

COMMENTS TO THE CLEAN ENVIRONMENT COMMISSION REVIEW OF THE
HOG INDUSTRY, INVITED OPENING STATEMENT, PUBLIC MEETING,
WINNIPEG, MANITOBA, MARCH 5, 2007

My name is Ruth Pryzner. I am a small mixed farmer from the Rivers/Alexander area in Southwestern Manitoba. I have been involved in activities relating to the hog industry since 1998 as a member of my community, the larger provincial community and have been a decision-maker serving my community as a municipal councillor from 2002-2006.

As such, I have gained considerable experience and knowledge about: the way in which the hog industry operates in this province; how and why decisions are made about the industry in communities and by the provincial government; and have examined a number of proposals in the course of assisting people in being able to have a meaningful and informed voice when a proposal for a hog barn comes to town.

The experience and expertise that I bring to share with you is not unique to me. Within rural communities, those people who are forced to face and respond to the demands of the industry have developed significant expertise about how the industry operates, the decision-making approval process, what they can expect from the Province and the results of having been forced to live with the effects of the industry on a daily basis.

We know that the structure of decision-making processes definitely and significantly influence the outcome of decisions.

Common sense tells us that in order to arrive at sound decisions, seeking and finding evidence-based truth before drawing conclusions and making decisions based on these conclusions is required. This is also an imperative in science-based decision-making. Yet, we must also recognize that our understanding of and ability to understand our world through science is limited. So, too is our ability to understand our relationships with the natural world and each other. Because of the subjective nature of our objective relationship to our world and each other and the limits this places upon us, we have to recognize that there is always a context in which we evaluate and decide.

The context in which I try to locate any search for truth and facts, and then in making decisions is centred in the perspective of “will it do harm? And, if so, is this harm significant and irreversible? I submit to the Commission, that this is a fundamental prerequisite for making decisions in the PUBLIC interest.

We know, from our collective and historical knowledge that the health of the environment is essential to the health of the public. Therefore, acting in the public interest requires that our collective public interest be protected through our protection of our environment. Preventative and precautionary principles must be embraced, facilitated, allowed and followed if protection of our environment is to happen. Indeed, this is what the Sustainable Development Act – as weak as it is – is trying to tell us.

The decision-making process around the hog industry, by contrast, is imbued with the language of mitigation. As Lindy Clubb- a committed environmentalist has described mitigation, it is like when you have been told that you're going to be pushed off a ladder. The question you must answer is "What do you want broken? Your arm or your leg?" The question that should be asked is "What is it going to take to prevent you from being pushed off the ladder in the first place?"

What I am saying and what you will likely hear from members of the public who live in rural communities is that the public interest has been subsumed under the corporate/private interest. The public interest has not only been ignored and dismissed by most decision-makers it has actively been put on the backburner in relation to the industry's interests. This has been facilitated through changes in legislation such as the Planning Act, changes in regulations such as the new Phosphorus regulation, rules that permit conflicts of interest with decision-makers and bureaucrats, lack of accountability of decision-makers, little redress for members of the public through an ineffective Ombudsman process, rules that hide information instead of making it available for public use and informed and meaningful participation in decision-making and environmental protection processes and even a conscious removal of the ability for people to use the courts to ensure enforcement of existing legislation and regulations relating to hog operations, among other things.

Members of the public have been assured that the province is there to act in the public interest and to protect the public's interest in the environment in the decision-making process that has been developed. This is simply not happening. The process is not working for the public or the environment. Our collective experience bears this out. And, you will hear details from people how this assurance is fraudulent.

Indeed, your role here is to provide advice and recommendations to the minister of Conservation. It was the minister who provided the terms of reference for the hog industry review. While the terms of reference sound good on the face of it, what is the real objective of the hog industry review? What do we know?

We know that the Province has been committed to the expansion of the hog industry and the priority has been a focus on economic factors and economic growth. In fact, this commitment goes back many years. A 1995 decision by the RM of St. Francois Xavier records a comment made by a hog operation proponent. The minutes read: "*Michael Radcliffe addressed the meeting as counsel for the applicant...Mr. Radcliff reminded council that hog production has been identified as an area of agricultural growth by the provincial government. He and colony representatives advised of the local benefits of an increased tax base for the R.M., in addition to the other benefits to the local and provincial economies that result from active agricultural businesses.*" In my experience, this advice and government policy has not changed. Be it a Conservative government or an NDP government, the policy of expansion of the hog industry has continued and been facilitated by all parties. In effect, there has been no real opposition in government to the

hog industry beyond rhetoric and the scoring of a few political brownie points here and there.

Economic benefits (or rather, the empty promise of them), drives the policy decisions of all levels of government about the hog industry, not environmental considerations. Sustainability and protection/prevention principles do not drive these policy decisions.

Evidence of this lies in many places. One such place is events around the introduction of Bill 40 – The Planning Amendment Act, its withdrawal by the government that introduced it and then the introduction and passage of Bill 33, what is now the Planning Act. The intent of changing the Planning Act was primarily to address the livestock issue – i.e the highly divisive hog industry and to make it easier for municipalities to subdivide land for development. These 2 bills were a legal solution to a huge political problem. The political problem was that members of the public who were concerned about our environment, those who had doubts and/or were in opposition to particular hog operations locating next door or in their communities, were becoming educated and effective in slowing down the industry and even stopping some operations from being approved.

But, most importantly, members of the public were drawing attention to the failings of the government in addressing the needs of communities and the environment in the hog industry's expansion. People had puzzled out that the government acting as industry promoters were also the regulators. People had puzzled out and been collecting evidence that the government and its representatives, as regulator, are not acting in the public interest. This was embarrassing and politically damaging and had to stop.

So, the role of the Technical Review Committee was enhanced. It was through the TRC that the government expressed its interest. The TRC became the determiner of what conditions a council could place on a hog operation i.e they must be relevant and reasonable. The burden of proof about the merits of an proposal required under the former Planning Act of a proponent was weakened.

Yet, the Terms of Reference for the TRC have not changed. The TRC still is not required to check the accuracy of the applicant's information. In fact, I have been told by a member of the Southwest Region TRC that it is not the TRC's job to verify the suitability of spread acres. Whose job is it? And, when as a councillor, I asked for information to do this myself, I was unable to secure the proper information to do my job as a councillor – a decision-maker.

Here is an example of what the TRC provides to the public in TRC reports. Here's what I was given in response to my request for information (which the TRC turned into a FIPPA request instead of providing it to me when asked). Here's an example of what I needed to do my duty as a councillor. Unfortunately, verification of spread acres never happened in my case. (See orthophoto samples)

The Technical Review Committee makes gross errors. Examples: RM of Daly , RM of Portage (marsh), RM of Lorne – (didn't identify and consider the Swan Lake First Nation community and the reliance on the aquifer)

When such gross errors are made, the TRC does not reassess the proposal.

The silencing of the public, the rendering of their participation in the decision-making process from being meaningful to one of going through the motions and, if by chance, enough political pressure can be brought to bear on a council to force them to take an honest look at a proposal, they will -- is particularly offensive coming from an NDP government that likes to think of and portray itself as an environmentally friendly government. The actions of this government under the leadership of Gary Doer, Minister of Agriculture Rosann Wowchuk and Conservation Minister Stan Struthers show it's commitment to the environment as being mostly lip-service. But, it's more than that, this government has actively removed the ability for the public to have a meaningful influence on public policy and decisions about the environment. Meaningful public consultations have been replaced by "stakeholder democracy." Unless you are a representative of a group, regardless of interest and expertise, you are left out. For example, this is how the Watershed Plan Development Process is structured. My participation in this process was only possible if I represented a group despite the fact that I live at the bottom of the watershed and understand the problems with this.

The policy of reducing public participation in decisions around intensive livestock operations has been fully supported by the Conservatives. I would refer you to the Bill 33 Committee hearing hansards.

It's disturbing to note that the MPC at these hearings was pushing the government to restrict those who could attend conditional use hearings to those who lived in a very small radius of the proposed operation. Where is the industry's interest in ensuring that the larger environmental concerns are addressed here?

Initiatives such as the Water Protection Act and regulations such as the Nutrient Management Zones, the new Phosphorus Regulation have little meaning to people who are living with the effects of environmental degradation if they fail to translate into action and are supported by appropriate resources and research.

The provincial view as expressed, in particular, through the Planning Act, the role of the Technical Review Committee and government bureaucracy in the approval and permitting process for industrial hog operations, the Livestock Manure and Mortalities Management Regulation (and its enforcement or lack thereof) is grounded in the principle of mitigation as opposed to operating on the principle of prevention or precaution.

This is a deliberate legislated and unwritten policy of government that expresses itself in various venues. This policy reflected in the way in which the TRC review process proceeds and the advice and recommendations are provided to local decision-makers.

An examination of the new phosphorus regulation will be central to any evaluation of whether or not the hog industry in Manitoba is sustainable.

One of the central points of the LWSB is that applying more nutrients to the land than what crops can use causes buildup and saturation of soils over time. Scientists tell us that excess nutrients can, at any time, become available to move into surface waters. A small amount can cause significant problems. A key to minimize this is to apply nutrients to land at the rate the crops can use them.

The fact is, the new regulations allow for manure to be applied at varying accelerated rates until soil test readings (using a method called Olsen) exceed 825 lbs of phosphate or P205 per acre.

To put this in perspective, the lowest user, a 24 bushel crop of flax removes 18 lbs/acre of phosphate with the seed and straw, a 40 bushel wheat crop uses 32 lbs/acre, canola 58 lbs/acre, to a 100 bushel crop of corn or corn silage using 63 lbs/acre.

Some phosphate gets bound in the soil. Some of it gets used by the crop that year. And, obviously, with 900 tonnes in Lake Winnipeg from agriculture, a significant amount of it is getting into our water. It is important to note that the Olsen soil test method only measures about 10% of the total phosphorus that is stored in the land. To determine this, another type of soil test must be used.

MPC spokespersons have called this “money in the bank” at conditional use hearings, attempting to convince municipalities to approve the next hog operation. In fact, it’s an ecological time bomb. The Phosphorus regulation simply is a license to pollute. The MPC claims that manure is applied at agronomic rates. Then why is it going to cost the industry 14-28 million to meet the regulation?

It’s interesting to note that Karl Kynoch, MPC Chair wrote in a Winnipeg Free Press article that the industry worked closely with the government to develop the new P thresholds.

This is one of the reasons why the information I have requested through the FIPPA process becomes so important to access and analyze prior to any conclusions being arrived at by your panel. It provides the data for a Manitoba science-based assessment of the ecological impact of the hog industry on Manitoba soil and water resources and what kind of job the province is doing.

I have been informed that I will have to wait 13.5 years for it. Here it is the Ombudsman (the body of the legislature that is supposed to investigate matters where members of the public think they have been aggrieved by a public body) acting on behalf of the government department to prevent me from getting this information for the purpose of the CEC review. I have recently been informed by the Ombudsman's office that I will now have to wait until September 2007 for my complaints that I had submitted about important on-the-ground information having been excluded from access requests that I had submitted last year, (such as locations of spread acres, crops grown and manure nutrient content) to be addressed. This is because of the volume of requests the Department has to deal with. This is simply blaming the victim. Until this matter is resolved, this interpretation will inform all requests that are fulfilled. I will then be compelled to file more complaints.

The Finding Common Ground report contains a key recommendation 2 that states:

“Policies for the future are shaped by past experience, knowledge of present circumstances and reliable information. This reliable information must be available not only to government and industry, but also to the concerned public.

The Panel recommends:

The Government of Manitoba should accumulate all relevant data concerning livestock operations in a central openly available information system in a geographic information (GIS) format to provide Manitobans with a realistic assessment of the sustainability of current operations and their effect on both the local and provincial environments.” P. viii

Yet, you have advised Mr. Koroluk that you aren't prepared to assist in the public getting access to this individually requested FIPPA information. I think you will be hard pressed to do a credible examination of the hog industry without this information.

The Manitoba Pork Council has asked that your decisions be science-based. Who is controlling the science in this process? The commission and the industry. No funds have been provided to the public community groups for research and have been specifically excluded. Those funds that are available are on a reimbursement basis – meaning that people have to incur expenses 'up-front.' As a resident of rural Manitoba and a farmer, I can tell you that rural people are not flush with cash. Most farmers are dipping into their equity in order to keep farming these days. The MPC on the other hand, is using legislatively required producer check-off money to run public relations campaigns and conduct industry-driven research. These “studies” need to be looked at from whence they came.

Furthermore, I encourage the commission to ask the question why is the MPC taking this political position? That is to narrow the scope of the investigation and have it science-based. When the industry started its big expansion, the approach from the MPC was to insist on science-based decisions. When people in rural communities rose to the

challenge and presented project proponents with science and local expertise, finding gross errors in industrial hog operation proposals and Technical Review reports, the MPC changed its tactic to insisting on Made in Manitoba science, arguing that science from other parts of the world and the experiences of people living in rural areas in other parts of the world were invalid. Minister of Agriculture, Rosann Wowchuk, began parroting this line.

Calls from those who are concerned about the environment, our water and the effects of industrial hog production in rural Manitoba on the provincial government to commit resources to investigate what is happening in Manitoba and produce Made in Manitoba science in order to inform decisions, have been unheeded. The vast majority of the research on the industry has been in the form of publicly subsidized, industry driven studies.

Now that the public has been able to identify the significant deficiencies in the lack of made in Manitoba science, the MPC is calling on the commission to make science-based decisions. This encourages you to reject the out-of-province science that will be presented to you as invalid. Nice little political circle. Isn't it?

I would challenge you to break this circle and to acknowledge what Dr. Eva Pip has been saying for years, namely, that Manitoba pigs, Manitoba people and Manitoba's environment are not as unique as the MPC would have everyone believe. Biologically we are the same as the folks who live in North Carolina, Europe, Mexico, Brazil. Pigs are biologically the same worldwide. Our soils, while there may be variations within Manitoba and North America, are not different enough to warrant a complete dismissal of the scientific evidence that has been adduced in other areas. Regardless of the position one may take on the hog industry, the science is clear. Overloading soils with nutrients beyond the capacity of plants to use them in a growing season is bad news for our soils and for our water.

I am a farmer. And, this is how I see my relationship with the land. I am borrowing from future generations. I would encourage commissioners to ask, "Why would I be asking for tighter controls over food production?" It certainly is not in my economic best interest to ask for this. It's hard enough to make a living from farming without adding more expense and work to what I do.

We borrow the use of the land from future generations, a concept that is rooted in First nations understanding of the land.

I suggest that you have to question the motivation of the people who will be presenting to you. Are their motivations rooted in the public interest or are they rooted in the individual or corporate interest? Does their message serve to advance the interest of communities and the health of the people who live in them? Does their message serve to protect and restore the quality of the life-blood of our planet, our water? Does their

message serve to do no harm and to find ways of restoring our environment and the ecological and human communities dependent upon it to health? Or, are they attempting to advance a private/corporate interest?

Our experience has been that the government's policies and actions are aimed at facilitating the expansion of the hog industry with little regard for the environment or the health and well-being of the people in the impacted areas. We have been given endless assurances by government and industry that they are good environmental stewards and these assurances have proven false.

Now we are told that the CEC is going to conduct a thorough review of the sustainability of the hog industry. Why should we believe this or the minister of the environment? In fact, it appears that the minister's view is completely antithetical to a thorough review. In a letter dated February 13, 2007, Minister Stan Struthers wrote to Mr. John Fefchak:

“The time is right for Manitoba to take a step back and have the Clean Environment Commission conduct an independent, public review of the environmental sustainability of the hog industry and the province's water protection plan. We must work to restore public confidence in the industry and in the provincial government's regulation of the industry.”

Perhaps this helps explain why, after criticizing the government's long-awaited phosphorus regulation in the Winnipeg Free Press, Norm Brandson is no longer a member of the CEC panel conducting this review?

The politics of pork in this province, as it has elsewhere, has compromised just about every decision-maker in this province. It has split communities and jeopardized the future and well-being of Manitobans and the environment upon which we depend, in the name of so-called economic development.

Your challenge is to, in this structurally defective process, rise above this. I'm hoping to be delightfully surprised.