

***National Farmers Union
Submission
To the
Government of Manitoba
Winnipeg, Manitoba
April 15, 2004***

Introduction

The National Farmers Union (NFU) appreciates the opportunity to present the NFU's views on a variety of issues pertaining to family farms and rural Manitoba.

The National Farmers Union is a voluntary, direct-membership organization that represents thousands of family farmers across Canada, including a significant membership in Manitoba. Founded in 1969 and chartered by an Act of Parliament in 1970, the NFU is committed to developing economic and social policies which maintain the family farm as the basic food producing unit in Canada. Membership in the NFU includes all family members and provides an equal voice for men, women and youth in setting policy.

NFU members in Manitoba produce a wide range of commodities and believe that the problems facing farmers are common problems, and that producers of various commodities must work together to advance effective solutions. The NFU believes that the pursuit of only individual self-interest leads inevitably to self-destruction.

The NFU believes that agriculture should be economically, socially and environmentally sustainable. We believe in the maintenance of a strong rural community in Canada as an essential part of our national culture and that farmers must continue to hold a distinct place in the national identity as the basic producers of food. We also believe that governments are primarily responsible for determining the structure of food production by the philosophical approach reflected through legislation and public policy. Therefore, we also believe that we as farmers bear the responsibility to assist governments in providing legislation that promotes justice for farmers and the survival of rural communities.

Government-supported farm organizations and funding check-offs

Unlike the NFU, which is a voluntary, direct-membership organization, there are numerous organizations in Manitoba which receive funding from compulsory commodity check-offs. These check-offs deduct money from farmers' sales, and provide funding to such groups as the Keystone Agriculture Producers (KAP), Manitoba Canola Growers, Manitoba Cattle Producers and the Manitoba Pork Council. These organizations have failed the farm community by consistently supporting policies which undermine the economic and social interests of family farmers. For example, we have seen these groups

call for removal of the Crow Rate and Crow Benefit Payment, promote industrialized hog production operations dependent on contracts to agribusiness corporations, support ethanol plants, and attack the Canadian Wheat Board (CWB).

Check-off legislation in Manitoba has extracted millions of dollars from farmers and the farm community to Manitoba Cattle Producers for questionable beef promotion activities, while forcing family farmers to go door-to-door among their neighbours in an attempt to collect enough venture capital to start a cooperative beef processing plant.

The provincial government understandably continues to support the compulsory check-off mechanism for these organizations because it benefits from the ongoing support these organizations offer for its agricultural policy initiatives. But the true measure of the worth of any farm organization must rest on its commitment to the well-being of the family farm. Clearly, these organizations have failed that test. Check-off legislation actually rewards them for failing farmers and the farm community.

These check-offs have never been voted on or approved by farmers and are, in our view, used to support bogus organizations. Recent initiatives to establish the Oat Growers Association in Manitoba through yet another check-off are unnecessary and insulting. This will simply be another front group to support agribusiness corporations and their attacks on orderly marketing in general and the farmer-owned and operated Canadian Wheat Board in particular.

The National Farmers Union recommends that the legislation establishing the funding for these farm groups be revoked and the check-off system that funds them be immediately terminated.

Farmers in Crisis

The farm crisis in Manitoba continues to escalate. Elk, bison, Premarin (Pregnant Mare's Urine or PMU), cattle and family farm hog producers are near financial collapse. The Government of Manitoba, which actively encouraged the expansion of these ventures, has regrettably failed to do anything about the problems it helped create. It should be noted that PMU and the estrogen manufactured and marketed by Wyeth-Ayerst, which owns the PMU processing plant in Brandon, is a proven health threat to women.

However, rather than address the problems created by ventures such as this, the Manitoba government has simply shifted its emphasis toward ethanol and biodiesel, both of which are neither economically or environmentally sustainable.

Destination 2010: A Failed Vision

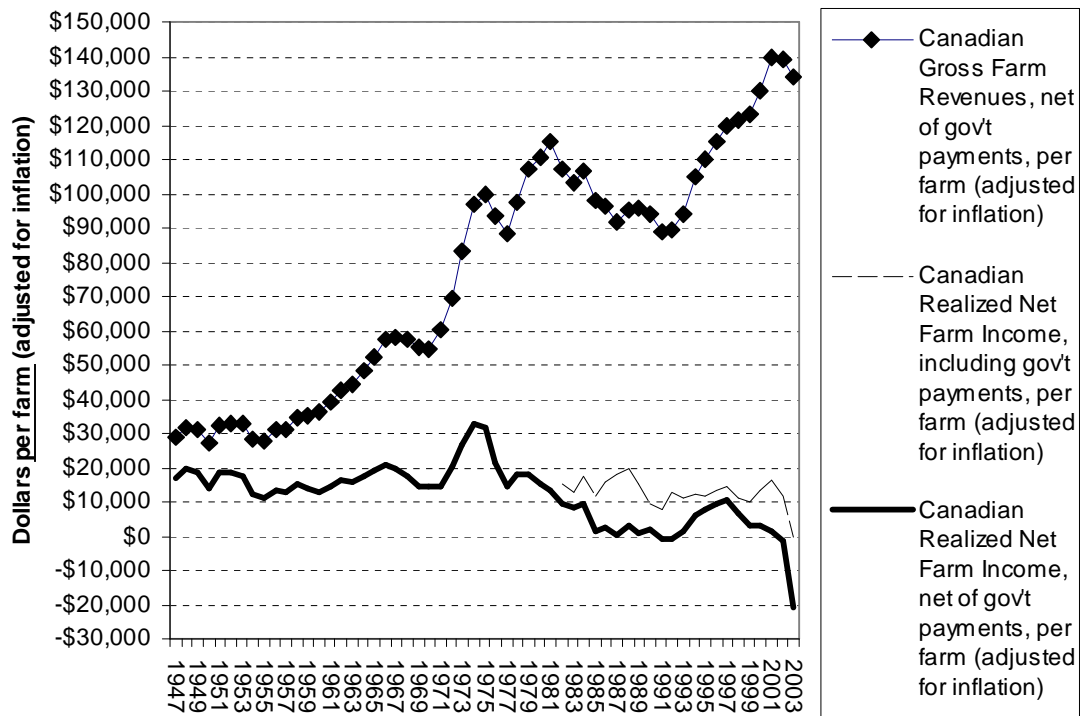
In December, 2000, the Manitoba government introduced a document entitled "Destination 2010: A Strategic Roadmap for Agriculture and Food". This document was widely touted by the Agriculture Minister as her plan for Manitoba farmers. The document states: "*Our farm families, agriculture and food partners and rural communities will achieve a higher quality of life by becoming more prosperous and*

economically viable. Manitoba's agriculture and food sector will be more profitable and competitive through expanded diversification and adding value, a growing livestock sector, and greater market orientation – all within a sustainable agriculture framework.”

The above quotation is a very contradictory statement. This vision could not and has not been achieved because the interests of family farmers and corporate agribusiness are not identical. Farmers are producing cheap product for processors and are near financial collapse as a result. Rural communities are in a perilous state, yet industrial food processors continue to record large profits. Meanwhile, factory hog farms continue to disrupt and divide many rural communities.

Globalization is not something that is fought only by the citizens in the streets of Seattle or Montreal. Transnational corporations such as Simplot, ADM, Louis-Dreyfuss, and Maple Leaf Foods are taking control of agriculture on an ongoing daily basis. If you want to see how globalization is progressing, just come out to rural Manitoba.

The Manitoba government's agriculture strategy is apparently based on the idea that increased production and increased exports will usher in prosperity for rural communities. The assumption is that the increased gross farm revenue from increased production will translate into economic stability. But as a research document prepared by the NFU in the fall of 2003 reveals, Realized Net Farm Income, which hovered between \$10,000 and \$20,000 through most of the 1940s, 1950s, 1960s and 1970s – has now been reduced to less than zero. While the average Canadian farm increased its production and gross revenues almost five-fold, from less than \$30,000 in 1947 to more than \$140,000 in 2003, operating expenses accounted for virtually all the additional income. Transnational input and technology manufacturers captured all the benefits of farmers' increased productivity.



In Manitoba, between 1995 and 2000, gross farm receipts from sales rose 18.8% from \$2.97 billion to \$3.53 billion. But over the same period, operating expenses rose 24.1% from \$2.47 billion to \$3.07 billion. (Statistics Canada). Fewer than 10% of Canada's family farmers are able to count on net farm income for most of their overall household income. The other 90% rely primarily on off-farm income to survive. (Statistics Canada, Farm Households by income, provinces – Stats Can website).

According to the Farm Product Price Index released by Statistics Canada March 22, 2004, prices received by farmers for agricultural commodities decreased 14.1% in January compared with January 2003. The only index, significantly, which recorded increases over the last year were in the supply-managed sectors: dairy, poultry and eggs.

In order to solve a problem, there must first be acknowledgement that a problem exists. The Manitoba government needs to recognize that the corporate industrial model is failing family farmers, the communities and the province.

Farmers must have ownership of production and marketing

Since the Territorial Grain Growers Association was formed over a hundred years ago, farmers have understood that agriculture and marketing have to be controlled by farmers for the benefit of themselves and their communities. Cooperatives, single-desk selling and orderly marketing are the cornerstones of NFU policy.

Over the past few years, the NFU has forwarded numerous policy positions and initiatives in an effort to promote cooperatives in this province. The Prairie Alliance for the Future proposed a system of cooperative-owned grain gathering and transportation systems by leasing rail lines from the CNR. We met with the Minister and proposed a cooperative beef processing plant that would be funded by a check-off. The NFU, acting in the interests of farmers, will continue to support single-desk selling of hogs in Manitoba.

The NFU requests that these cooperative initiatives be immediately supported by the Government of Manitoba.

The Water Protection Act

Recently, the Manitoba Government introduced the Water Protection Act, which has as its objective the protection of surface and groundwater, both in terms of quality and quantity. This is a very desirable goal, but it cannot be achieved given the current water usage of a number of water-polluting industries that have been set up and are currently in place in many parts of rural Manitoba.

Industrial hog factories, large-scale potato plants with irrigation activities, and ethanol plants are all big users of, and even bigger polluters of, water. ***Unless there is a desire on***

the part of government to seriously address point-source degradation of water, this legislation is doomed to failure.

Potato processing plants: users and abusers of water

The establishment of the Simplot Foods potato processing plant in Portage la Prairie has resulted in plans to irrigate thousands of acres of Manitoba farmland to produce potatoes for this processor. This irrigation infrastructure is costing the province and federal government millions of dollars building dams, reservoirs, pipelines, and irrigation infrastructure. The tile drainage that is being set up will, unfortunately, allow release of nutrient rich effluent into our streams and rivers.

To achieve the objectives of the Water Protection Act, the NFU recommends that all new irrigation and tile drainage programs be immediately put on hold.

Ethanol plants: larger users and abusers of water

The Manitoba government has mandated the production of 140 million litres of ethanol and provides generous subsidies to the industry. Through its research the NFU has confirmed that ethanol achieves no public policy objective for the following reasons:

1. **Energy balance.** More energy is expended growing the crop, transporting it, and manufacturing it than the ethanol provides. A comprehensive corn ethanol report and analysis (June 4, 2003) by Dr. Tad Patzek of the University of California at Berkeley concluded that: "It is shown here that one burns 1 gallon of gasoline equivalent as ethanol from corn. Then this ethanol is burned as a gasoline additive or fuel. Burning the same amount of fuel twice to drive a car once is equivalent to halving the fuel efficiency of those cars that burn corn ethanol, and will cause manifold damage to air, surface water, soil and aquifers."
2. **Ethanol puts more CO² in the air than gasoline.** A recently released report by Dr. Mark Delucchi of the University of California at Davis concludes that corn-based fuels (ethanol) emit more CO² than gasoline or diesel. Dr. Delucchi's investigation, using a "Life Cycle Emissions Model," represents some of the most comprehensive work done on this question so far. At the release of his report in January, 2004, Delucchi stated that the most significant changes regarding CO² equivalency factors, the life cycle of materials, and biofuels indicate "that soy and corn-based fuels look worse than gasoline and diesel."
3. **Ethanol Subsidies:** The Manitoba and Federal Governments' plan to subsidize ethanol results in a 30 cent per litre subsidy for every litre of ethanol produced. Since a litre of ethanol has about 65% as much energy as a litre of gasoline, the subsidy on an energy basis is about 46 cents. This 46 cents per litre subsidy would at most times purchase the gasoline. The monopoly being established for mandated ethanol with Husky oil and likely Commercial Alcohols will result in huge costs to Manitobans when they fuel up their cars.

- 4 **Cost of Jobs:** The proposed Husky Oil 80-million litre ethanol plant will employ 35 people. The cost of each job will be \$700,000 per job per year. The 35 jobs probably overestimate the number of jobs created.
- 5 **Ethanol burned as a fuel blend seriously pollutes the air.** A 1999 US National Research Council report states “the reactivity of the combined exhaust and evaporative emissions using ethanol-blended reformulated gasoline is estimated to be 17% larger than using MTBE-blended reformulated gasoline.” When burned in your car, ethanol emits more nitrogen oxides, acetaldehyde, and peroxy-acetyl-nitrate (PAN).
- 6 **Ethanol plants are subsidized food burners:** We need to provide food for the estimated 3 billion hungry people of the world and the 25% of Manitobans who live in poverty. Why create the illusion we can grow fuel for someone to burn in an SUV?
- 7 **Ethanol plants pollute the air with VOCs.** The US Environmental Protection Agency has ordered ethanol plants to install thermal oxidizers to burn off these harmful gases.
- 8 **Ethanol Plants are large users of fresh water and produce larger amounts of nutrient-rich waste water.** An ethanol plant has 37 litres of waste water for every litre of ethanol manufactured. Ethanol plants come with large sewage lagoons.

Ethanol production serves no public policy objective and to achieve the objectives of the Water Protection Act, the legislation mandating and subsidizing of ethanol should be immediately revoked.

Industrial Hog Production

The industrial hog production system being set up in Manitoba is not viable economically or environmentally. Family farms are being displaced by the vertically-integrated system of production controlled by Maple Leaf Foods. Instead of independently owned and operated family farms, hog production is now done almost exclusively on a contract basis, where farmers are tied to the production and price levels set by Maple Leaf.

In 1996, NDP Agricultural Critic Rosann Wowchuk stated in the Western Producer: “Dual marketing will not mean freedom for Manitoba’s 2,300 independent producers. It will open the doors to expansion by large, vertically-integrated systems such as the US where large corporate farms have displaced family farms.”

Agriculture Minister Wowchuk was correct in her analysis of what would take place. Currently Manitoba has fewer than 1,300 hog producers, many of whom are vertically-integrated operations. Minister Wowchuk was correct, and what she saw as undesirable in 1996 is just as undesirable today. Farmers are also quickly learning how Maple Leaf can cut their contract prices.

The NFU proposes a number of initiatives that will allow farmers and communities to regain control of hog production in Manitoba.

1. *Reinstate Single-Desk Selling of hogs*
2. *Bring in legislation such as Nebraska's Initiative 101. This legislation prevents non-residents and corporations from farming. The Farmland Ownership Act needs to be enforced to prevent non-residents and foreign corporations from setting up and operating industrial hog factories in Manitoba.*
3. *Adopt alternative methods of production (hooped housing) with dry manure systems. These dry manure systems pose less of a threat to the environment.*
4. *Eliminate the non-therapeutic use of drugs. In addition, the practice of feeding animal by-products to animals must also be eliminated.*
5. *Large industrial hog factories should be subject to a thorough environmental assessment and review by the Clean Environment Commission.*
6. *The workers in hog factories should be included in the labour codes of the Province of Manitoba.*

Warning Signals that industrial hog factories are an economic disaster

In a report on the Pork Value Chain done for AgriFood Canada, Dr. Ed Tyrchniewicz and Heather Gregory identify several important issues and issue a warning pertaining to hog production in Manitoba. This report concludes that hog production in Manitoba is **higher** cost than Minnesota, is **too dependent** on US feed grain (corn), and is **too dependent** on the US market for pork products. The Government of Manitoba quickly dismissed this report. About two years ago, the NFU informed the Agriculture Minister of the impending US pork countervail and gave her a letter from US Senator Charles Grassley. Iowa Senator Grassley's letter warned of countervailing action.

A policy of expansion of the hog industry in Manitoba based on false assumptions has proved disastrous for rural communities. The reality is that Manitoba is dependent on US feed grain, has a higher cost of production than neighbouring US states, and is heavily dependent on the US market, which is being countervailed. The fact that the Government of Manitoba disregarded warnings in all these areas shows that it has acted irresponsibly.

The Government of Manitoba is adding to this irresponsibility by endorsing a \$3 million cap on the Canadian Agricultural Income Stabilization (CAIS) Program. This so-called "cap" will simply transfer public money to the corporate hog industry and will be of no benefit to family farmers.

The proposed US countervail action is on live hogs. Independent producers who are not responsible for the increase in production and the resulting countervailing duty will, unfortunately, be those most adversely affected.

What plan does the Manitoba Government have to address the problem created by over-production and the resulting US countervail?

NFU supports communities in their fight against corporate hog factories

Across Canada and in Manitoba, NFU members are actively engaged in the fight against corporate hog factories that destroy family farms. We are proud of rural people who have stood up to the onslaught of industrial hog operations in rural Manitoba. Citizens in the US are also engaged in the same fight.

US Presidential Candidate John Kerry, meeting with Iowa family farmers, environmentalists and residents proclaimed: "The corporatization of farming in Iowa is destroying the ability of family farmers to survive."

What is the Manitoba Government's commitment to the environment and family farms in this province?

Industrial hog factories pollute the environment

Environmentally, water pollution from hog factories is a significant concern. According to Johanne Gellinas, Canada's Environment Commissioner, "Livestock farms in Ontario and Quebec are pumping out manure equal to the sewage of 100 million people, contaminating rivers, wells, and threatening human health." (Canadian Press, October 2, 2001)

Alex Salki, a research biologist with the Freshwater Institute, stated: "I am disturbed by the rush to push livestock production in Manitoba when there are so many unanswered questions." (Manitoba Cooperator, July 20, 2000)

In addition to the financial risks farmers take on when entering into a contract with Maple Leaf Foods, there are also significant health risks that are only now being recognized. Recently, the Canadian Medical Association (CMA) asked the Minister of Health, the Hon. Anne McLellan, "to impose a moratorium on the expansion of industrial hog farms until attendant health risks are determined through scientific assessment." (CBC, August 22, 2002)

The Manitoba Clean Environment Commission, commenting on the expansion of the Maple Leaf Processing plant in Brandon, stated: "Based on the information presented during the public hearings the commission is not convinced by information presented by the proponents, the public, or the Government of Manitoba that hog production in Manitoba is sustainable." (Clean Environment Commission report on the Expansion of Maple Leaf Foods.)

David Schindler, an award-winning scientist at the University of Alberta, noted: "Our findings suggest that feedlots, cow-calf operations' seasonal feeding areas and improper manure disposal have the potential to pollute rivers and streams at a level much

greater than previously anticipated.” He added that “water is our most mistreated and ignored natural resource.” (Calgary Herald, article by Andrew Nikiforuk)

Dr. Bill Payton, a University of Brandon biologist, describes intensive livestock production and sewage lagoons as “inappropriate and non-sustainable practice.” He stated: “There is a record of scientific research in Manitoba showing a long-history of air, soil and water pollution and health problems. (Counterspin, “Bacon Wars”)

Dwight Williamson, manager of water quality for Manitoba Conservation, commented that “the indications are that Lake Winnipeg is probably close to where Lake Erie was a few years ago.” (Manitoba Cooperator, July 20, 2000)

And finally, Environment Canada, in a recent news release, stated: “The concern according to Environment Canada Scientists is that pig manure can contain high concentrations of endocrine-disrupting chemicals including natural estrogens. These chemicals have been proven through various studies to have long-term adverse effects on the growth, development and reproduction of fish and wildlife. Studies completed this spring confirmed the high concentrations of these chemicals in hog manure, and showed they begin to enter nearby waterways soon after manure is applied to the fields.” (Environment Canada website: “Endocrine Disruptors and Hog Manure”)

To be consistent with the goals of the Water Act, the Manitoba Government needs to place a moratorium on all industrial hog factories with sewage lagoons in the province.

Rural people are fighting back

Many rural people are engaged in direct democracy at the local level. Local bylaws on manure storage handling and application have been introduced. The Animal Stewardship Committee recommended that manure be applied on the basis of phosphate. The over-application of phosphate has been identified by the scientific community as a serious problem to the environment.

The decision to not introduce a regulation to have manure applied on the basis of phosphate is negligence. The rejection of performance bonds by the Minister is also negligence. Who pays for the clean-up of these sewage lagoons when the barns have outlived their productive life?

The Manitoba Planning Act (Bill 40)

Bill 40, or Changes to the Planning Act, removes the power of local people and RM councils to address the problems created by industrial hog factories. Bill 40 is a companion document that facilitates industrial hog factories in the province of Manitoba.

Bill 40, or changes to the Planning Act, is not in the interests of family farms, communities or the environment.

Bill 40 is predicated on a number of specious assumptions, which include but are not limited to, the following:

1. There is no difference between Intensive Livestock Operations and Conventional Livestock Operations, except size. Both are agricultural enterprises.
2. Family-farm livestock production operations are bigger polluters than ILOs.
3. The existing conditional Use Process is responsible for community division on the ILO issue, not ILOs.
4. The existing conditional use process is a poor planning tool, since it leads to “last minute” decisions.
5. Municipal Government and the Rural Public are unable to read and comprehend the technical aspects of Technical Review Reports.
6. Municipal governments have too much authority and control over land use decisions relating to livestock production.
7. Provincial/Corporate Planning is better than local planning.
8. The need to provide certainty to the ILO industry (particularly in swine production) takes precedence over the need to provide certainty to the people in rural communities.

We object to the elimination of the conditional use hearing process and its underlying principle for livestock operations and its replacement with a standard, ‘one size fits all’ approval process.

1. The Conditional Use process (Sec. 53.7 of the existing Planning Act) is based on the principle that local people possess the most intimate knowledge of local and site-specific conditions. It recognizes the necessity to differentiate between types of livestock production (Industrial vs. Agricultural, Intensive vs. Conventional Livestock operations) for the purposes of achieving regulatory objectives based on the public interest.
2. Conditional use is a flexible instrument, which provides for and trusts in the wisdom of local people and councils to identify and address, in their assessment of individual applications, contingencies and problems not foreseen or provided for in legislation and regulation. People, through their councils, are allowed to place site-specific conditions on livestock operations that protect their interests, health, environment, property values, quality of life and character of their community. Currently, the people can have real, meaningful input into the outcome of the Conditional Use process.
3. The government’s apparent desire is to create a Planning and Zoning environment that will eliminate the need for conditional use applications to be made in the first place. Since the proposed approval process ignores the reality of the differences and complexity of existing types, sizes and processes of livestock production operations that occur within existing zones, this

objective is simply impossible to obtain without sacrificing the public interest. Simple zoning cannot address this reality. Nor can the proposed approval process for livestock operations.

4. In order to achieve the objective of regulation in the public interest, people and councils must be empowered, as they are currently, to address and place conditions on operations that exceed those allowed in Bill 40, which limit these to conditions to ensure conformity with the development plan and zoning by-law, manure storage covers or shelterbelts, and measures to implement recommendations from the Technical Review Committee.
5. The process in Bill 40 has been designed as an approval process rather than as a legitimate assessment and review process. Indeed there is no provision for Municipal Councils to reject specific proposals, as they can now.
6. There will be little, if any, space for community input in the proposed standard review process. Indeed, at a meeting on March 22, 2004, the Minister and senior staff were unable to explain the purpose of the hearing and to provide even one example of matters that the public could address at these hearings.

We object to the reliance on the Technical Review Committee for site-specific evaluation and recommendations that thwarts the authority of the public and local decision-makers.

1. It is unacceptable, and contrary to the public interest, to substitute (and ignore) the capacities, knowledge and expertise of local people and Councils with the (politically conditioned) expertise Technical Review Committee.
2. The role, membership and frames of reference for the TRC remain vaguely defined in Bill 40, which would be the law. The Minister can give us assurances that the TRC will be held accountable, but there is nothing in Bill 40, the law, that ensures that this will happen. We expect more of the same TRC past performances.
3. TRC members are civil servants, hired and paid by the Province and are persons who report to other civil servants that are accountable to their respective ministers.
4. The public has lost trust in the TRC role in the current process because time after time, people have found gross errors and omissions in TRC Reports. If the public had not identified, and councils had not addressed, these problems then the consequences would have been that serious and deleterious environmental (particularly water), health, property and socio-economic effects to the community would have occurred.
5. It is the case, more often than not, that the members of the TRC – particularly the agricultural and conservation staff – are both the proponents and regulators. For example, Mr. Lawrence Manchur of the Dauphin Office, who either owns or invests in a factory hog barn, openly promotes industrial hog barns and is part of a technical review team. The conflict is obvious.

6. The Minister has stated on March 5, 2004 that government policy will be that TRC Reports will only include recommendations, because Councils find technical material to be beyond their capabilities to understand. Thus, the TRC review process is not a public process subject to input and public scrutiny. The assurance that TRC members will be required to sign their names to the parts of the report that they produce is of little comfort, particularly when the full report with all the background components is kept secret, and insulated from public and Council scrutiny.
7. Bill 40 vests the supreme authority for Council decisions in the Technical Review Team, not in Municipal Councils. It will be the TRC that will define what the “relevant and reasonable” conditions are that councils may impose on applicants, not the Council. Council will merely formally impose “measures to implement recommendations made by the Technical Review committee.” Without being given the authority, as exists under the conditional use hearing process in the Planning Act, **to impose conditions beyond those suggested by the TRC**, council will be significantly restricted in performing their duty to act in the public interest. Councils will be forced to act in the corporate interest in the “approval” process.
8. Realistically, Councils will not be able to impose conditions that conflict with TRC recommendations, because the Council will now, under Sect. 59.5 (2), be open to litigation from the industry.

We object to the fact that Bill 40 opens local councils to court action by applicants, which means that the industry gets what it wants.

1. The fact that conditions a Council may impose must be “relevant and reasonable,” which is primarily determined by the TRC, will open councils to legal action by the industry if councils impose conditions that are a variance with those specified by the TRC.
2. Municipal Councils will therefore be the only government body in the province – if not the country -- in which the content of a decision duly taken will be subject to judicial review. Note that Ministerial decisions under Bill 80 (for example, to unilaterally impose changes to an RM’s Development Plan) are NOT subject to review by the courts.
3. Even if the public were allowed access to, and thereby find errors and omissions in, a full TRC report, there will be no legal way for councils to justify conditions other than those from TRC. After all, the court will consider the TRC Report’s recommendations to be the authoritative, legally binding standard.
4. Councils will no longer be able to regulate matters concerning the use, application and storage of manure. Many Councils now have by-laws in place to protect residents from, for example, nuisance, damage to their water supply, devaluation of property and airborne hazards. These by-laws will now be *ultra vires*.

5. With Section 40(4.1) and 40(4.2) of Bill 40, councils will also be open to court challenge. While zoning by-laws must meet the minimum provincial standards, a Council has the option of **only** applying the **minimum standard** if the zoning by-law contains a higher standard. We are certain the industry will view, as discriminatory, a council imposing the higher, locally determined, standard on an applicant, and take court action to enforce this view.
6. The fact that these minimum standards, currently being revised, are to be determined after the legislation is passed is unacceptable

We Object to Ministerial Discretion being enhanced, with an absolute veto over local authority because it is anti-democratic

1. Bill 40 is not a rational planning tool. Rather, it is a means to force the implementation of the political/policy objectives of the government of the day, regardless of merit, with Municipal Governments being the instrument.
2. Sections 24 and 30 contain clauses that create an absolute veto for the Minister and the government over the “upfront” planning process, as well as a new and direct avenue for the minister to object to zoning by-laws. Any exercise of these legal powers will render public participation in the process meaningless. The underlying principle of democracy here is –Municipal Councils have the right to decide, so long as they make decisions the Provincial Government of the day agrees with. But if they don’t, then the Provincial Government will decide.
3. The Minister has assured the public that she will not interfere with or override the wishes of the public as expressed in development plans, livestock operation policies and zoning by-laws. However, and most importantly, the Minister can honour this commitment and still achieve her stated objective “to provide certainty to the (hog) industry” (March 5 meeting) because Bill 40 is designed to allow the industry to take legal action against plans and by-laws that exceed provincial minimums to any large extent, that include regulations about manure, performance bonding, liability, stringent setbacks, etc. What a perfect political position.
4. Bill 40 also is designed to make family farmers the authors of their own demise in requiring them to be very careful they don’t ask for no go zones and zones with animal unit caps that will affect their operations and future equity positions.

Bill 40 and the Water Protection Act will not protect our water and the health of our rural communities

1. We are extremely concerned about the ability of and the will of this government to protect water in this province. If the Government were truly interested in protecting water, the legislation would read much differently than it does.
2. The April 8, 2004 issue of the Farmer’s Independent Weekly suggests that Minister Ashton (when responding to criticisms from Jack Penner) is

convinced that “farmers are already compelled under manure management plans not to apply more manure than crops can use.” The current nutrient management standard is nitrogen-based, which necessarily results in an over application of phosphorus. Why is it that the Manitoba Government has not moved to a phosphorus standard as recommended in the *Finding common Ground* report? We submit, it is because a phosphorus standard will require the industry (the hog industry in particular) to have 2 to 3 times more manure spread lands per industrial hog site. The cost implications of this are clear.

This proposed legislation is inconsistent with the goals of the Water Act. The NFU demands that Bill 40 or changes to the Planning Act be immediately withdrawn.

Conclusion

The Government of Manitoba must seriously reconsider the direction it is taking the province in general and Rural Manitoba in particular. By placing undue emphasis on large, capital-intensive projects that benefit a relative handful of corporate operators at the expense of thousands of family farmers and hundreds of rural communities, the government is accelerating the trend of the last two decades.

Expansionist, export-oriented, high-input, industrial agriculture is increasingly unsustainable and environmentally damaging. At the same time, there is little or no evidence to show that investment in this model of development is capable of slowing the loss of farm families or tempering the farm crisis.

This need not be the case. Alternative production systems controlled by farmers, organic production, and sensible crop rotations can help retain farmers while building soil and water quality for future generations.

The NFU strongly urges the provincial government to implement the recommendations we have outlined in this brief.

Respectfully submitted by:
The National Farmers Union