to slow down? We are flirting with  
19 environmental bankruptcy, so should we now add or  
20 expand hog factories? Wouldn't that be like  
21 buying a new car when you are already in financial  
22 trouble?

23                   MR. SMITH: I get to deal with some  
24 legal issues. And we ask the question, has the  
25 province considered -- and I know it is not a



1 question that the Clean Environment Commission can  
2 answer, but it is perhaps one it can ask in its  
3 recommendations. Has the province considered if  
4 it has a legal duty to consult with Aboriginal  
5 people? And we reference, the Supreme Court of  
6 Canada decisions of the recent, since 2004, the  
7 Haida Nation case, the Taku River case, and the  
8 most recent Mikasew Cree case, which all deal with  
9 the obligation of Crowns, both Provincial and  
10 Federal, to consult with Aboriginal people if any  
11 conduct or any action or any approvals are being  
12 considered by a Provincial or Federal Government,  
13 which could have an effect on an Aboriginal right,  
14 such as an Aboriginal right to fish or trap.

15           We are raising the question here. I  
16 suggest it is something that the province should  
17 seriously consider and have its lawyers look into  
18 these three cases and decide whether, before any  
19 further approvals of any further hog operations  
20 are given by any government body, that the  
21 Aboriginal people of this province that are  
22 involved in fishing, trapping and hunting and any  
23 effect that expanded hog industry could have on  
24 any of those Aboriginal rights, that they are duly  
25 and properly and fully consulted with and



1 accommodated, as per the Supreme Court decisions  
2 that I have referenced, and which I have provided  
3 copies, a short synopsis of each one in the  
4 materials that I have provided to the Commission  
5 tonight.

6                   The second point, has the province  
7 considered whether it may be in a conflict of  
8 interest? Well, that is a related point. If the  
9 province has made promises to the hog industry  
10 about future expansions or about guarantees to  
11 Maple Leaf for a number of hogs to be provided to  
12 the factory, or if it is in some way favoring the  
13 hog industry over the fishing industry, then we  
14 suggest there may well be a conflict of interest,  
15 and perhaps it is time to address and to give  
16 proper recognition to the Aboriginal fishers of  
17 this province who may be affected by an expanding  
18 hog industry.

19                   Now, we have reviewed the earlier  
20 Interlake hearings. And some of the transcripts  
21 from the other hearings such as the one in Virden,  
22 which I found fascinating since I used to live  
23 there, and the one in Brandon and what have you,  
24 and we keep seeing references to good science and  
25 bad science. And we strongly recommend that when





1 you are talking about science, you have respect  
2 for it. Sure, it is of relevance like any other  
3 factor is, but you have to be cautious of it too.  
4 We saw for how long did the tobacco industry hide  
5 behind their science that smoking didn't cause  
6 health problems? We are not saying that the hog  
7 industry is in that same league, but you have to,  
8 we would submit, treat science with caution.

9                   And to back up that point, I have  
10 given you a handout as well on the Supreme Court  
11 of Canada's decisions to do with cases where one  
12 of the parties will hide behind science and say,  
13 well, unless you proved that such and such is  
14 caused by something that I did, then you don't  
15 really have a leg to stand on. And I think we are  
16 hearing that too often in these hearings from the  
17 industry.

18                   We have given you a short one liner on  
19 the Snell v Farrell, Supreme Court of Canada's  
20 decision,

21                   "Causation need not be determined by  
22 scientific precision, it is  
23 essentially a practical question of  
24 fact which can best be answered by  
25 ordinary common sense."



1 And then there is the comment of Justice  
2 McLaughlin, now the Chief Justice of Canada, in  
3 the R.J.R. MacDonald case. And I quote,  
4 "Discharge of the civil standard does  
5 not require scientific demonstration,  
6 the balance of probabilities..."  
7 and I would editorialize here, and that is what we  
8 are dealing with in the these types of issues. We  
9 are not dealing with proof beyond a reasonable  
10 doubt or proof to a certainty that the problems  
11 with the lake are being caused in some way or in  
12 some part by what is going on with the hog  
13 industry. She says,  
14 "The balance of probabilities may be  
15 established by the application of  
16 common sense to what is known, even  
17 though what is known may be deficient  
18 from a scientific point of view."  
19 Once again the Supreme Court of Canada in Harper  
20 against Canada case, and, yes, that was the now  
21 Prime Minister of Canada, but back in 2004 he was  
22 challenging Canada on some legislation, and the  
23 Alberta Queen's Bench agreed with Mr. Harper that  
24 Canada failed in its defence, because it couldn't  
25 prove scientifically what it was asserting. The



1 Alberta Court of Appeal agreed with that too, but  
2 the Supreme Court said,

3 "Where the court is faced with  
4 inconclusive or competing scientific  
5 evidence, the court may rely on a  
6 reasoned apprehension of that harm.  
7 In the absence of scientific evidence  
8 showing a causal link, logic can be  
9 used to find the link."

10 I have also given you a quote from Mr. Justice  
11 Titlebalm of the Federal Court in the decision of  
12 Young against Canada in 1999. He says,

13 "The applicants demand solid  
14 scientific proof of a causal  
15 connection between rafting, boating in  
16 this case, and the decline of the bird  
17 population in the river. I am  
18 satisfied what the applicants demand  
19 is an impossibility. I am satisfied  
20 there are no absolute certainties in  
21 science, only probabilities, and it  
22 was reasonable for the Minister to  
23 conclude that on the evidence as a  
24 whole, the ducks are vulnerable to  
25 disturbance."



1 So in that case they are dealing with the effect  
2 of boating on the duck population. And here we  
3 are dealing with the effects of the fishing stocks  
4 by the hog industry and the wastewaters and what  
5 have you that are going into our waterways.

6           If I had more time, I'm sure that I  
7 could discuss with Commissioner Motheral the crop  
8 loss cases and the difficulties in proving what  
9 causes a crop loss when you are talking about  
10 herbicides and what have you, but we will leave  
11 that for another day.

12           I have also given you a copy of a news  
13 release from Environment Canada -- sorry, I will  
14 finish with that slide. So as I say, we have  
15 looked at these earlier transcripts, and we are  
16 encouraged by those operators who claim to cause  
17 minimal environmental disruption, like the Marble  
18 Ridge Hutterite Colony near Arborg. George  
19 Matheson of Stonewall claims that his operation  
20 gets no complaints from his neighbours, and Calvin  
21 Penner of Argyle also a neighbour in our  
22 Interlake, a neighboring community. All of those  
23 are encouraging things. But as Darcy Pauls of  
24 Puratone freely admitted, there is more room for  
25 improvement. And we agree with Larry Hofer that





1 improvements are everyone's responsibility. We  
2 also endorse the recommendations of our neighbors,  
3 the Concerned Citizens of Gross Isle, and those  
4 are, of course, available in the transcript from  
5 those hearings back on March 5th or 6th I believe.

6           And we recommend that the RM should be  
7 designated at least a class six and perhaps a  
8 class seven soils area, and Cheryl referred to  
9 that. In the package of material we talk about  
10 how our area could be designated and should be  
11 designated a sensitive area, as that term is  
12 defined in the Planning Act. It is defined as  
13 sensitive land, including land that is susceptible  
14 to flooding, and we are very susceptible to  
15 flooding. We have waterlines, as we said,  
16 everywhere. And we have an area of special  
17 significance for animal, bird, plant life,  
18 including wetlands, et cetera, all of the things  
19 that we talked about. Those are the types of  
20 factors that we think would justify the province  
21 designating our area, and as many of the RMs that  
22 are contiguous to Lake Manitoba as possible, as  
23 class six or class seven areas, soil areas.

24           We recommend a more effective plan to  
25 cap abandoned wells. Harry is on our executive,



1 he is a retired well drilling contractor. He has  
2 seen wells all over the province that are not  
3 capped and which are allowing water to go down in  
4 to the aquifer, and a lot of that water is  
5 polluted water and what have you.

6                   And as we mentioned earlier, we  
7 recommend that the province consider whether it  
8 has a legal obligation to consult with Aboriginal  
9 fishers.

10                   We recommend that the province work  
11 cooperatively with DFO, because, as you know, the  
12 Department of Fisheries and Oceans has  
13 jurisdiction over the lakes and the fish stocks in  
14 the lakes, and that would require their  
15 involvement if we are going to get serious about  
16 protecting the fish stocks from any further  
17 dwindling of their numbers. And I have given you  
18 in the package of material a news release that  
19 shows how Environment Canada got involved where a  
20 hog operator or an ILO, as we call it, did pollute  
21 some water, and the liquid pig manure contained a  
22 high amount of ammonia and caused damage to the  
23 fish. And Environment Canada worked together with  
24 the Department of Fisheries and Oceans, as well as  
25 the Nova Scotia Environmental Department, so it



1 was a three-way partnership between the Federal  
2 Government and the Province, whereby this  
3 particular offender was brought to task and fined  
4 \$12,000, half of which went into, interestingly  
5 enough, an environmental damages fund for use in  
6 future, addressing future environment issues.

7           We recommend stiffer penalties for  
8 polluters. And we came up with this suggestion  
9 for your consideration, whether you would see fit  
10 to recommend it or not, we will leave with you.  
11 But the Farm Practices Protection Board already  
12 exists, and the Farm Practices Protection Act  
13 gives the board jurisdiction to deal with  
14 complaints against people, or operators, or  
15 polluters, if you will, who aren't following  
16 normal practices and what have you. And we refer  
17 to some minor changes, although they would be of  
18 significant import, to section 11.1, deleting the  
19 requirement that the applicant have a sufficient  
20 personal interest in the subject matter, we  
21 believe that any Manitoban who sees pollution  
22 going on, intentional pollution of any body of  
23 water or land should have the right to take that  
24 complaint to the Farm Practices Protection Board  
25 and have the issue dealt with.



1                   We also suggest an addition to 12.1,  
2     so that the board has the power to award damages,  
3     and why not to an environmental fund? It is not  
4     something that we see as making a complainant  
5     wealthy, but rather awarding damages that can go  
6     into a fund to address environmental issues in the  
7     future. Perhaps the complainant should just be  
8     entitled to receive his or her costs back for  
9     having pursued the matter to a successful  
10    conclusion in that case.

11                   An example of other legislation that  
12    would give you some further consideration is the  
13    Surface Rights Act of Manitoba. I mention this  
14    one only because at one time I chaired the Surface  
15    Rights Board, so I'm familiar with the  
16    legislation, but that board is given the right to  
17    deal with those types of claims and to award  
18    damages, albeit in a private operator, oil  
19    operator/landowner situation, rather than  
20    something of a more -- any Manitoban should have  
21    the right to address the issue before the Farm  
22    Protection Practices Board.

23                   Now, the last point, the only reason  
24    it is there is because I too sat where you sit  
25    now, Chairman Sargeant, I had the privilege of





1 chairing the Clean Environment Commission for  
2 Forestry hearings back in the mid '90s. I also  
3 had the good fortune at that time of having  
4 commissioners with me who demanded and cajoled me  
5 into doing the right thing at that time, and I'm  
6 sure you will have that same support when you get  
7 down to making your tough recommendations.

8 Thank you very much.

9 THE CHAIRMAN: Thank you, Mr. Smith  
10 and Mrs. Smith. Are you -- are there immediate  
11 concerns in your RM? Are there proposed hog  
12 operations in your RM?

13 MRS. SMITH: We had one a few years  
14 ago, quite a few years ago. And what concerned me  
15 at that time is that we were talking about the  
16 technical review committee, the soils and that,  
17 and at that time I had the knowledge of having  
18 been on council, knowing that our soils were not  
19 conducive to anything like that, but yet this  
20 technical review committee was now saying that  
21 they were. And it was -- and I do agree with, I  
22 believe it was Mr. Bell saying that local control  
23 is very important. It was the local knowledge  
24 that, you know, knowing about the trouble we had  
25 trying to find a suitable place for the lagoon,



1 what type of soils we have there in our RM, and it  
2 was due to the council's decision not to allow it  
3 that it didn't happen. But it was pretty close.  
4 If you have people on there that have conflicting  
5 agendas happening then, you know, there is that  
6 danger as well.

7 THE CHAIRMAN: So your concerns are  
8 more global in how the downstream impact upon, in  
9 particular, on the Metis community?

10 MRS. SMITH: Absolutely. The fishing  
11 industry, and that is an economic reality for  
12 these people, this is their livelihood.

13 THE CHAIRMAN: Wayne.

14 MR. MOTHERAL: Yes, thank you,  
15 Mr. Chairman. I think I have about three points  
16 that I want to bring forward, a couple of them  
17 might be questions and another may be a comment.

18 First of all, conservation districts  
19 have this well filling program throughout the  
20 province. It is an excellent program. And I'm  
21 sure that each conservation district allots so  
22 much of their budget each year to do that, and I  
23 don't think it is enough, because there is more  
24 and more of these wells in Manitoba, and I'm  
25 hoping eventually they all get covered up.



1           MRS. SMITH: Can I respond to that?

2           MR. MOTHERAL: Make it quick.

3           MRS. SMITH: I just wanted to say,  
4 unfortunately, with that program, I know it has  
5 been around for a while, and some RMs have  
6 actually stopped budgeting for it and haven't been  
7 taking it as seriously as they should have. And  
8 another thing is that there is no real outreach  
9 program with the farmers or with the landowners to  
10 ensure, you know, to do the follow-up, to tell  
11 them about the program, to tell them this is what  
12 we can do and this is how we can handle these  
13 things. So there is a communication gap happening  
14 there, and that is why the program isn't as good  
15 as it could be, but I do agree that it is a good  
16 program.

17           MR. MOTHERAL: Just as curiosity, do  
18 you have conservation districts in the Interlake  
19 yet?

20           MRS. SMITH: No, we don't belong to  
21 one. That is another point I wanted to make.

22           MR. MOTHERAL: An interesting point,  
23 and this is kind of a hypothetical question in a  
24 way, when you said that polluters, you know, there  
25 should be stiffer penalties for polluters. Did



1 you mean that in general? I often think of that,  
2 you have to watch what you say, because if you put  
3 that to the general public, you could mean that it  
4 would mean that anybody who is using any chemical  
5 at all, for instance soap detergent, would be  
6 classified as a polluter. And it is a hard thing  
7 to distinguish between that.

8 MR. SMITH: I was specifically talking  
9 about it in terms of amendments to the Farm  
10 Practices Protection Act.

11 MR. MOTHERAL: I guess I was looking  
12 at the bigger picture. If you penalize one part  
13 of the society, you have to penalize the other  
14 too.

15 We have been told by many producers  
16 and not just producers, saying that if we took all  
17 of the hogs out of Manitoba, would we solve the  
18 phosphorous problem? Like there is a lot of hog  
19 manure going on the land, being injected in the  
20 land as fertilizer. If that was not being done,  
21 there would be chemical fertilizers going on which  
22 is also nitrogen and phosphorous. It is just  
23 something, it is hard to distinguish just where  
24 the phosphorous, et cetera, is coming from. But  
25 when you think about that, would that stop the





1 pollution if we stopped hog barns?

2 MRS. SMITH: Well, first of all, I  
3 think we are here, it is a good step, it is to  
4 deal with the hog industry. And absolutely there  
5 is a lot of different, and you mentioned different  
6 pollutants and that, but this is the first step to  
7 I think many steps. I think we are looking at the  
8 hog industry, let's do that, and let's take the  
9 necessary steps. Maybe later on let's look at  
10 other areas. But the environment, we need to look  
11 at it seriously and it starts here.

12 MR. MOTHERAL: All right. Thank you.  
13 That is all.

14 MR. YEE: Yes, Mr. Chairman. Sort of  
15 a follow-up question to Mr. Motheral's, are there  
16 other livestock activities in the RM of St.  
17 Laurent, you know, crop production as well as say  
18 cattle?

19 MRS. SMITH: It is mostly cattle, and  
20 there is not many, but there are some.

21 MR. YEE: And do they use the manure  
22 from the cattle for fertilizer on the farms?

23 MRS. SMITH: I don't know. I wouldn't  
24 know.

25 MR. YEE: Thank you.



1                   THE CHAIRMAN: Thank you very much for  
2 coming here this evening. Thank you to all of  
3 you.

4                   Diana Ludwick.  
5 DIANA LUDWICK and CAROL LOVERIDGE, having been  
6 sworn, presented as follows:

7                   THE CHAIRMAN: You have already taken  
8 the oath to tell the truth, but for the benefit of  
9 the audience, will you introduce yourselves,  
10 please?

11                  MS. LUDWICK: My name is Diana  
12 Ludwick. I'm one of the nurses at the  
13 Occupational Health Centre.

14                  MS. LOVERIDGE: My name is Carol  
15 Loveridge, I am the executive director of the MFL  
16 Occupational Health Centre.

17                  THE CHAIRMAN: Thank you. Go ahead.

18                  MS. LUDWICK: The information that I  
19 will be speaking to has also been supplied to the  
20 Commission, but I will not be reading it verbatim,  
21 I will just be highlighting some of the points  
22 that I think are most important to our centre.

23                  I would like to start by saying that  
24 we believe that workers in the industrial hog  
25 barns will most directly and perhaps probably most



1 profoundly be affected by the environmental  
2 impacts of the hog industry. And we believe that  
3 the Environment Act should be a valuable  
4 legislative tool to help protect the health of  
5 workers.

6           Our centre has, we believe, a  
7 respected track record for addressing health and  
8 safety issues at public hearings and through  
9 submitted written documents by us as part of  
10 public consultative processes in the past when  
11 legislative changes are being considered. One of  
12 the foundational beliefs that we have is workers  
13 should not bear the burden of illness, of injury,  
14 because of their work, but that actually often  
15 happens.

16           There is a couple of points that will  
17 really frame the ideas that we will be bringing  
18 forth as part of our presentation. And they are  
19 that hog production has undergone rapid  
20 transformation from family owned operations to  
21 large scale industrial enterprises. An increasing  
22 percentage of pigs are being raised in large  
23 industrial hog barns -- size matters. When  
24 something goes wrong in a large hog barn, the  
25 potential of risk for occupational and



1 environmental damage is correspondingly large. As  
2 a general principle, the concentration of humans  
3 or animals close to each other enhances both the  
4 potential spread of microorganisms among each of  
5 those groups. It also creates a greater potential  
6 for infecting surrounding life forms, even those  
7 of different species. These conditions also may  
8 create a breeding ground for new and more  
9 infectious, or even more resistant microorganisms.  
10 With that in mind, some workers come into contact  
11 with hundreds or thousands of hogs each day, and  
12 it is often difficult to assess the risk because  
13 workers may not know which hogs have infections.  
14 Pigs can appear to be healthy, but may still be  
15 carrying disease.

16           Animal waste of all kinds can contain  
17 microorganisms that pose health risk to workers  
18 from infection and from the microbial toxins. Pen  
19 cleaning, solid and liquid waste handling and land  
20 application of waste can result in workers'  
21 contact with animal feces that can be harmful. As  
22 well, carcass disposal, feeding, assistance with  
23 birthing, and the animal slaughter can also expose  
24 workers to infected animal tissues. Many  
25 infectious organisms can cause disease in animals





1 and they can also cause illness in people. These  
2 include bacteria, viruses and parasites.

3           We have a table that outlines quite a  
4 few of these, but I will not speak to that. I  
5 will just highlight a couple of examples that  
6 really speak to us, and they may speak to you as  
7 well.

8           Of note, a new strain of salmonella,  
9 which is a bacteria, is increasing in both animals  
10 and humans in Canada and many countries. It  
11 causes severe diarrhea in both animals and humans.  
12 This new strain is of concern because it is  
13 resistant to several medications normally used to  
14 treat this illness. And the risk of salmonella  
15 illness in livestock workers is theoretically  
16 high, the point being made before that there is  
17 not certainty with much of this information, but  
18 theoretically it is very high.

19           There is a newly described virus that  
20 has caused stillborn piglets. Fever and viral  
21 antibodies were noted in the workers following  
22 exposures to these infected tissues. And very  
23 recently there was a virus infection that occurred  
24 in concentrated hog herds in Malaysia and  
25 Singapore, which killed both hog workers and hogs.



1                   So there is a growing body of evidence  
2 that viral interactions between animals and people  
3 may be more common than previously thought. The  
4 best known is the influenza virus. Its viral  
5 genetic material can reassort in swine and  
6 reinfect people. Hogs are an important mixing  
7 vessel for several influenza viral strains.

8                   Influenza viral infections occur in  
9 wild bird species in many parts of the world.  
10 Inter-species transmission and re-assortment of  
11 this influenza A virus has been reported and has  
12 occurred between swine, humans, wild and domestic  
13 fowl. The human influenza virus responsible for  
14 the 1918, the 1957 and the 1968 pandemics around  
15 the world contain gene segments closely related to  
16 those of Avian influenza viruses.

17                   Recent outbreaks of virulent strains  
18 of influenza have arisen from industrial hog and  
19 poultry raised in close proximity to each other.  
20 International teams of environmental scientists  
21 have warned that the proximity of poultry to hogs  
22 could hasten the spread of Avian flu to humans.

23                   Industrial hog barns concentrate large  
24 number of animals together, and this facilitates  
25 both the genetic re-assortment and the



1 transmission. The transmission of influenza is a  
2 continuing concern. Whether it comes to humans  
3 from hogs or birds, or from birds via hogs, or  
4 from humans to hogs, strains are likely to evolve  
5 that are highly transmissible and harmful, and may  
6 create another pandemic, and perhaps soon.

7                   So the CEC needs to ensure that owners  
8 of industrial hog barns comply with workplace  
9 health and safety legislation. Employers are  
10 responsible for the safety and health of all of  
11 their workers, and this includes preventing  
12 communicable diseases being transmitted from hogs  
13 to workers.

14                   We have a number of recommendations  
15 that we have submitted, but we will only highlight  
16 a few. Employers should select waste management  
17 processes and equipment in the barns, lagoons and  
18 spray fields that minimizes direct contact of  
19 animal waste by workers and the community. It  
20 should also ensure well planned cleaning routines  
21 to reduce exposure to hog waste and fluids. It  
22 should provide appropriate and accessible  
23 protective wear for workers, because all fecal and  
24 reproductive waste and animal carcasses are  
25 potentially biohazardous materials and should be



1 handled appropriately.

2                   What we would like to spend the most  
3 time talking about today is the overuse of the  
4 antibiotics in the hog production, because this is  
5 really the number one issue for the centre. The  
6 mass application of antimicrobials to hogs has  
7 greatly increased over the years in industrial hog  
8 barns. Animal producers use the same antibiotics  
9 for hogs that are used for people. The routine  
10 use of antibiotics can contribute to the  
11 development of resistant pathogens. Resistant  
12 organisms are less likely to be killed by  
13 antibiotics.

14                   Therapeutic antibiotic administration  
15 at high levels for the duration of an illness is  
16 obviously an important aspect of veterinary care.  
17 However, most antibiotic use is designated to  
18 promote growth. This type of prolonged use of  
19 antibiotics at low levels in the form of medicated  
20 feed and hog production presents the risk of not  
21 killing the bacteria while promoting resistant  
22 strains. The resistant strains can pass readily  
23 from one kind of bacteria to another, and the  
24 workers in the hog barns may become colonized with  
25 resistant organisms and pass them on to





1 co-workers, family, friends and community.

2                   Scientists have compared medicated  
3 feed in industrial hog barns with barns not using  
4 medicated feed, and they observed a threefold  
5 higher concentration of resistant bacteria in the  
6 exhaust air from those barns using medicated feed.

7                   Tetracycline, an antibiotic that many  
8 of you have probably used at one time or another  
9 in your own lives, Tetracycline resistant genes in  
10 that same hog barn were also present in the  
11 adjacent manure lagoon, as well as the groundwater  
12 downstream from that lagoon.

13                   Several recent studies clearly  
14 demonstrate that the transmission of multi-drug  
15 resistant pathogens exists from hogs to humans.  
16 The authors concluded that the transmission of  
17 some drug resistant organisms from hogs to hog  
18 farmers is actually very frequent.

19                   In 2005 in the Netherlands, a  
20 drug-resistant bacteria was spread from pigs to  
21 workers to family, including one of those people  
22 was hospitalized and spread it to the nurse as  
23 well. What we are talking about there is drug  
24 resistant organisms. So this is not something  
25 that when they go into the hospital they get



1 another antibiotic and it is easily cured. It is  
2 something that can be potentially deadly.

3           Recently as well, air samples from an  
4 industrial hog barn was examined, and several  
5 types of bacteria were analyzed for resistance to  
6 five antibiotics that are just commonly used for  
7 people. And it is of note that 98 per cent of the  
8 samples displayed resistance to two or more of the  
9 four antibiotics that are commonly used as growth  
10 promotants in hogs. And it is probably even more  
11 important to note that 37 of the 124 samples were  
12 resistant to all four of these common antibiotics.  
13 So none of the samples were resistant to the fifth  
14 drug that is not used in hog production as a  
15 growth promotant.

16           We have listed many sources that call  
17 on the reduced use of antimicrobials in hogs.  
18 Clearly, a decrease in antimicrobial use in human  
19 medicine alone will have little effect, since 80  
20 per cent of the antibiotics are used for hogs, not  
21 for people. Substantial efforts must be made to  
22 decrease the inappropriate overuse in animals as  
23 well.

24           With this in mind, we have made a few  
25 recommendations. And I will go -- we have made



1 recommendations on a number of fronts, but I'm  
2 going to go directly to the overuse of antibiotics  
3 in hog production. We believe that the CEC should  
4 support a shift in current thinking about the  
5 value of antibiotic free meat products. Product  
6 labeling should be made more comprehensive and  
7 explicit so that consumers can identify the  
8 product and make selections according to their  
9 value system. We think that is really important  
10 because there is now companies around the world  
11 that are advertising their meat as being  
12 antibiotic free.

13                   We believe that the CEC should create  
14 a mentoring system for sharing proven successful  
15 practices that promote healthy work places,  
16 workers and communities. And that the CEC perhaps  
17 themselves should visit and learn from countries  
18 such as Sweden and Denmark that have experienced  
19 successful transitions to antibiotic free meat  
20 production. And we believe what the World Health  
21 Organization is proposing, that there should be a  
22 phase out of the non-therapeutic use of  
23 antimicrobials as growth promoters in the hog  
24 industry, and that the hog industry should adopt a  
25 prescription only availability of antimicrobials



1 for treating diseased hogs.

2                   We also are suggesting that there be  
3 mandated environmental impact statements for  
4 proposed hog barns that includes occupation and  
5 environmental health, social justice and  
6 socioeconomic issues. So we believe that a  
7 comprehensive approach is important. We believe  
8 that there must be a limit to animal density per  
9 watershed. We believe that there should be a  
10 restriction of the location of hog barns and  
11 poultry operations on the same site, and to set  
12 appropriate separation distances even between  
13 sites. We believe that regulation of water  
14 contamination by hog waste and manure has to  
15 happen, that corporate owners should be held  
16 financially responsible for spills of waste into  
17 surface water, especially if they contaminate  
18 drinking water. We believe that bonding is  
19 required of managed storage basins for performance  
20 and remediation to ensure that vacated manure  
21 lagoons are remediated. And we believe that solid  
22 tanks or reservoirs, rather than earthen waste  
23 lagoons are needed to prevent contamination of  
24 surface and groundwater from infectious agents and  
25 antibiotic resistant genes. Pharmaceuticals can





1 remain in the manure and leachates for a very long  
2 period of time.

3                   So we believe that we should continue  
4 with the moratorium on the expansion of the hog  
5 industry until we know that workers, communities,  
6 and the environment are protected.

7                   We have more information and more  
8 recommendations, and it will be available, we will  
9 have it given to the website for the CEC. If you  
10 are interested in a more complete version of this  
11 information, you can find it there. Hopefully as  
12 of tomorrow, we will send it to the CEC.

13                   THE CHAIRMAN: Thank you very much,  
14 Ms. Ludwig. I particularly like your  
15 recommendation that we visit Sweden and Denmark.  
16 I'm not sure if it will fit in our budget.

17                   Has there been --

18                   MS. LUDWICK: Can I make a comment  
19 about Sweden and its experience using  
20 antimicrobials? They, way back when, almost 20  
21 years ago, decided not to use it for growth  
22 promotion. And the fear was that if it wasn't  
23 used that way that eventually more hogs would get  
24 really sick, and that it would be increased use in  
25 hogs that were sick. But after 18 years that has



1 not happened. They do not use it for growth  
2 promotion, and actually the amount that is used  
3 for treating sick hogs has reduced as well. So  
4 that is now a long history, a very telling story  
5 of how changes can be made, and both the industry  
6 and communities and the environment can all  
7 benefit at the same time.

8 THE CHAIRMAN: Has there been much  
9 evidence of hog farm or hog barn workers in  
10 Manitoba becoming ill?

11 MS. LUDWICK: The area doctors would  
12 be in the best position to say that. The  
13 difficulty with communicable diseases is it is  
14 often hard to pinpoint when the infection actually  
15 initially started. And there is some talk by the  
16 World Health Organization that actually tracking  
17 of organisms in hog barns is probably the way to  
18 go, and the only way to know that. Knowing that  
19 the potential in hog barns to -- because of the  
20 density of the animals -- to infect either each  
21 other or workers is theoretically high. So  
22 perhaps genetic fingerprinting for existing  
23 organisms in these kinds of production is a  
24 prudent way to go in the future.

25 THE CHAIRMAN: Thank you. Edwin.



1                   MR. YEE: Yes, just a couple of  
2 questions. You mentioned in 2005 air samples from  
3 an industrial hog barn were examined. Was that  
4 locally or was that in another jurisdiction?

5                   MS. LUDWICK: That was in the States.

6                   MR. YEE: I'm just wondering, and you  
7 may not have the answer, I just want to get your  
8 comments on this, it follows along Mr. Sargeant's  
9 comment or question. Given that we have seen a  
10 rapid increase in hog operations in Manitoba over  
11 the last decade, have we any evidence, other than  
12 anecdotal, I mean, certainly I don't disagree with  
13 what you are presenting here in terms of the  
14 potential spread of viruses, as well as the  
15 resistance to antibiotics, but have we had any  
16 medical data to back that up in Manitoba, given  
17 the large increase, has there been a change  
18 statistically in terms of the numbers that we are  
19 seeing in drug resistance in Manitoba, as well as  
20 these viruses that you mentioned?

21                   MS. LUDWICK: I think probably the  
22 best pre-indicator of that would be to go to  
23 workplace compensation data, if there is any  
24 infections noted, and to try and find our what  
25 that situation was like. Was it just one of those



1 common community infections that infected the  
2 worker and they brought it to the pigs, and vice  
3 versa, or was it something that was more ominous  
4 and serious than that? So those stories perhaps  
5 are capturable, but they would probably be a good  
6 preliminary way of finding out.

7 MR. YEE: Thank you.

8 MS. LUDWICK: Yes, because we have  
9 just not had the scrutiny in that area to really  
10 know.

11 MR. YEE: Thanks, I appreciate that.

12 THE CHAIRMAN: Thank you very much. I  
13 guess I must be trying to get out of here a little  
14 more quickly, I notice that I skipped over a  
15 person on the agenda, I apologize for that. Next  
16 up is Johannes Waldner.

17 JOHANNES WALDNER, having been sworn, presented as  
18 follows:

19 MR. WALDNER: Good evening members of  
20 the Clean Environment Commission and ladies and  
21 gentlemen of the audience. My name is Johannes  
22 Waldner and I live on the Baker Hutterite  
23 community which is located about five miles west  
24 of Rosedale. I appreciate the opportunity to  
25 speak on behalf of my community and company here





1 tonight.

2                   I wish to say a few words about our  
3 community before taking into context the larger  
4 group we are all a part of, Manitoba. Unlike most  
5 other Hutterian communities, Baker does not raise  
6 livestock. We only farm 1,200 acres of land. Our  
7 main expertise lies in the manufacturing sector.  
8 Our main source of income is Better Air Systems,  
9 one of the larger ventilation equipment  
10 manufacturers in Canada. This moratorium stands  
11 to have a big impact on our company as  
12 approximately half of our cities are in Manitoba.

13                   As a community, Baker strives to  
14 practice sustainability, but we do acknowledge  
15 that we have a lot of room for improvement in this  
16 area. Through school systems, we try our best to  
17 teach our children basic principles like reduce,  
18 reuse and recycle. We make an effort to foster a  
19 respect and appreciation for the natural  
20 environment by promoting nature trails, tree  
21 planting projects, bird watching, and gardening.  
22 We pride ourselves in our organic food orchards  
23 and vegetable gardens, that we can raise a healthy  
24 home grown produce for use throughout the year.  
25 We feel that by teaching and modeling a respect,



1 love and appreciation for the environment, along  
2 with providing a scientific understanding of  
3 general environmental concepts, our children as  
4 future leaders of the community will follow  
5 environmental rules and guidelines, not only  
6 because it's the law, but because they understand  
7 the need and role of such regulations.

8                   A few weeks ago, Ricky and Cameron  
9 Maendel from Fairholme Colony told you about how  
10 their students enjoyed success in the Manitoba  
11 Envirothon. The three envirothons I participated  
12 in from 2004 through 2006 were highlights of my  
13 high school career. There are two important  
14 lessons I gleaned from the Envirothon. Number  
15 one, it simply opened my eyes to the seriousness  
16 of the environmental challenges we face as a  
17 province. And secondly, the envirothon made me  
18 realize that any environmental issue has  
19 solutions, but these solutions require time and  
20 money invested in research, resources and support  
21 systems, as well as sacrifices by all parties.

22                   We realize that new recommendations  
23 from the CEC will likely cause financial hardships  
24 on hog producers. As suppliers of hog barn  
25 equipment, Better Air feels that we have a



1 responsibility to assist hog producers in  
2 absorbing the regulations, be it in developing  
3 more efficient manufacturing processes to enable  
4 price cuts, or in the development of new products  
5 to reduce energy consumption.

6                   One such product we currently have in  
7 production is the heat exchanger, a very valuable  
8 tool reducing heating costs during cold Canadian  
9 winters. A properly ventilated barn is very  
10 important for improving the working and living  
11 conditions of both barn animals and employees. In  
12 the heat of summer, proper ventilation is a matter  
13 of life and death for the animals.

14                   Approximately half of our currency is  
15 directly linked to hog facilities being built here  
16 in Manitoba. Obviously, if construction of hog  
17 barns in Manitoba were completely stopped, it  
18 would dramatically change the makeup of our sales  
19 base. We could just go elsewhere with our  
20 business, but we feel that as Manitobans we have a  
21 responsibility to support our home province and  
22 keep the home economy strong first before  
23 supporting other regions.

24                   I question the motives of  
25 organizations like the Winnipeg Humane Society,



1 Oly Opp and Beyond Factory Farms who support this  
2 moratorium. Wouldn't they find it would work  
3 better in working as a team together with farmers  
4 and hog producers, in researching and implementing  
5 methods to solve the perceived problems they  
6 complain about, so that they become a part of the  
7 solution and not a part of the problem.

8                   These opposition groups are very  
9 impressed with this moratorium, but do they really  
10 realize what they are wishing for? They envision  
11 a perfect world, a perfect world has no sickness,  
12 pain, war, and in their case, no hog barns. We  
13 must realize that the perfect world is often  
14 unattainable. And in trying to attain a perfect  
15 world, we often wreak more havoc than we intend.  
16 When we try to push things in our direction, we  
17 often deprive other individuals who depend on the  
18 ideas we are trying to abolish. The two sides in  
19 this case are, number one, strict regulations with  
20 environmental well-being as the main concern; and  
21 secondly, a total lack of regulations to encourage  
22 economic growth. Neither of these alone promote a  
23 very promising future for Manitoba. This is why  
24 it's important that we find the balance between  
25 the two and strive to maintain it.





1                   As an example of a lack of rules, I  
2 was delivering some ventilation equipment to a job  
3 site in south central South Dakota two months ago.  
4 There, I was asked about the moratorium, why it's  
5 been imposed, and how long we predict it will  
6 last. Through the course of the conversation, I  
7 asked about the standards in South Dakota. They  
8 felt that the waiting time of one month for  
9 obtaining a permit is an outrage and could not  
10 believe that it could take up to two years here in  
11 Manitoba.

12                   Now, here we have a perfect example of  
13 the two ends of the spectrum. Put Manitoba and  
14 its moratorium on one end and South Dakota with  
15 one month turnover on the other. Keeping in mind  
16 the best interests of Manitobans on a whole, I  
17 don't think we want a part of either of these two.  
18 In the long run, both will damage either your  
19 population and economic growth or your  
20 environment. As both of these are very important  
21 components for Manitoba's future generations, we  
22 must seek a balance between sound economics and  
23 sustainable growth. Some ways of achieving a  
24 better balance in public opinion would definitely  
25 include public education programs, for making it



1 mandatory that all hog barn employees are  
2 certified pork production technicians, to  
3 educating the public and dispelling some common  
4 stereotypes about hog farms.

5           Our justice system is founded on the  
6 principle of innocent until proven guilty. Why is  
7 this way of thinking not being applied to the hog  
8 industry? In essence, hog producers are not at  
9 fault that this review has been delayed for so  
10 long. So why are they suddenly the scapegoats  
11 when our lake begins to show signs of abuse? They  
12 didn't set the regulations at the time, but for  
13 the most part they are operating accordingly. So  
14 why are they being blamed for polluting if they  
15 are doing whatever the regulations asked of them?

16           We must realize that everyone shares  
17 the responsibility in this Lake Winnipeg battle.  
18 We all need to live a more sustainable lifestyle.  
19 Pointing out one industry and shutting it down  
20 will not fix the problems existing in our  
21 environment. This would have to be a joint effort  
22 shared by all people living and making a living in  
23 the Lake Winnipeg watershed.

24           Having said this, I am confident the  
25 Manitoba hog sector has more than proven its



1 willingness to cooperate in doing its share, as  
2 long as the rest of Manitoba will do their fair  
3 share as well.

4 I don't propose that the Commission  
5 make regulations lighter on the hog industry, but  
6 that we are allowed to continue our lifestyle once  
7 the review is complete. Give us the tools to grow  
8 in a sustainable manner, enabling us to keep our  
9 industry alive for years to come, while still  
10 preserving our precious natural surroundings.

11 Thank you. Thank you.

12 Mr. Waldner. Edwin?

13 MR. YEE: No questions.

14 THE CHAIRMAN: Wayne?

15 MR. MOTHERAL: Another case here,  
16 Mr. Waldner, where you did say public education  
17 programs, and we've heard that in several  
18 presentations, not just today, but in our tours  
19 around the province. Thank you very much.

20 THE CHAIRMAN: Thank you very much

21 Mr. Waldner.

22 Sam Gross.

23 SAM GROSS, after being sworn, presented as  
24 follows:

25 THE CHAIRMAN: Go ahead, sir.



1                   MR. GROSS: I'd like to say good  
2 evening to the CEC panel and also to the audience.  
3 First, I want to thank this panel for listening to  
4 our concerns. We hope you can come up with a fair  
5 and reasonable solution for our hog industry.

6                   So far, we have heard a lot of talk  
7 and concerns on the phosphate issue. This is  
8 relevant if it is phosphate that is causing the  
9 lake pollution. Consideration, though, should be  
10 placed more on where the phosphate originates  
11 from. Is it only hog manure, or is it all  
12 livestock, or is it chemical fertilizer, or  
13 detergent, or raw sewage? It can come from many  
14 places.

15                   I'd like to read an article which  
16 appeared on the April 17th issue of the Free  
17 Press. It states,

18                   "East Selkirk has been under a boil  
19 water advisory for five years, two  
20 areas of St. Clements have health  
21 advisories because of raw sewage, East  
22 St. Paul has a boil water advisory and  
23 in St. Andrew's septic fields have  
24 failed.

25                   "It's a reality, and our citizens are





1           living it, Strang said, noting some  
2           ditches in East Selkirk are full of  
3           raw sewage. "Our biggest concern is  
4           we think it could get worse."

5       It seems like they will be just about satisfied  
6       with leaving it the way it is if the concern is it  
7       could get worse.

8           The Free Press first uncovered that  
9       waste water was running into the Red River from  
10      poor municipal sewage treatments in 2002. That's  
11      five years ago. Some municipal homeowners didn't  
12      have septic tanks and pumped sewage directly into  
13      the Red River, where runoff from field septic  
14      field was over flowing in ditches and into the  
15      river.

16           So that's what we are facing. The  
17      concerns that we've heard today already, we're  
18      blaming it on the hog industry. The statistics  
19      out there that the hog industry is to blame for  
20      only one and a half per cent of the phosphate  
21      which exists in the lake. So why is all the  
22      emphasis placed on the hogs? Something is not  
23      quite in order.

24           And to add a few more things that  
25      happened around Winnipeg, just this spring sewage



1 was hauled on frozen ground entering Winnipeg on  
2 number 3 highway. Some time ago, raw sewage was  
3 flowing into the Red River because of some  
4 equipment that broke down. I don't know the exact  
5 number of days but I believe it was about 50 days  
6 where the equipment was broken, the sewage was  
7 dumped directly into the river. On another  
8 instance, the valves being in the wrong position  
9 caused the same thing. So where do we place the  
10 fault of phosphate being in the lake? Is it just  
11 hogs? Why only focus on hogs? Let's look at the  
12 broader area and make a decision that is logical,  
13 that tells us where we have to look for treatment.  
14 To step on the hog industry and ignore everything  
15 else is not fair. We're Manitobans, we are  
16 citizens of this province and of Canada, and we  
17 believe in democracy. And it puts a question mark  
18 on that statement.

19                   We believe that there are more  
20 regulations placed on the hog industry than any  
21 other enterprise. The regulations that we have,  
22 we try our best to follow them. Hog farmers have  
23 invested a lot of money into this industry, and it  
24 has only been done to make a living. Just like  
25 anybody else, you find a job, you work at it, you



1 get a paycheque so that we can live. We as hog  
2 farmers do not deny anybody the privilege of  
3 obtaining a college or university degree. And  
4 this is done to find a job to their liking and to  
5 earn a living. Hog farmers are no different. If  
6 we decided that we want to do hog farming, to  
7 raise hogs, or maybe it was our parents, or like I  
8 continue in the next paragraph, we have been  
9 raising hogs for over a century now, now all of a  
10 sudden somebody wants to teach us how or even  
11 different areas that we're not doing it in a right  
12 way.

13                   It was just mentioned with the last  
14 presentation, antibiotics. I'd like to present it  
15 to everybody, the last third of the hog's life, we  
16 are totally not allowed to use antibiotics. If  
17 there are some antibiotics found, every hog that  
18 goes to the abattoir is checked for antibiotics.  
19 If they find one trace of antibiotics, the whole  
20 load, it could be a hundred hogs in that load, is  
21 put on hold and the producer cannot ship one more  
22 hog until they find the whole barn clean. So to  
23 say there is antibiotics in the pigs, or that the  
24 workers in the barn could pick up the disease -- I  
25 would like to challenge everybody in this room.



1 I'm a pensioner and I have lived within a thousand  
2 feet of a hog barn in all those years and I'm as  
3 healthy as anybody in this room. I've lived in a  
4 colony for 67 years and I know of only one person  
5 so far that died of lung cancer. Was it to blame  
6 on the hog barn or something else in the  
7 community?

8                   It was our government in the last  
9 decade that wanted the hog numbers to double. Hog  
10 farmers invested money so that they could produce  
11 what was called for. As in any other industry, if  
12 the market increases, production has to increase,  
13 and that's what was asked from the hog producers,  
14 we need more hogs. So the hog farmers invested.

15                   And something that really amazed me is  
16 that it did this without government assistance.  
17 And government asked for more, so the farmers  
18 invested and produced the hogs. But then more and  
19 more regulations appeared. And a very large  
20 percentage of growers did what they could to  
21 follow these regulations, always at their own  
22 expense, investing in barns and equipment, manure  
23 treatment, using what little profit was left, and  
24 money that was at times financed by the banks,  
25 never government subsidies as with many other





1 industries. And what profit is there?

2                   We have heard a few presentations  
3 today what was invested. One of the slides that  
4 we saw on the wall, a lagoon that was lined with  
5 concrete, the person doing the presentation was  
6 asked the price on that concrete liner. He should  
7 have said triple that. I know the lagoon very  
8 well, I know the secretary in that community, and  
9 the price that he showed me, it was triple that  
10 amount. But they did it too.

11                   They had one complaint from a  
12 neighbour that complained about the odour, so the  
13 CEC came into the yard, and they started working  
14 with it, with the problem, with the odour. And by  
15 the time they were finished, that colony had spent  
16 \$150,000 because of one farmer complaining.  
17 That's what we have to live with. And we're doing  
18 it, to live with the rest of the people in  
19 Manitoba, we're doing it. And it's not the only  
20 instance where this happens. But if this  
21 continues, we'll have fewer hogs, because hog  
22 producers cannot and will not produce hogs at a  
23 loss. And if that happens, jobs will be lost, the  
24 economy will suffer, and there could be more  
25 people on welfare. Is that what the public wants?



1 Because that's what would happen.

2                   The spinoff from this outcry that the  
3 public has about hogs, pollution, the lake,  
4 phosphate, the last presentation we had  
5 manufacturing hog equipment. What about the  
6 contractors that build the barns, concrete  
7 contractors, equipment dealers? The spinoff is so  
8 large and so huge, it would literally cost  
9 thousands of jobs to be lost. As somebody asked  
10 the question here before, if all the hogs are to  
11 be taken out of Manitoba, is that a solution to  
12 shut down an industry? It's not a small industry.

13                   If the public continues to pressure  
14 government to impose new regulations, and the  
15 Minister signed these new regulations, I wonder if  
16 he knew the implication of what he signed. It  
17 makes one wonder if the public has ever seen a hog  
18 operation or is it just the odour of which they  
19 know of? And that's what usually happens. The  
20 previous presentation that smelled the odour from  
21 what, three four miles away from the hog barn in a  
22 different municipality, it can happen where the  
23 odour will travel one, two miles, in the right  
24 wind condition, the right humidity, everything has  
25 to be perfect for that to happen. It was also



1 mentioned already about golf courses.

2                   The Clearview Colony where I live,  
3 southwest of Elm Creek, we moved in there in 1983.  
4 Ten years later, maybe 12 years later, a golf  
5 course was built two miles north of our place. Do  
6 they have the right to shut us down? Do they have  
7 priority? That's what's being looked for in the  
8 public sector.

9                   I would challenge almost anybody to  
10 visit a grocery store, grocery chain store, and  
11 see how many food items they can find which do not  
12 originate on a farm. I strongly believe that. Do  
13 we want the farmers to go out of business? They  
14 produce our food, and we do our best to produce a  
15 healthy food.

16                   It was mentioned, the previous  
17 presentation, about using more and more  
18 antibiotics. There is more antibiotics used  
19 because there is more hogs, not that we're using  
20 more antibiotics per hog. We're using way less  
21 than what we did 10 years ago. And I mean way,  
22 way less. We are not allowed to. So we find  
23 different ways of preventing diseases. We use  
24 prevention instead of cure.

25                   I have been to pulp and paper mills, I



1 have been to oil refineries, they all have  
2 offensive odours, but it is the livelihood of  
3 those towns and they accept it as part of life. I  
4 have done work in Kenora, and work in Dryden, in  
5 Pine Falls. I've been to Lloydminster, that city  
6 stinks, but people live there. I have a daughter  
7 living there. She has to be satisfied, that's  
8 where she lives, that's where her family is.  
9 Sometimes the smell is -- I would say it's worse  
10 than hogs, but it's part of life. The money is  
11 there, so they stay there. And that's what we do  
12 with the hog industry. We're farmers, we built  
13 the facilities to raise hogs, and we'd like to  
14 continue with that.

15           My conclusion is, if we the hog  
16 producers are forced into following more new  
17 regulations, or installing new technology, or in  
18 upgrading existing CEC approved facilities, by  
19 government pressure, by public pressure and  
20 government moratoriums, then it should be financed  
21 by the government at the minimum of 75 to 80 per  
22 cent, and I strongly recommend that. It cannot be  
23 done otherwise.

24           There is some new existing technology.  
25 We had a meeting at the university about three





1 weeks ago. We use a separator in our hog facility  
2 that separates the manure, we have liquid on one  
3 side and the solids on the other side, which we  
4 installed I think in 2001. When I saw the new  
5 technology the other day at the university in the  
6 presentation that they had there, I was amazed at  
7 what's available now. So people are working at  
8 it. So let's not panic and try and shut down  
9 these barns. There is hope at the end of the  
10 tunnel if we can work together. The previous  
11 presentation that we had, he strongly recommended  
12 working together a lot more, and that is the hope  
13 that I see.

14                   And I would read it again that we want  
15 the government to finance those new installations,  
16 the new technology, or anything that's upgrading  
17 that will improve any facility. We are forced to  
18 either adapt, or a loss of income; or reject with  
19 consequences being fines. We have no choice. It  
20 was mentioned already today also, our judicial  
21 system, you are innocent until you are proven  
22 guilty. The episode I mentioned a few minutes ago  
23 that one colony, because of one complaint, look  
24 what they had to spend. They were guilty from the  
25 first minute. They weren't asked if it was their



1 odour or whatever, they were just guilty. And  
2 look at the consequences, \$150,000.

3 We are not forcing anyone to change  
4 his or her source of income or existence, so why  
5 should hog producers accept this philosophy? We  
6 are asking this panel to protect an industry which  
7 is very important to the Canadian economy.

8 And to conclude, the Hutterite  
9 communities and many other family farms have  
10 chosen to raise hogs as a way to exist and a way  
11 of life. To us it is very important to live in a  
12 community, the community owns all the facilities  
13 where everything we need is shared. If you want  
14 more information on the community way of life, I  
15 will gladly give it to you or share it with you.  
16 But if this idea continues to reduce the hog  
17 numbers as implicated, it would drastically hurt  
18 our future in this country. Do they want us to  
19 move out, desert our communities and move some  
20 other place? It's happened in the past.

21 The Hutterite communities came to  
22 North America in 1874. In 1918, they moved to  
23 Canada from the United States because of  
24 World War I. They were practically forced to move  
25 out of the United States. If this continues, it



1 might have to happen again, a repeat of our  
2 history. But we don't want to, we want to stay  
3 here and work with everybody. We want to be even  
4 an example to the Canadian citizens. We want to  
5 pass it on to our children and our grandchildren.  
6 We want to pass on a clean and healthy  
7 environment, be it land, be it water, be it air,  
8 preferably all three. Thank you.

9 THE CHAIRMAN: Thank you very much  
10 Mr. Gross. Any questions?

11 Thank you very much for preparing your  
12 presentation and coming out this evening, sir.

13 Ray Armbruster.

14 MR. ARMBRUSTER: Ray Armbruster.

15

16 MR. UNRAU: Martin Unrau.

17 RAY ARMBRUSTER and MARTIN UNRAU, after being  
18 sworn, presented as follows:

19 THE CHAIRMAN: Go ahead.

20 MR. ARMBRUSTER: Thank you. My name  
21 is Ray Armbruster. I'm vice chair of the  
22 environment committee for the Manitoba Cattle  
23 Producers Association. On behalf of the Manitoba  
24 Cattle Producers Association, I would like to  
25 thank the members of the Commission for the



1 opportunity to provide you with some input in this  
2 process.

3                   The MCPA represents approximately  
4 10,000 producers involved in various aspects of  
5 the beef industry, including cow/calf,  
6 backgrounding, finishing. The cattle industry is  
7 worth in excess of \$500 million annually to the  
8 Manitoba economy.

9                   Over the past several weeks, the Clean  
10 Environment Commission has had the opportunity to  
11 travel across the province to learn about the  
12 public's views about the Manitoba hog industry.  
13 As you prepare to review the information you  
14 collected in the past few weeks, the MCPA would  
15 like to leave you with a few thoughts and  
16 recommendations.

17                   The MCPA strongly encourages the CEC  
18 to adhere to its mandate, which is to look at the  
19 environmental measures in place related to the  
20 Manitoba hog industry, and to determine the  
21 industry's environmental sustainability.

22                   We believe your review should be  
23 technical by nature and informed by sound science,  
24 not simply by the public's perception of the  
25 issues.





1                   As livestock producers, we have a  
2 tremendous respect for the land and it is what  
3 sustains our operations, and in turn our families  
4 and our communities.

5                   As you will have learned throughout  
6 the course of these hearings, Manitoba agriculture  
7 industry is very heavily regulated. Although some  
8 members of the public may have the misconception  
9 that farmers are somehow free to do anything they  
10 wish in their operations, this is simply not the  
11 case. There are dozens of acts and regulations in  
12 Manitoba that govern agriculture. On-farm site  
13 inspections occur. Failure to adhere to these  
14 rules can lead to prosecution and fines.

15                  Manitoba hog producers and cattle  
16 producers are regulated by many of the same pieces  
17 of legislation when it comes into factors such as  
18 nutrient management, manure management, land use  
19 planning and approval, and odour, to name a few.  
20 Three of these key pieces include the  
21 Environmental Act, the Planning Act, Livestock  
22 Manure, Mortalities and Management Regulations.  
23 We must reiterate, in Manitoba, livestock  
24 production does not place in some sort of a  
25 regulatory or production management void. We have



1 some of the strictest environmental rules in North  
2 America.

3           As cattle producers, we take many  
4 steps to manage our operations and manure, to  
5 protect wildlife in riparian areas, to apply these  
6 nutrients at agronomic rates, to properly dispose  
7 of mortalities, to manage odour, to adhere to  
8 siting and setback requirements. Moreover, to  
9 expand operations beyond certain size, we must go  
10 through a strict land use planning and approval  
11 process, often involving public hearings, a  
12 hearing component and technical review process.  
13 As such modern livestock production is both  
14 technical and bureaucratic by nature, at times it  
15 seems we spend as much time managing the paper to  
16 relate it to the environmental regulations as we  
17 do caring for the animals. But by taking these  
18 steps and adhering to these regulations, we  
19 protect not only Manitoba surface water,  
20 groundwater and soil, but also the longevity of  
21 our operations. It simply does not make  
22 environmental or economic sense for producers to  
23 abuse their key natural resources on their farms.

24           The MCPA believes there must be some  
25 consistency and predictability when it comes to



1 regulatory process around livestock operations.  
2 We cannot reasonably continue to end up in  
3 situations where livestock operations seeking to  
4 expand their operations have gone through  
5 technical review process, met all provincial and  
6 municipal environmental and regulatory  
7 requirements, only to have their applications  
8 denied for no scientific reason.

9           The MCPA believes that the  
10 environmental decisions must be based on a sound  
11 science, and that emotions, misconceptions must  
12 not be allowed to stand in the way of sustainable  
13 agricultural development.

14           We realize the argument will be made  
15 that each proponent can bring a different  
16 scientist to the table to argue for their  
17 respective position. In assessing what is sound  
18 science, the MCPA recommends the Commission look  
19 from data that is current, peer reviewed, tested,  
20 and that is applicable to unique soil and  
21 conditions in Manitoba.

22           The MCPA will encourage the Commission  
23 to seek out the research related to livestock,  
24 soils and water that is currently under way in  
25 Manitoba. You may find that some of the



1 traditionally held conceptions about nutrient  
2 runoff do not hold up under the scientific  
3 microscope.

4           We also believe that both government  
5 and industry alike have an important role to play  
6 in supporting research. It seems that at times in  
7 recent years, providing up-to-date research has  
8 taken a back seat to enforcement of rules that may  
9 not reflect the reality of the landscape.

10           Manitoba livestock producers remain  
11 deeply committed to seeing their industry move  
12 forward. But as the regulatory environment, the  
13 government of our sectors increases, so do the  
14 costs to producers to adapt. The cattle producers  
15 are price takers, not price setters. We simply  
16 cannot pass along the increasing regulatory costs  
17 that we face to the consumers of our product, yet  
18 by continuously updating our production methods  
19 and incorporating new ways to protect the  
20 environment, we are providing an environmental  
21 service that benefits all Manitobans. We hope  
22 that our contributions will be recognized the  
23 citizens, and the government and policy makers  
24 alike, as we do not take our social responsibility  
25 lightly.





1                   The MCPA therefore recommends an  
2     incentive based approach to be encouraged when  
3     introducing new environmental regulations. If the  
4     government is going to expect producers to  
5     continually modify their operations, some  
6     financial incentives and technical expertise to  
7     help them adapt to new rules would certainly be  
8     welcome and are essential to moving the process  
9     ahead.

10                  The MCPA also believes that producers  
11     must be provided with a reasonable time line to  
12     make the transition to operate and under new  
13     regulations. Changing production practice takes  
14     time and can be costly. Cattle producers are  
15     willing to do their part, but no one will benefit  
16     if we are driven off the land because the  
17     regulatory costs that are too onerous for the  
18     producers to bear.

19                  In a similar vein, the MCPA recommends  
20     that the government undertake a cost benefit and  
21     economic impact analysis of proposed environment  
22     regulations before they are enacted. It is  
23     critical that there is a sound scientific  
24     rationale behind the introduction of new rules to  
25     help ensure that they will have the desired



1 outcome. Livestock production is a key economic  
2 driver in Manitoba, creating thousands of direct  
3 and indirect jobs.

4           The current pause in the hog industry  
5 is having a ripple effect in Manitoba's livestock  
6 sector and at allied industries. There is deep  
7 concern that the pause will be extended without a  
8 basis in science. And this will have a negative  
9 impact and consequences, not only for the  
10 producers, but for all Manitobans. In addition to  
11 protecting the environment, the government has  
12 responsibility to create a sound business  
13 environment. The current pause sends a negative  
14 signal to the business community in Manitoba and  
15 beyond our borders.

16           The rules relating to livestock  
17 development have been extensively debated and  
18 reviewed in Manitoba for many years. We have said  
19 it before and will say it again, the vast majority  
20 of Manitobans do not live their lives under the  
21 same degree of environmental scrutiny as farmers.  
22 They are free to apply fertilizers and herbicides  
23 to their lawns, gardens, with impunity. Some  
24 municipal lagoons are discharged into waterways.  
25 Oil and other chemicals are dumped down drains,



1 batteries tossed into garbage. Where are the  
2 environmental standards in these cases?

3           The Commission will wrap up its  
4 hearings tomorrow. The MCPA reiterates its desire  
5 to see the process, the review process completed  
6 within a reasonable time frame, preferably months  
7 and not a year from now, so to help quell the  
8 uncertainty in the agriculture community.

9           We recognize the Commission has been  
10 tasked with a tremendous responsibility and placed  
11 in a difficult position, trying to balance science  
12 off against public opinion. We wish you success  
13 with your work.

14           In closing, the MCPA believes that  
15 caring for Manitoba environment is simply not the  
16 sole responsibility of the farm community.  
17 Producers, individuals, citizens, manufacturers,  
18 processors, businesses, municipal governments,  
19 share an equal responsibility in protecting the  
20 environment. By working collaboratively, the MCPA  
21 believes the government and Manitobans can devise  
22 a sustainable development policy that will protect  
23 our resources for years to come.

24           I thank you for this opportunity to  
25 present this to you, Mr. Chairman, fellow



1 commissioners.

2 THE CHAIRMAN: Thank you very much.  
3 Edwin?

4 MR. YEE: Yes, Mr. Armbruster, just a  
5 question for clarification. You mentioned it  
6 seems at times, in recent years, providing  
7 up-to-date research has taken a back seat to  
8 enforcement of rules that may not reflect the  
9 reality on the landscape. Can you expand on that?  
10 I'm trying to understand what you mean by the  
11 reality on the landscape, and what particular  
12 rules?

13 MR. ARMBRUSTER: I think what we mean  
14 by that in reality is probably the research  
15 dealing specifically with nutrients is lagging  
16 behind regulations. And we need to get a balance  
17 so we can make those decisions based on the  
18 science that's been done, that can provide a  
19 better sound basis information to promote those  
20 regulations. And we understand there's a diverse,  
21 diverse environment of soils in an area in  
22 Manitoba. So not one regulation or science is  
23 going to cover it all. It's a complex problem,  
24 and it's not simply nutrients. We've got to  
25 understand water systems much, much more. It's a





1 complicated issue. We don't talk about  
2 velocities, we don't talk about natural processes,  
3 water levels. We are just talking about  
4 nutrients, and we need to get a much more complete  
5 picture to make a balanced reasonable decision  
6 with regulations.

7 MR. YEE: Thank you.

8 MR. UNRAU: Could I just add something  
9 there? We know that the movement of phosphorus  
10 and nitrogen, and basically nutrients in the soil  
11 differs according to every type of soil that we  
12 have. And when you talk to a scientist, some of  
13 the leading soil scientists in the world, they  
14 will remind us instantly that the type of soil we  
15 have plays a larger part on where the nutrients go  
16 than how much nutrients are in the soil.

17 So I think what we are trying to say  
18 is that the research must be done in Manitoba to  
19 prove that the nutrients move in a certain manner  
20 in the Manitoba climate and the soil conditions in  
21 our province. Thank you.

22 MR. MOTHERAL: No technical stuff  
23 other than just the Commission will not wrap up  
24 tomorrow, we wrap up the next day. I've got no  
25 more questions.



1 THE CHAIRMAN: Thank you very much,  
2 gentlemen. We're going to take about a four or  
3 five minute break and then we will resume.

4 (PROCEEDINGS RECESSED AT 8:55 P.M. AND RECONVENED  
5 AT 8:58 P.M.)

6 THE CHAIRMAN: Okay. Let's come back  
7 to order, please. We have one final presenter  
8 this evening who has requested 30 minutes, so  
9 we'll try to survive this heat for another 30  
10 minutes.

11 MS. JOHNSON: He's been sworn in, in  
12 Winnipeg.

13 THE CHAIRMAN: Could you just  
14 introduce yourself for the benefit of the  
15 audience, Mr. Tait?

16 MR. TAIT: My name is Fred Tait.

17 THE CHAIRMAN: Thank you and go ahead.  
18 FRED TAIT, having been previously sworn, presented  
19 as follows:

20 MR. TAIT: Yes, thank you,  
21 Mr. Chairman. It was my intention to wait this  
22 long in the process because I had made an access  
23 to information request for a lot of information  
24 concerning the application of manure and the  
25 nutrient loading, or lack thereof in the soil



1     itself. Unfortunately, I applied a group blocking  
2     because I could get around the limitation of  
3     applying for thousands of pieces, and it would  
4     have required funding which I didn't know how I  
5     was going to fund, but I suspect I would have been  
6     talking to you. But unfortunately, I did not get  
7     a response. I appealed to the Ombudsman, and we  
8     will not get that information.

9                     Unfortunately, there leaves a big gap  
10    in this whole process because of the lack of that  
11    information. In fact, I think, with my limited  
12    experience around the Environment Commission  
13    hearings over a period of a decade or so, I think  
14    it's probably the first time in my memory that  
15    such a large block of information has not been  
16    available for input.

17                    I take the access to information as to  
18    be the most serious part, because for the public  
19    to participate within the democratic process, the  
20    public requires access to information. Because  
21    it's been my observation over a long period of  
22    time that political leadership, elected  
23    representatives, react to public pressure. They  
24    normally do not lead the campaign for  
25    environmental improvement or sustainability within



1 a society. They end up getting pushed that way  
2 and have to react to maintain elected office. So  
3 the very fact that the public now is having  
4 increased difficulty, and it is an ongoing affair,  
5 to acquire information is actually causing in my  
6 mind some serious problems for the future  
7 protection of environment and sustainability  
8 within our economy.

9                   And in this regard, when it comes to  
10 the sustainability of the industry, I have been  
11 very conscious of the many statements that have  
12 emerged from the three ministers that are chiefly  
13 involved in Manitoba, Agriculture, Conservation,  
14 Water Stewardship, and Intergovernmental Affairs  
15 on occasion. And they have consistently said that  
16 we have the most stringent regulations in North  
17 America, which is a bit debatable. And they also  
18 have said that all is well and we really have  
19 nothing to fear. And as a citizen, I am inclined,  
20 I guess, to take the accuracy of those statements  
21 at face value. But I certainly wish I would have  
22 access to the information that would verify the  
23 accuracy of them.

24                   And I'm also, I have to tell you,  
25 really surprised. Because with the resources that





1 are available to a Minister in ministerial  
2 assistant staff, special assistants, research  
3 capacity, there's a policy development branch,  
4 there's a knowledge centre and so on. I would  
5 have thought that some place within that system,  
6 someone would have come forward and said,  
7 Mr. Minister, it's in our political interest that  
8 we release this request to the information,  
9 because to release it, of course, would discredit  
10 people like myself that have been critical. But  
11 that hasn't happened.

12                   And I am probably even somewhat more  
13 surprised in a way that the industry itself, which  
14 has shown tremendous sophistication on occasion on  
15 image management and putting its view forward,  
16 didn't itself alert the Provincial Ministries that  
17 it was time to release this information for the  
18 same purpose I had just stated.

19                   And one has to be careful at the  
20 conclusions they come to when they are addressing  
21 this, but I guess at the mildest I can say I have  
22 probably been overly optimistic at the capacity of  
23 these Ministers to seize a political opportunity  
24 to release information to verify all of the claims  
25 that have been made.



1                   I am at -- I have the proceeds of my  
2 first Old Age Security cheque in my pocket here,  
3 and the prospect of waiting 13 and a half years or  
4 13 years to receive the information is probably a  
5 little bit of a stretch of imagination, to think  
6 that I'm never really going to have an opportunity  
7 to use it, if I did even live long enough to  
8 acquire it, it will be past the point where it's  
9 very useful. But I'm also reminded, in watching  
10 the media over the past weeks, of the volume of  
11 money that was spent in advertising in both the  
12 print and the visual and audio media. If it had  
13 been applied to the purpose of covering the cost  
14 of acquiring this information, it may have been  
15 better spent.

16                   In my capacity to deal with a lot of  
17 communities over intensive livestock industries,  
18 sort of as a sounding board, give advice and  
19 stuff, I've had quite an opportunity, probably  
20 unique opportunity to deal with a lot of people  
21 and look at an awful lot of proposals and  
22 projects, and an occasional one that was refused.  
23 And I try, when I'm looking at these issues, to  
24 try and put myself on the other side so I can  
25 perhaps see it better. And that is not an easy



1 thing always to do. And I look at the role of the  
2 technical review committees, and I know the  
3 Commission has heard quite a bit of reference to  
4 that, even here again this evening. And the role  
5 of the Commission -- not the Commission, of the  
6 technical review committee is fairly easy to  
7 understand. It says the function of the committee  
8 is to provide municipal councils a review of the  
9 technical aspects of a proposal. Fair enough.  
10 That's probably a little bit of an understatement,  
11 but that pretty well describes it. But then it  
12 becomes complicated, if I put myself in the role  
13 of one of those members of that technical review.

14           Immediately I would be conscious of  
15 the relationship between an employee and his  
16 employer. You can't avoid that. I would have to  
17 recognize the priority of my employer is to expand  
18 the province's livestock industry. That's clear,  
19 that's been consistent for two administrations now  
20 going back to at least 1996. I would be very much  
21 aware that my employer has provided significant  
22 financial contributions and incentives of out and  
23 out grants, financial infrastructure supports and  
24 so on, to make this happen. They have also used  
25 the Manitoba Agriculture Credit Corporation as a



1 loan guarantor to further assist this expansion of  
2 the industry to a very significant industry. They  
3 are responsible, of course, for the regulatory  
4 framework and provide the enforcement capacity,  
5 where I would come in as an employee.

6           And I would have to make a judgment,  
7 as an employee, an individual evaluation of  
8 whether or not it would be in my interest to  
9 interfere in any significant way with the stated  
10 policy objectives of my employer. I'd have to  
11 give consideration, I think, to the future, my  
12 future employment prospects, because the Civil  
13 Service today is not the stability -- stable  
14 instrument it was at one time, where you started  
15 out of university in the Civil Service and stayed  
16 there until retirement. There's been a lot of  
17 come and go, and people laid off, and governments  
18 changing with different priorities. So I would  
19 have to be very conscious that I didn't develop a  
20 capacity, while being a public employee, that  
21 would any way imperil my capacity to find  
22 employment in the public sector if I was forced to  
23 relocate.

24           I want to give you an example of how I  
25 believe -- this example I have just given you may





1 help you understand it. And in this package here,  
2 there is a bit of material. I have copied from a  
3 technical review report that came out of a  
4 proposal near the Town of Ninga northwest of  
5 Killarney, and it was Sage Farms High Tech  
6 Limited. After the approval, I was curious enough  
7 as to what had happened there. There was a lot of  
8 public opposition. Everyone is wondering what  
9 happened. So the thing for me is the nutrient  
10 management, the protection of the environment, how  
11 was it coped with? What is it a realistic sort of  
12 proposal that took place there, and was there a  
13 realistic assessment of the operation, or the  
14 potential operation?

15                   So I came to Portage and I went to  
16 Crop Insurance and the Manitoba Provincial  
17 Government building, Manitoba Agriculture, and I  
18 gathered up this material. It comes out of the  
19 Manitoba Crop Insurance document for 2005. And  
20 what I did, I took the -- and I also got some data  
21 about corn production, and it's stapled on your  
22 second page. Then in the proposal itself, I saw  
23 that there is the cropping practices there, and it  
24 describes the legal descriptions of the parcels of  
25 land, and it talks about the cropping practices



1 for 2007. And the canola, you'll notice in  
2 brackets, is listed at 50 bushels right across  
3 there. Grain corn is at 110, hard spring wheat is  
4 at 55, barley at 95. The handwritten notes next  
5 to it, you'll find in the next, back in the final  
6 page -- and that's from Manitoba Agriculture,  
7 that's their publication saying what the average  
8 yield of those crops had been in that risk area  
9 from 2000 to 2004. So that's a fairly wide  
10 example. You'll notice that the average yield of  
11 canola in that area was 31 bushels. Corn, I did  
12 not pencil in a number because I was only able to  
13 get one example, which was I believe in a poor  
14 corn production year, and I didn't think it would  
15 be fair to add it. And I couldn't get anything  
16 that I had confidence in that was accurate. But I  
17 did notice -- I live in a corn area not far from  
18 here -- that 110 bushels of corn where I live  
19 would be, would cause joy to heart of the  
20 producer. It certainly would be something above  
21 the normal that I have noticed since corn became  
22 common in my community. And if you are going to  
23 apply nutrients to a field based on to a yield  
24 projection that is probably not realistic, you're  
25 going to have a nutrient load problem. You can't



1 avoid it.

2                   Now, I was so concerned about this  
3 sort of thing, because it causes disruption in the  
4 communities when these sort of obvious errors are  
5 noted. I have made contact with the chair of the  
6 southwestern region technical review team, and  
7 made them aware that I had accessed this Manitoba  
8 Crop Insurance datum, and there certainly was a  
9 serious discrepancy between the data and the  
10 proponent's projection.

11                   And in a moment that remains clear in  
12 my mind forever, I received a response from the  
13 chair of the technical review committee that the  
14 technical review committee considers that if the  
15 nutrients and moisture are available, the yields  
16 are achievable. One has to ponder that in your  
17 mind for a while if you're a farmer. Because  
18 there is another component to crop production, and  
19 that is heat units. And you'll notice in that  
20 package the heat units for that area would make  
21 that type of yield in corn, particularly, very  
22 difficult to achieve.

23                   And so here I had a very high ranking  
24 civil servant telling me really that all this  
25 literature here of risk areas and crop insurance



1 coverage across the province that is adjusted  
2 according to risk areas, which are partially  
3 involving heat units that are available, is all  
4 invalid. And so my reaction was, well, if heat  
5 units are not a component in crop production, then  
6 surely these type of yields are achievable at both  
7 Thompson and Churchill, to take the extreme.  
8 That's how ridiculous I see this sort of stuff.

9                   The other thing that I've noticed, and  
10 there's another package in here, and this one is  
11 from a more recent, this is 2006, this is near  
12 Treherne, and this is the conclusions and  
13 recommendations out of the technical review  
14 report. I didn't bother copying it all off  
15 because there's enough paper you've captured  
16 already in this tour. But on the first page it  
17 says,

18                   "Any areas of class 6 soil that do in  
19 fact exist on the application fields  
20 should be identified."

21 Should be, not must be, should be. Should be  
22 doesn't require anybody to do anything.

23                   The next sentence,

24                   "Manure application rates should  
25 consider soil test levels. Manure





1 concentrations at realistic target  
2 yields should be prioritized."

3 Not required, should be. And it goes on, but  
4 there's several examples of it on page 2,  
5 recommended setback,

6 "If abandoned wells are located on  
7 fields identified for manure  
8 application, they should be properly  
9 sealed."

10 Not must be properly, should be. There's no  
11 requirement for anybody to do anything there. But  
12 my favourite one of all is at the bottom of  
13 page 23, and this is from the Water Stewardship  
14 representative on that committee.

15 "It is recommended that the number of  
16 acres available for spreading be  
17 recalculated with consideration for  
18 zone 4 land and setback distances from  
19 water courses to accurately reflect  
20 the total number of available acres."

21 That sentence tells me that this person, who is  
22 identified on the next page, noted an error in  
23 calculation. Fairly clear. In fact, I talked to  
24 the person on the phone about this, and I said,  
25 surely, what should happen is there should have



1 been, it must be recalculated.

2                   So I watched the process unwind and I  
3 watched the conditional use, I read the  
4 conditional use report that came out of the  
5 municipality. And guess what? They didn't  
6 address any of the shoulds, because they didn't  
7 have to. And so an error, in all likelihood, was  
8 made. And now that we have approved it, from my  
9 perspective, the operator is in a pretty good  
10 position to argue, if you want changes to that,  
11 then the public should pay for those changes, if  
12 we're not diligent at the time of doing these  
13 things.

14                   I wanted to address you a bit about  
15 the issue of the technical review committees  
16 themselves and their role. Probably as late as a  
17 month ago, I would have perhaps suggested that the  
18 technical review process could be improved by  
19 attaching local expertise, and that was mentioned  
20 here tonight. But, of course, I don't think now,  
21 in hindsight, that that would work. Because,  
22 first of all, the relationship between employer  
23 and employee still would exist. And Provincial  
24 Governments, regardless of their stripe, are  
25 tending to appoint people that serve the current



1 objective of the governing party. And it's hard  
2 to get away from that and I don't say they should.

3           So in my estimation, the best thing  
4 that can happen to the technical review teams, at  
5 some time in the not too distance future, is that  
6 they would disappear and they'd be replaced by an  
7 environmental process that would be administered  
8 by the environment commission itself.

9           It may not be perfect and I probably  
10 don't understand all the ramifications of what I'm  
11 suggesting, but there is one thing from seven  
12 years of constant experience of looking at these  
13 type of issues, we could not come up with a more  
14 incomplete process than the one we have already  
15 been using.

16           And I have put together some areas of  
17 recommendations that I -- if in a perfect world,  
18 they would be possible. And they relate really to  
19 the issue of access to information. Because when  
20 I read through the Ed Tyrchniewicz, Carter,  
21 Whitaker "Finding Common Ground" report of 2000, I  
22 find a recommendation in there where the province  
23 would be posting all the available information on  
24 a site that would be easy for the public to  
25 access. And that again appeared in the



1 Tyrchniewicz, Heather Gregory study, "The Pork  
2 Value Chain and Where It Is Leading," that same  
3 recommendation reappears again. Because the lack  
4 of information, or the inability to acquire  
5 information sometimes, in fact often times,  
6 becomes very destructive in a society. People  
7 will start to think the worst possible thoughts.  
8 And we probably don't need that type of  
9 environment to exist in rural Manitoba. We've got  
10 enough now.

11                   So I'm recommending that the Manitoba  
12 Conservation post on its website the following  
13 information, and I recognize that there are areas  
14 of personal material that there will be exclusions  
15 to: All previous technical review committee  
16 reports. That would have been very easy if they  
17 were there for me to come here tonight and make a  
18 very complete evaluation of the whole process and  
19 give you an estimate of where we're going in  
20 nutrient loading. All future technical review  
21 committee reports I believe should be posted on  
22 the website 28 days prior to the conditional use  
23 hearing, and that fits in with the 30 day  
24 requirement, that the municipality must hold a  
25 conditional use hearing within 30 days of the time





1 they receive the technical review report back.  
2 That gives a couple of days to accommodate for the  
3 weekends or whatever may fall there.

4 All applications and accompanying  
5 documents forwarded to the technical review  
6 committee. That's the input material, the  
7 proponent material as to what they intend to  
8 build, the drawings and so on that go with it.  
9 Because without that, which is current now you  
10 don't get a lot of that stuff, but there is a good  
11 example of a barn in the RM of Portage la Prairie,  
12 that if it hadn't have been for our capacity to  
13 get ahold of the drawings of both the lagoon and  
14 the barn, a major problem would have existed,  
15 because there was serious, serious flaws in that  
16 application. I can provide the Commission with a  
17 copy of that on Friday in Winnipeg. A friend  
18 borrowed it from me.

19 All manure management plans,  
20 associated soil tests for all years since the  
21 commencement of the operation. This is where you  
22 get into disputes with the owner. The owner has,  
23 in my mind, the right to say yea or no on that  
24 one.

25 All construction inspection reports



1 and dates related to manure storage facilities  
2 permitted by Manitoba Conservation, all permit  
3 applications, including engineering plans,  
4 drawings, drill logs and associated soil tests.  
5 Without that material, you can't make an informed  
6 evaluation about the merit of an operation. You  
7 have to have that. And you have to find people  
8 that have the skill to unravel that for you. I  
9 don't have all these skills, but I've got access  
10 to people that can do these things for me.

11           Manure management plans, application  
12 rates be determined by Manitoba Crop Insurance  
13 average risk area yield projections. It's hard to  
14 argue against that after the example that I just  
15 showed you.

16           Civil servant severance requirements  
17 of a five-year cooling off period during which the  
18 former government employee would be prohibited  
19 from working in an industry over which they  
20 exercise regulatory authority. And this one has  
21 come up repeatedly. And it relates to the issue  
22 of its transfer from the chair of the south  
23 eastern regional technical review team of Andrew  
24 Dickson to the Manitoba Pork Council. This one  
25 offended a lot of public sensitivities. We see in



1 other areas where people that were employed by  
2 industry, the Canadian Wheat Board as an example,  
3 the severance package pays them and compensates  
4 them, and there's places they can't go in the  
5 grain industry because of the knowledge and  
6 contacts they have had. And that is not  
7 unreasonable when we're trying to protect issues  
8 of environment. The five years is my wish list.  
9 I would expect there would be some negotiating  
10 going on about that level.

11                   The Manitoba Clean Environment  
12 Commission expand the scope of the pending OlyWest  
13 hearing to include that information that has been  
14 not made available to the Commission due to the  
15 delays of the Manitoba Conservation in servicing  
16 the access to information request. It is on the  
17 agenda. We don't know exactly how it will go, but  
18 there's a likelihood, probably about 50/50, that  
19 we shall see the OlyWest proposal come before the  
20 Commission, possibly this fall. And if it does,  
21 there is this block of information that we don't  
22 have relating to hog production that will supply  
23 the plant, that we need if we're going to make a  
24 decision, because there will be an expansion in  
25 the finishing area that we should not make, repeat



1 the mistakes of the past if indeed mistakes have  
2 been made, and we can't determine that without  
3 access to that information.

4           And from a political perspective, it  
5 was probably a wise decision from the Provincial  
6 Government to do this process and separate it,  
7 although I would have rather had a formal hearing  
8 process, obviously, but one doesn't always get  
9 what they want. But by doing that and putting us  
10 in a position where we couldn't subpoena the  
11 information, it's probably going to create quite a  
12 bit of political pressure to include hog  
13 production as part of the OlyWest hearing.

14           And in looking at all these issues and  
15 researching all this stuff, from time to time, one  
16 struggles across something, or stumbles across  
17 something that I find kind of relevant. And this  
18 morning, about 6:00 o'clock, I am not usually one  
19 to sleep in very much, I came across a piece that  
20 I think probably describes as much as anything  
21 else the situation I find myself in and where my  
22 thinking is now about this issue. And it was a  
23 reference to a person by the name of John Madison,  
24 that was probably the primary author of the  
25 American Constitution that, when you think of the





1 time it was written, was a revolutionary document.  
2 And in 1878, in the resolution to the Virginia  
3 legislature, in part he said,  
4 "Which more than any other ought to  
5 produce universal alarm because it is  
6 leveled against the right of freely  
7 examining public characters and  
8 measures of a free communication of a  
9 people thereon which has been justly  
10 deemed the only effective guardian of  
11 every other right."  
12 And that is only 209 years ago that he wrote that.  
13 And I'm sitting here at this table tonight telling  
14 you the same thing. That to guard the  
15 environment, to guard the economic well-being of  
16 the community, we need that information. Because  
17 my fear is this; we're going to go too far  
18 possibly on the wrong road. And if the wheels  
19 come off, the backlash will be rather brutal and  
20 it will not be selective. I'll be caught into it  
21 as much as everybody else that's out there upon  
22 the land. And the sooner we find out if we are  
23 doing wrong and correct it collectively, the  
24 better off we will be economically in the future.  
25 I thank you for your patience. It's



1 late in the day here.

2 THE CHAIRMAN: Thank you very much  
3 Mr. Tait. Questions, Wayne?

4 MR. MOTHERAL: I'm going to be going  
5 through this again. No questions now.

6 MR. YEE: No questions now.

7 THE CHAIRMAN: Thank you very much,  
8 Mr. Tait.

9 That brings today's proceedings to a  
10 close. We reconvene Friday morning at 9:00  
11 o'clock at the Radisson Hotel, I believe, in  
12 Winnipeg. Thank you all for coming out today and  
13 this evening, and good night.

14 (Adjourned at 9:25 p.m.)

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CERTIFICATE

CECELIA REID and DEBRA KOT, Court Reporters, in  
the Province of Manitoba, do hereby certify the  
foregoing pages are a true and correct transcript  
of my Stenotype notes as taken by me at the time  
and place hereinbefore stated.

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Cecelia Reid

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Debra Kot



