

Third Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. Dennis Smook
Constituency of La Verendrye

Vol. LXXI No. 5 - 6 p.m., Tuesday, May 15, 2018

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Tuesday, May 15, 2018

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Dennis Smook
(La Verendrye)

VICE-CHAIRPERSON – Mr. Len Isleifson
(Brandon East)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

*Hon. Ms. Clarke, Hon. Messrs. Eichler,
 Gerrard, Wharton*

*Messrs. Ewasko, Isleifson, Lagassé, Lindsey,
 Mrs. Smith, Messrs. Smook, Swan*

PUBLIC PRESENTERS:

*Ms. Ruth Pryzner, private citizen
 Mr. Joe Dolecki, private citizen
 Mr. Mike Teillet, private citizen
 Mr. George Matheson, Manitoba Pork Council
 Mr. Andrew Dickson, private citizen
 Ms. Elisabeth Saftiuk, Manitoba Professional
 Planners Institute
 Ms. Accalia Robertson, private citizen
 Ms. Lindy Clubb, Mixedwood Forest Society
 Mr. Bill Massey, private citizen
 Mr. David Nickarz, Green Party of Manitoba
 Mr. Evan Rodgers, Maple Leaf Foods
 Ms. Frances Smee, RM of Rosser
 Mr. Matt Reimer, HyLife Foods
 Ms. Catherine King, private citizen
 Ms. Vicki Burns, Hog Watch Manitoba*

WRITTEN SUBMISSIONS:

Curtis Struth, private citizen

MATTERS UNDER CONSIDERATION:

*Bill 19–The Planning Amendment Act
 (Improving Efficiency in Planning)*

* * *

Mr. Chairperson: Good evening. Will the Standing Committee on Social and Economic Development please come to order.

Our first business is the election of a Vice-Chairperson.

Are there any nominations?

Mr. Wayne Ewasko (Lac du Bonnet): I nominate Mr. Isleifson.

Mr. Chairperson: Mr. Isleifson has been nominated.

Are there any other nominations?

Hearing no other nominations, Mr. Isleifson is elected Vice-Chairperson.

This meeting has been called to consider Bill 19, The Planning Amendment Act (Improving Efficiency in Planning).

As per an agreement between the House leaders, a set number of presenters were scheduled to present at each of the committee meetings called to consider this bill. Tonight, we will hear from the remaining presenters previously registered to speak on Bill 19. You have the list of these presenters before you. Presenters will be called in the order they registered and appear on the list.

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. A standing committee meeting to consider a bill must not sit past midnight to hear public presentations or to consider clause by clause of a bill except by unanimous consent of the committee. As per agreement between the House leaders, the committee will agree to sit past midnight if that is necessary to hear all scheduled presenters.

Written submissions. A written submission on Bill 19 has been received from Curtis Struth, and copies have been distributed to committee members. Does the committee agree to have this document appear in the Hansard transcript of this meeting? *[Agreed]*

Before we proceed with presentations, we do have a number of other items and points of information to consider.

For the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from committee members.

If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

I would also like to remind the members of the public who are observing the committee meeting to please not disturb the committee proceedings by applauding or commenting from the audience. Taking of photographs are not permitted from the public gallery as well as any audio-video recording and please ensure that your phones are in the silent mode.

Speaking in committee: Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings in our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the Hansard recorder to turn the mics on and off.

Thank you for your patience. We will now proceed with public presentations.

**Bill 19—The Planning Amendment Act
(Improving Efficiency in Planning)**

Mr. Chairperson: I will now call on Ruth Pryzner. Ruth Pryzner? [*interjection*]

Ms. Pryzner, as soon as your material is distributed to the committee, you will be able to start your presentation. [*interjection*]

I think we may have enough—I'm not a hundred per cent sure, but what we'll do, we will start your presentation as soon as the copies that you did have are distributed, and then we can distribute the rest later.

You may proceed with your presentation.

Ms. Ruth Pryzner (Private Citizen): Bill 19 has nothing to do with improving the planning process for rural people and municipal councils who truly care about the quality of life and health of their communities, existing livelihoods and the environment.

It is clear that the primary intent of Bill 19 is to remove the ability for rural people to influence municipal decision makers to reject and protect against the further industrialization of Agro-Manitoba livestock production. It attempts to seduce municipalities into eliminating the conditional-use approval process for livestock operations over 300 animal units in size from development plans and zoning bylaws and all the accompanying local control and public protection provisions contained in The Planning Act.

Bill 19 is designed to placate and promote the industrial livestock industry, in particular the hog industry. The 2017 Manitoba Agriculture Department's internal advisory note 4(c)(1) provided to Cabinet leaves no doubt. The note identifies public conflict and public pressure as barriers to hog industry expansion.

What to do? Well, invite municipalities to give up the processes that provide local control and give the public a say in how they want their areas to develop. Why? Because the—as the advisory note says, 285 new barns to finish 1.8 million more hogs are needed to, quote, ensure an adequate supply of hogs to the Maple Leaf and HyLife Foods slaughter facilities, unquote. Why prop up an industry where finishing hog producers have lost money in seven out of the last nine years, according to the Manitoba Pork Council?

The real intent of Bill 19 is not about giving municipalities a fair say. Once conditional-use approval authority is eliminated from development plans and zoning bylaws, the technical review process—such as it is—is also eliminated. Municipal authorities will have access to no information on the particulars of a proposed livestock operation. They will make no decisions at all. To suggest that this gives municipalities a fair say and empowers them is disingenuous and false. I have yet to meet a person who wants to live next to a pig factory or industrial feed lot, other than industry proponents. Even municipal councillors don't want them in their back yard. Unfortunately, too many are willing to sacrifice the quality of life of others because they believe that

industrialization of agriculture is inevitable and they won't be negatively affected.

* (18:10)

Government is counting on municipalities to give up control, to meet the needs of Maple Leaf and HyLife food corporations. The public, too, will have no access to any information about a proposed industrial livestock operation, and will be denied the opportunity to evaluate the particulars of a proposal in light of local conditions and potential negative impacts on the environment, their quality of life, their farms, their source of water, and the law.

With conditional use eliminated, the pig industry, large livestock operations will no longer have to prove that a proposed operation will not harm the community, environment, ground and surface water quality, the land and natural ecosystems. This is unacceptable. The conditional-use approval process for livestock operations provides a vital level of insight and oversight at the local level. It is a public process that enables rural residents and existing farmers to assess the compatibility of a proposed livestock factory, within the context of local conditions. Most development plans and zoning bylaws contain general agricultural zone provisions. Few create zones that guarantee upfront that groundwater sensitive areas will be protected and surface water will be protected; that existing farms and residential properties will not be negatively impacted; that natural areas, vital for wildlife and the protection of biodiversity will be maintained.

They were designed to give municipal authorities too much discretion, predicated on the assumption that they would, in fact, be making decisions through a conditional-use process, on a case-by-case basis. With the removal of this authority, rural areas are wide open for unfettered and locally unregulated industrial livestock expansion. The RM of Oakview council that was specifically mentioned in the Manitoba Agriculture's advisory note, found out how important public participation is. It was a member of the public, not provincial officials, who noticed and proved that the proposed site, suggested and defended by the engineer for the manure storage, was illegal. The livestock manure and mortality management's regulation prohibited the siting of manure storages on surface water courses. Because Oakview followed the law and rejected the proposal, government

changed this regulation last year. This site is now considered to be suitable and legal.

The Province is handing over more control to engineers by reducing provincial oversight in the construction of manure storages. A scary red tape reduction model indeed. When I serve my community as a municipal councillor, I understood my responsibility to be as informed as possible and that good decisions in the public interest, not the interest of a particular industry or development, required public participation and solid evidence.

Bill 19 invites public—invites municipalities to abandon their duty to act in and protect the public interest. If municipalities buy into the Bill 19 plan, the only authority that the hog industry has to deal will be the Province. As hog industry promoters, provincial bureaucrats will continue to ensure that manure storage permits and water licences are granted in inappropriate locations. The secrecy of these processes serves the interest of the industry applicant, the engineers who work for them and the government. All can escape public scrutiny and accountability, as application information is protected, as proprietorial business information under The Freedom of Information and Protection of Privacy Act.

During the last round of expansion, permits to build storages were issued in areas with high water tables, flood plains, and groundwater-sensitive areas. Marshes, wood lots, and native pastures were approved as manure spread lands. Our community, only through persistence, was able to convince a provincial official to require an above ground manure storage, instead of a cheap earthen manure storage at a location rejected by our council. Approval of the cheap storage meant it would've been built into the water table. In another instance, of which I have personal knowledge, in the Killarney area, an earthen manure storage permit was approved in an area by the same official, where the water table was only two feet below ground on a dry year, because public participation wasn't as forceful.

With recent changes to the regulations, this will get worse. The pictures I've provided for you are spread lands, considered suitable in my municipality by provincial officials. Can you see the spread lands under the flood waters?

The other page of aerial photographs show operations approved in southeast Manitoba. Notice the flooded barns, overflowing manure storages, an

obvious potential for nutrients to move off the sites into surface water.

Provincial environmental regulations and manure management plans will not protect surface water contamination from intensive 'livetot' operations of all types. The over-application of phosphorus will continue. Science shows when soil levels approach 276 pounds per acre of soil-test-measurable phosphorus, it leaks out into the environment at exponential rates. Current regulations allow phosphorous loading to 828 pounds per acre. To put this in perspective, the average annual use by Manitoba crops is 20.47 pounds per acre. Once loaded to the top-end of the regulation, it will take 400 years, if no more manure is added, for crops to deplete the spread lands of phosphorus. What happens in the meantime? Phosphorus leaks into surface waters that drain into Lake Winnipeg. This regulation has always been a recipe for short- and long-term environmental problems, recognized by the Clean Environment Commission. It has to be changed. Further operations can and have been approved when there aren't enough spread acres for crops to utilize phosphorus on an annual basis.

Bill 19 makes it impossible for individuals to object to any changes to zoning bylaws by requiring 25 people to object instead of one person. And all must be eligible to election to a municipal council. The proposed 50 per cent rule is meaningless given the 100-metre notice requirement. It deliberately excludes and violates the Charter rights of recent immigrants and permanent residents from objecting to any type of future development that may negatively affect their homes, farms and investments in their communities. Indigenous Charter and treaty rights are ignored.

The bill erodes democratic rights, supplanting human rights with corporate interests and significantly impedes the ability to dissent. The municipal board are government appointees who rarely rule against the wishes of a municipal council or planning district, and Bill 19 gives—

Mr. Chairperson: Ms. Pryzner, unfortunately, your 10 minutes for your presentation has expired.

I'll just let the audience know as well, whoever is up to present, that this is a one-minute warning, which I will flash to you when there's one minute left. So, basically, you know, that you'll know that you need to start wrapping up, so.

We will now move on to the questions for this presenter.

Mr. Tom Lindsey (Flin Flon): First off, let me thank you for taking time out to come here and present on something that, clearly, you are passionate about, and, clearly, you have a lot of knowledge about.

Is there anything that you see in this bill that's worth saving, or should the whole thing just be withdrawn? *[interjection]*

Mr. Chairperson: Ms. Pryzner—

Ms. Pryzner: Oh, sorry.

Mr. Chairperson: I have to recognize you first. So, Ms. Pryzner.

Ms. Pryzner: Absolutely nothing in this bill is salvageable, because it is a complete package designed to remove local control and silence rural people for the sake of the hog industry.

Hon. Jeff Wharton (Minister of Municipal Relations): Thank you for your presentation, Ms. Pryzner. Good to see you again. We met in Brandon during our consultation process a few months back, so it's nice to have you back here and, of course, presenting your concerns.

Regarding your comments on environmental concerns, you are aware that the bill does not weaken any of the current existing environmental requirements, going forward.

Ms. Pryzner: Well, for the record, when I met you at the, quote, consultation, I just happened to find out about it because it was for municipal councillors, not the public. But somebody told me about it, so I decided to show up.

Secondly, this government keeps saying that the environmental protections that the provinces admit—the Province administers are adequate. They aren't. And I have a whole garage full of evidence to prove that point, at home. And so what this bill does is take—if municipal councils give up their local control, then the only thing that the hog industry or livestock operations are required to do is to get a manure-storage permit and water rights licence, and then file manure management plans under a phosphorus regulation that is polluting, and it's a licence to pollute for the hog industry. We've seen what's happened in La Broquerie, Hanover; they're already overloaded with phosphorus under the current regulations. And a lot of the current—and a lot

of the regulations were amended last fall and weakened last fall. So, while this bill might not weaken them further, they were weakened last year and that is of great concern.

* (18:20)

Hon. Jon Gerrard (River Heights): Thank you for coming and presenting and sharing the photos.

My question relates to the photos on the first page, which show their spread acres, which, I think, is not far from where you live. It's two parts: You know, is this an area which floods, you know, once in 200 years, or is that fairly regular—*[interjection]*

Mr. Chairperson: Ms. Pryzner, you must wait 'til I'm finished—the questions.

Are you finished, Mr. Gerrard? *[interjection]*

Mr. Gerrard, are you continuing with your—

Mr. Gerrard: Yes. Thank you. In terms of an area which is flooded, what would be your recommendation in terms of which—where farmers should be allowed to spread?

Ms. Pryzner: Sorry, I'm not good at following rules.

So, anyway, those photographs are from an area in our municipality. I was on the municipal council when all but—all of the council but myself approved the conditional use and those areas flood almost every two or three years, but they were approved by the province. The rules haven't changed and considered to be suitable by the technical review committee.

Those areas absolutely must not be allowed to be used as spread acres in the future and we've, you know, we've got a problem. We've got hog alley in the Red River Valley flood zone. We've got hog barns in the Interlake and there's all kinds of sensitive areas in my area which are not sufficiently protected in our development plans and zoning bylaws because it leaves it up to the council to decide whether or not they're going to require geotechnical investigation before a livestock operation could be sited on groundwater sensitive areas, for example. And, like I said before, there's ample examples of the provincial officials who issue manure storage permits, that they issue them in very bad locations because the regulations—

Mr. Chairperson: We thank you for your presentation, Ms. Pryzner, but, unfortunately, time has expired for questions as well. We want to thank you for your presentation.

I will now call on Joe Dolecki. Joe Dolecki, private citizen?

Mr. Dolecki, once your presentation has been distributed to the committee, you may proceed with your presentation.

Mr. Dolecki, you may proceed.

Mr. Joe Dolecki (Private Citizen): Thank you, Mr. Chair.

My name is Joe Dolecki and in real life I'm an associate professor and chair of the Economics Department at Brandon University. I appreciate the opportunity to speak to you regarding Bill 19, a bill I encourage you in the strongest terms possible to withdraw.

I formally request that the stuff that I handed out here, the written submission and the appendices be entered into the public record of these proceedings.

In reviewing the provisions of this bill and the compressed timelines for its consideration, I was reminded of one of Ben Franklin's most profound aphorisms—quote: Fraud and deceit are always in a hurry. End quote.

There are, in my view, many things that are fraudulent and deceitful in Bill 19, but given my limited time constraint I will briefly discuss three of them.

First, the bill is styled as, quote, the improving efficiency in planning act, end quote.

The question here is: Who's planning? Certainly not rural municipalities and rural Manitobans served by the municipal governments. This is because Bill 19 seeks to eliminate local control over land use and planning decisions, particularly as they relate to intensive livestock operations and swine. It seeks to have this control turned over to the provincial government, a government that is and has consistently been a promoter of the hog industry while masquerading as a regulator of that industry.

In fact, Bill 19 is more accurately described as the pig factory proliferation act. Its clear objective is to remove what is left of what the Manitoba Pork Council and its provincial government perceive as existing impediments to the accelerated construction of hundreds of new hog factories, which the industry claims are needed to service the planned slaughter requirements of two corporations, Maple Leaf and HyLife Foods.

Obviously, if these so-called impediments are removed, the efficiency of the private planning process undertaken by these corporations for their own pecuniary benefit will be improved at the expense of planning in the public interest.

Secondly, the sponsoring minister at second reading described Bill 19 as enhancing the government's, quote, commitment to fair say so as to, quote, better serve municipalities and industry. This characterization is both fraudulent and deceitful.

It is clear that when the minister says fair say, he actually means fair say for the hog industry and no say for the public, particularly those rural Manitobans who oppose pig factory expansion in their communities on environmental health and animal welfare grounds.

In my view, Bill 19 is anti-democratic and extreme, particularly because it invites and incentivizes municipal governments to eliminate the conditional-use process in livestock operations and, consequently, extinguish the long-standing matrix of associated public rights under The Planning Act.

The conditional-use process allows municipalities to exercise local control over land usage within their jurisdictions, and, in principle, it's a democratic and locally controlled public assessment and review process that, if all parties, and that includes the provincial government, act in good faith, leads to council decisions that conform to the requirements of efficient, sustainable and locally self-determined development planning in the public interest.

If conditional use disappears, all of this would be lost. There will be no public hearings; there'll be no local regulation and enforcement of hog factory performance, and, most importantly, it will no longer be possible for municipal governments to say no to hog barn proposals. In other words, fair say for the hog industry and no say for the public.

Moreover, if a municipality decides to retain the conditional-use process, Bill 19 eliminates the requirement that hearing notices be published in local newspapers. As the community newspapers association puts it, such a notice provides the opportunity for the public to influence governing bodies and allows the public to be an active participant in a democratic society. Bill 19 will erase this fundamental feature of democracy.

In addition, if a municipality does say no to a hog factory proposal, the proponent is given a new

right of appeal to the provincially appointed Municipal Board. No such right of appeal is given to the public, under Bill 19, should a council approve a conditional-use application. So, once again, fair say for the industry and no say for the public.

Finally, and unconscionably, Bill 19 disenfranchises permanent residents such as me and rate-paying, landowning immigrants such as many of my neighbours from making any objections to zoning bylaw changes. Notwithstanding the fact that I have resided in what is now called Riverdale municipality for over half of my life, under Bill 19, I am banned from objecting to any zoning bylaw change that may have a negative effect on the value of my property, the quality of my life or the well-being of my community. Not only is this provision blatantly discriminatory and anti-democratic, in my view, it is a violation of the Charter.

When combined with Bill 19's new requirements that 25 so-called eligible persons are necessary to advance zoning bylaw objections to a municipal board hearing, this means, once again, fair say for the hog industry and no say for the public.

In this context, I would note parenthetically that almost 80 years ago now, the government of the United States of America took my father, who just turned 100 in December, by the way—took my father from his home, put him in a uniform, sent him thousands of miles away from his family and his friends, gave him a Thompson submachine gun and paid him to kill people who, in my view, had a better understanding and appreciation of democracy than the authors and supporters of this bill.

Third, and finally, Bill 19 is based on the false premise that hog factory expansion, which is desired to service the requirements of two corporations, is being constrained by excessive regulation and red tape. Question is: Why aren't there enough finished hogs currently being produced in the province to serve these—service these requirements? The answer is suggested by the Manitoba Pork Council's own modelling data, which show that the industrial production of finished hogs is and has been money—a money-losing proposition with finisher producers having negative net revenues in seven of the last nine and eight of the last 10 years.

Bill 19 is based on the fraudulent notion that by deregulating the hog industry—read: allowing it to further evade by cost shifting the full environmental and social costs of their operations—that their ledger

costs of production will fall to the point where finisher operations will magically become economically sustainable. This is a deception.

* (18:30)

The basic problem faced by hog finishers is that since the elimination of the pork marketing board by the Filmon government, they are facing a non-competitive market made up of two buyers.

In economics, we call this a duopsony, and in Manitoba, it's arguably a collusive duopsony, since the two buyers, Maple Leaf and HyLife Foods sit on the board of the Manitoba Pork Council.

In this duopsony, the producers of finished hogs are price-takers. They are obliged to accept prices, and hence, revenues that are set by the duopsonists who control the market. The exercise of their market power allows Maple Leaf and HyLife Foods to extract unearned economic rents, or what are sometimes called economic profits, at the expense of those who sell finishers to them.

In a duopsony, the two buyers typically capture any reduction in the sellers' costs of production. This means that the government's focus on permitting finisher producers to further shift a significant amount of their full cost of production onto the environment, the people who utilize the environment, and ultimately the taxpayers of Manitoba, will not economically benefit finishers.

Rather, it will benefit Maple Leaf and HyLife Foods, who will capture this benefit in the form of increased, unearned economic rent because they have the market power to do so. In fact, that's what Bill 19 is promoting.

The tragedy of this is that present and future Manitobans will be forced to bear this industry-shifted, avoided costs, most notably through land, air and water pollution and the attendant deterioration of health and quantity of life in rural Manitoba.

All this in order to service the narrow, short-run, private pecuniary priorities of that coterie of special-interest stakeholders in the hog industry who inspired this bill.

In closing, I would simply say that, should you proceed with this bill, future generations of Manitoba will look upon those now assembled in this place who, by their support of this bill, would condemn Manitoba's environments, its lands, its waters, its people to the destructive vagaries of the swine

industry, and they will say, quote, yes indeed. Fraud and deceit are always in a hurry.

Thank you for your time.

Mr. Chairperson: Thank you for your presentation, Mr. Dolecki.

Mr. Lindsey: Thank you very much for your presentation, and thank you for taking time to come here and share your thoughts. I believe that we'll have to have a motion to adopt the appendices to his report as part of Hansard. Is there leave to do that?

Mr. Chairperson: We have in front of us, from Mr. Lindsey, whether there's leave to enter this presentation into Hansard? *[Agreed]*

Appendix A

Extract from: Dolecki, J.F. "On the Sustainability of the Hog Industry in Manitoba." Submission to the Clean Environment Commission, May 7, 2007.

4.1.1 Changes to the Planning Act

In January of 2002, the Keystone Agricultural Producers in conjunction with various livestock producer groups submitted a document to the provincial government entitled "Joint Position Paper: On the Possible Implementation of Livestock Manure A.U. Recommendations." ⁱ Peter Mah (Manitoba Pork Council) co-authored this document, ostensibly as a response to a proposal to alter the way Animal Units were estimated for the purposes of the LMMMR regulation.

However, the document went further than this. At page five, it summarizes the Pork Council's criticism of the Planning Act and provides an outline of the changes to this Act that the Pork Council desired:

"The current conditional use ILO approval process allows for unreasonable pressure and influence from outside interest groups and persons who are not direct stakeholders in an ILO application. . . . Many producers wishing to expand their farms or establish a new ILO find themselves having to invest significant amounts of monies to prepare a proposal, only to be subject to a long and public flogging, with uncertain outcomes that are based on political whims. . . . [T]here should be changes to provide more "certainty" in the ILO review and approval process. Detailed site specifications and zoning requirements should be established to enable intensive livestock to be a legitimate and "permitted" use in agricultural areas. ILOs that meet land use requirements and specifications should be able to be

developed as a matter of right, subject only to meeting environmental resource conservation regulations. . . ." (Emphasis mine]

Objectively, the Pork Council sought changes to the Planning Act that would allow, as a matter of right, virtually unfettered swine ILO development in rural Manitoba.

It must be understood that under the then existing Planning Act, conditional use was a privilege, not a right. The Act was based on the (correct) premise that certain activities (such as ILOs) are, prima facie, incompatible with the existing pattern of municipal land use. The purpose of the Conditional Use process—particularly the public hearing component of it—is to assess whether or not a proposed activity actually is compatible (using the mandatory tests outlined in the Act),ⁱⁱ or can be made to be compatible (through the imposition of conditions). If the answer to these questions is no, then the privilege is not extended.

It is useful to note that, under the Act, the burden of proof in this matter lies solely (and properly) on the applicant seeking the privilege of a conditional land use. The applicant must prove that its activities will be—or can be made, through conditions, to be—compatible with the existing pattern of land use. The community does not have to prove that the applicant's activities aren't compatible.

In short, as noted in a document published by the Canadian Centre for Policy Alternatives, the then-existing conditional use process was, in principle: ". . . a democratic and locally controlled project assessment and review process which, if all participants act in good faith, leads to council decisions that conform to the requirements of efficient, sustainable, and locally self-determined development planning."ⁱⁱⁱ

-17-

By 2002, the problem confronting the Pork Council was that communities in rural Manitoba actually began to approach the conditional use process involving swine ILOs in precisely the manner contemplated by the Planning Act, with the result that swine IW applications were being denied.^{iv} Hence, the campaign to change the Act itself, which was subsequently intensified after a number of widely publicized hog barn rejections, including the KPA proposal in the R.M. of Daly.^v

In the spring of 2004, the provincial government introduced Bill 40, the Planning Amendment Act,

which dealt exclusively with the ILO issue. The stated purpose of Bill 40 was to provide the livestock industry with "certainty and predictability" in the ILO approval process. Even the most casual examination of the provisions of this Bill reveals that the government was seeking to alter the Planning Act in precisely the manner outlined in the Joint Position Paper.^{vi}

Bill 40 was subsequently withdrawn, as a result of province-wide citizen opposition. However, shortly thereafter the government introduced and quickly passed Bill 33, the Planning Act, whose provisions are virtually the same as those in Bill 40, in respect of ILOs.^{vii}

Under the provisions of the new Act, almost all of the discretionary powers Council had enjoyed under the old Act have been substantially reduced, constrained and/or eliminated in relation to decisions involving Conditional Use Applications for livestock operations. At the same time, the role of the provincial government, through for example the Technical Review Committee and its report/recommendations, and the courts, has been enhanced. There is a provision for mandatory 'up-front' planning and Livestock Operations Policies and so on. Thus, the current Planning Act is nearly isomorphic with the alterations the Pork Council advanced in the "Joint Position Paper." Indeed, about the only discretion Councils now have under the new Act is the unfettered authority to reject an ILO conditional use application.^{viii}

It is important to note that it is precisely this remaining discretionary power that the Pork Council, at these CEC hearings, has been vigorously attacking, because it is the only remaining barrier to the unfettered development of swine ILOs, 'as a matter of right.'^{ix}

As suggested in the "Joint Position Paper," these changes convey significant economic benefits to the Hog industry. This benefit takes two forms: risk minimization and siting/operating cost reductions.^x While the importance to the industry of the former is obvious, the latter is actually more significant in the long run. This is because the imperative of the new Planning Act is to reduce the conditions municipally imposed upon ILO operations (the 'relevant and reasonable' restriction) to those of the lowest common denominator--provincial standards and regulations. This represents a substantial regulatory subsidy to the industry, as it facilitates cost shifting to the communities wherein ILOs are sited. . . .

Appendix B

Cost of Production Summary - Manitoba Pork Council
PER HOG MARKETED - Finisher

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Revenue											
Market Hog Sales	125.00	120.06	143.81	164.82	161.40	173.12	216.12	187.74	182.81	179.04	177.90
Cull Hogs	87.78	84.43	78.66	87.85	85.87	85.00	112.84	86.26	83.88	89.95	89.95
Total Revenue Per Hog	212.78	204.49	222.47	252.67	247.27	258.12	328.96	274.00	266.69	268.99	267.85
Production Expenses											
Feed	80.81	80.05	85.58	79.93	80.82	82.37	81.06	80.90	77.70	74.07	74.77
Pig Purchases	33.17	42.82	61.82	66.49	47.28	62.15	111.28	68.89	64.84	68.86	63.21
Vet and Supplies	0.27	0.88	0.33	0.56	0.81	0.81	0.81	0.81	0.81	0.81	0.81
Total Production Expenses	114.25	123.75	147.73	147.21	128.91	145.33	193.15	150.58	143.35	143.74	142.79
Gross Margin	98.53	80.74	74.74	105.46	118.36	112.79	135.81	123.42	123.34	125.25	125.06
Operating Expenses											
Custom work	1.66	1.66	1.65	1.66	1.66	1.65	1.65	1.65	1.65	1.65	1.65
Freight and trucking	3.80	4.02	4.18	4.29	4.32	4.37	4.39	4.39	4.39	4.39	4.39
Fuel	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14
Marketing board fees	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30
Insurance	1.43	1.43	1.43	1.43	1.43	1.43	1.43	1.43	1.43	1.43	1.43
Repairs and maintenance	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21
Total Operating Expenses	9.55	10.06	10.25	10.25	10.25	10.25	10.25	10.25	10.25	10.25	10.25
Contribution Margin	(4.13)	(4.19)	3.36	18.89	6.38	3.28	7.19	4.88	3.51	3.08	3.04
Admin & Overhead											
Amortization	4.45	4.45	4.45	4.45	4.45	4.45	4.45	4.45	4.45	4.45	4.45
Interest and bank charges	1.04	0.87	0.72	0.78	0.79	0.79	0.81	0.81	0.81	0.81	0.81
Interest on long-term debt	2.80	2.80	2.14	2.29	2.34	2.41	2.15	1.87	1.82	1.82	1.81
Office and other	0.31	0.32	0.32	0.33	0.34	0.34	0.36	0.36	0.36	0.36	0.36
Professional fees	0.34	0.34	0.34	0.34	0.34	0.34	0.34	0.34	0.34	0.34	0.34
Property taxes	0.58	0.58	0.58	0.58	0.58	0.58	0.58	0.58	0.58	0.58	0.58
Utilities	2.28	2.07	1.89	1.81	1.81	1.79	2.17	2.00	2.00	2.00	2.00
Wages and benefits	4.98	5.11	5.00	5.45	5.51	5.51	5.75	5.85	5.85	5.85	5.85
Total Admin & Overhead	18.76	17.58	15.73	18.06	18.95	18.94	17.19	17.28	17.21	17.21	17.21
Total Cost less feed	66.10	66.10	65.81	79.85	74.77	91.45	142.00	96.79	95.99	101.80	95.52
Total Cost of Production	144.82	138.16	154.19	188.77	168.89	183.81	235.66	177.89	173.69	176.89	168.41
Net earnings (loss)	(19.84)	(19.79)	(12.38)	3.84	(9.87)	(12.91)	(10.84)	(12.28)	(13.22)	(14.61)	1.43

January 2017 Manitoba Pork Council website

Appendix B

Cost of Production Summary - Manitoba Pork Council
PER HOG MARKETED - Finisher

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
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Cull Hogs	84.43	78.66	87.85	85.87	85.00	112.84	86.26	83.88	89.95	89.95
Total Revenue Per Hog	204.49	222.47	252.67	247.27	258.12	328.96	274.00	266.69	268.99	267.85
Production Expenses										
Feed	80.05	85.58	79.93	80.82	82.37	81.06	80.90	77.60	74.07	74.07
Pig Purchases	42.82	61.82	52.43	47.28	62.15	111.28	68.89	64.84	68.86	63.21
Vet and Supplies	0.27	0.88	0.33	0.56	0.81	0.81	0.81	0.81	0.81	0.81
Total Production Expenses	123.14	148.28	132.70	128.66	145.33	193.15	150.58	143.25	143.74	142.09
Gross Margin	81.35	74.19	119.97	118.61	112.79	135.81	123.42	123.44	125.25	125.76
Operating Expenses										
Custom work	1.66	1.66	1.65	1.66	1.65	1.65	1.65	1.65	1.65	1.65
Freight and trucking	4.02	4.18	4.29	4.32	4.37	4.39	4.39	4.39	4.39	4.39
Fuel	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14
Marketing board fees	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30
Insurance	1.43	1.43	1.43	1.43	1.43	1.43	1.43	1.43	1.43	1.43
Repairs and maintenance	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21
Total Operating Expenses	10.06	10.25	10.25	10.25	10.25	10.25	10.25	10.25	10.25	10.25
Contribution Margin	(4.19)	3.36	18.89	6.38	3.28	7.19	4.88	3.51	3.08	3.04
Admin & Overhead										
Amortization	4.45	4.45	4.45	4.45	4.45	4.45	4.45	4.45	4.45	4.45
Interest and bank charges	0.87	0.72	0.72	0.78	0.79	0.81	0.81	0.81	0.81	0.81
Interest on long-term debt	2.80	2.14	2.29	2.34	2.41	2.15	1.87	1.82	1.82	1.81
Office and other	0.32	0.32	0.33	0.34	0.34	0.36	0.36	0.36	0.36	0.36
Professional fees	0.34	0.34	0.34	0.34	0.34	0.34	0.34	0.34	0.34	0.34
Property taxes	0.58	0.58	0.58	0.58	0.58	0.58	0.58	0.58	0.58	0.58
Utilities	2.07	1.89	1.81	1.81	1.79	2.17	2.00	2.00	2.00	2.00
Wages and benefits	5.11	5.00	5.45	5.51	5.51	5.75	5.85	5.85	5.85	5.85
Total Admin & Overhead	17.58	15.73	18.06	18.95	18.94	17.19	17.28	17.21	17.21	17.21
Total Cost less feed	66.10	66.10	65.81	79.85	74.77	91.45	142.00	96.79	95.99	101.80
Total Cost of Production	138.16	154.19	159.77	168.89	168.81	225.66	177.89	173.69	176.89	170.20
Net earnings (loss)	(19.79)	(12.38)	3.84	(9.87)	(12.91)	(10.84)	(12.28)	(13.22)	(14.61)	1.43

MPC website April 2018

Appendix C

Extract from: Dolecki, J. F. :On the sustainability of the Hog Industry in Manitoba.: Submission to the Clean Environment Commission. May 7, 2007.

2.2 Sustainability and the Sustainable Development Act

In Manitoba, the principles of, and guidelines for, sustainability are set out in Schedules A and B of the Sustainable Development Act.

Schedule A, which sets out a set of Principles of Sustainable Development, gives the "Preventative Principle" special emphasis:

4. Manitobans should anticipate, and prevent or mitigate, significant adverse economic, environmental human health and social effects of decisions and actions, having particular careful

regard to decisions whose impacts are not entirely certain but which, on reasonable and well informed grounds, appear to pose serious threats to the economy, the environment, human health and social well-being.

Clearly, there is an implicit imperative here which, the Legislature has proclaimed, ought to form the basis of the approach to questions of 'development.' In particular, prevention of harm is to be the general organizing principle.

Schedule B provides a set of guidelines for the realization of the principles articulated in Schedule A. For the present purpose, Clause 1 of Schedule B ("Efficient Use of Resources") is particularly important. It defines the legislative meaning of efficiency as:

I(a) encouraging and facilitating the development and application of systems for proper resource pricing, demand management and resource allocation together with incentives to encourage efficient use of resources; and

I(b) employing full cost accounting to provide better information for decision makers.

Notice that in Clause 1(b) full cost accounting is required in order to determine whether or not an activity (here, ILO hog production) is efficient within the meaning of the Act.

Clearly, the concept of 'efficiency' enshrined in the Sustainable Development Act is much broader than the popular concept, which is anchored in the notion of profitability, economies of scale, and so on. What the Act directs us to examine is whether or not an activity is "efficient" when the totality of the real costs of production are taken into account.

This question is fundamental, since the desirability and wisdom of having resources allocated to this industry and, indeed the desirability of the industry itself, depends on the answer.

4.3 Hog Industry Cost Shifting

As noted in 3.0 above, in market economies, if negative 'spillover' effects are present, the full costs of production activity will not be revealed to, and hence not borne by, those who engage in it. Rather, they are "avoided" or "shifted" away from the spillover generator, and borne by someone else. This "socialization" of costs represents nothing less than a subsidy, whose magnitude is captured by

perpetrating agents in the form of lower ledger costs of operation.

Some of these shifted costs are tangible, and others are intangible. However, they are all very real and must be considered when assessing sustainability, using the 'full-cost accounting' principle.

It is my submission that cost avoidance and cost shifting are a necessary, ingredient, and defining feature of hog production in Manitoba. Indeed, in my view, without cost avoidance and cost shifting, swine ILO production would not be economically viable. With it, the industry is not efficient within the meaning of the Sustainable Development Act.

4.3.1.1 Emissions from hog production facilities: Odour Impacts

It has long been recognized that emissions from hog production facilities have been a serious concern among residents in rural Manitoba. In Chapter 10 of its submission to the CEC, the Manitoba Pork Council considers this issue to be limited to the problem of odour:

The expansion in the Manitoba hog industry over the past 20 years has been both rapid and dramatic. While this industry has brought significant economic benefits to Manitoba, some rural residents have expressed concerns regarding odours emanating from those facilities.

The experience in Manitoba has been that complaints regarding hog operations have been extremely limited . . . The most vociferous concerns regarding hog operation odours occur long before the facilities are ever built at public hearings held by municipalities as part of the process to grant or deny a development permit. Often the claims made regarding hog operation odours are overstated and are not consistent with the experience of rural residents.ⁱⁱⁱ

Thus, from the perspective of the Pork Council, hog facility emissions are a minor issue, something that rural residents ought to tolerate, given the economic significance of the industry.^{iv} At worst, it is a problem of false perception, one that dissipates over time.

In economics, odour emissions represent an example of a 'spillover' or 'externality' *cv*, which arises because the process of production and consumption are interrelated. It is considered to be a negative externality since the capacity of an individual (the

rural resident) to obtain expected (or previously achieved) levels of "well-being" through consumption activity (quality of life and enjoyment of property) is impaired by, and inversely related to, the activity scale of the odour emitter (the hog barn operator). Odour abatement would add ledger costs to the operator. In the absence of abatement, these costs are shifted to, and borne by, the community resident.

The economic value of this spillover cost, i.e. the reduction in the 'enjoyment of property', is partially reflected in rural residential property values. One would expect that odour emissions from hog production facilities would decrease these values, as reflected either in sale price, vending turnaround time, or property tax assessment, with the magnitude of the decrease being related to distance and frequency of odour experiences. In fact, this is what is found in various jurisdictions in the U.S. and in Canada.

Thus, Weida^v reports rural property tax assessment reductions ranging from five to forty percent in five states for farms located around ILOs. Such reductions are significant, in dollar terms:

[A] University of Missouri study released in May 1999 found that rural property in Saline County, Mo was devalued by \$2.68 million dollars, or an average of \$112 per acre for 99 property owners within three miles of CAFOs, or concentrated animal feeding operations.

They are also reflected in land sale prices:

A study of 75 rural transactions near Premium Standard's hog operations in Putnam County [Missouri] indicated an average \$58 per acre loss of value within 3.2 kilometers (1.5 miles) of the facilities.

Similar outcomes have appeared in Canada. Thus, in 2001, the Alberta Government Property Tax Appeal Board reduced property assessments by 50 per cent for homes located within two miles of an ILO, and by 15 to 25 per cent for homes within a distance of three and one half miles.^{vi}

As noted, these reductions only partially capture the magnitude of the cost shifted to rural residents living in proximity to ILOs. Other aspects of "well-being" lost, such as the depreciation of social interactions in the community, are not reflected in these amounts.

4.3.2 Environmental Cost Shifting

For the purpose of the CEC, the subsidy which is most connected with environmental sustainability is the pollution subsidy the hog industry receives, whose cost is absorbed by the environment and the people of Manitoba who utilize the environment. This subsidy arises out of the very nature of the swine ILO production process itself and, indeed, is one of the fundamental features that distinguish industrial operations from agricultural ones.

The issue can be most succinctly defined in the following way. All livestock production units generate manure. In agriculture, the livestock/land base ratio is sufficiently small to permit animal waste to be completely utilized as a crop fertilizer. Indeed, in agricultural livestock operations, the amount of manure generated is generally insufficient to cover the requirements of available cropland. Manure application in agricultural operations tends to be consistent with agronomic rates, i.e. applied in amounts consistent with what crops can use. Thus, in agriculture, manure is a soil amendment. If applied at agronomic rates; manure serves to replenish soil fertility, which is required for any system of sustainable crop production.

The situation is fundamentally different in industrial livestock production. Here, the livestock/land base ratio is so large as to prevent manure from being completely utilized as a crop fertilizer. Indeed, the volume of manure generated presents industrial livestock producers with a waste disposal problem, arguably a toxic waste disposal problem. Consequently, these producers systematically over-apply manure relative to crop requirements. Among other things, livestock waste applied in excess of agronomic rates becomes available for transport to surface waterways, with deleterious consequences.

In heavy industry, utilization of the environment for the disposal of waste has long been recognized as a polluting practice, one that results in the degradation of environmental resources. It has also been long recognized that such practice, if permitted, conveys a considerable economic benefit to the polluter, reducing (in most cases, substantially) the ledger costs of production.^{vii} North American jurisdictions have attempted to address the problem through the development and aggressive enforcement of an extensive regulatory regime, from which traditional agriculture has been excluded.

I submit that the hog industry's utilization of the environment for the disposal of livestock waste is an industrial polluting practice, one that results in the

degradation of our environmental resources, notably land and water. I further submit this practice conveys a considerable economic benefit to the industry, substantially reducing the ledger costs of production.

Appendix D

*Research – Analysis – Solutions, CCPA Review
Economic & Social Trends in Manitoba
Fall 2007*

A Pig in a Poke: The George Morris Center Final Report To Manitoba's Clean Environment Commission

One of the more disturbing aspects in the evolution of environmental policy in Manitoba is the increasing reliance by public bodies on Industry Advocacy Research (IAR), rather than objective analysis, as the basis for decision-making.¹ A recent case in point involves the George Morris Centre (GMC), an industry-funded agri-food 'think-tank' based in Guelph, Ontario.²

Earlier this year, Manitoba's Clean Environment Commission (CEC) contracted the GMC as 'independent experts' in order "... to provide the latest research findings and advice to the panel. ..." in its ongoing Hog industry review.³ The GMC has a history of IAR contracts with the Canadian Pork Council.

The specific issue tasked to the GMC was an analysis of the "... economic background against which the environmental sustainability of the Manitoba hog production industry can be measured"(p. 1).⁴ In fact, the GMC narrows its analysis to the question of the "sustainability" of the alleged 'economic viability' of Manitoba's hog industry,⁵ relying heavily on a database supplied by industry promoters and interviews of "... industry leaders and government personnel in Manitoba..."(p. 1).

The GMC begins with an overview of the evolution of Manitoba's hog production system. There has been an accelerated growth of hog output, almost exclusively oriented to exportation, along with a dramatic decline in producer numbers. Intensive livestock operations (ILOs) dot the Manitoba landscape, particularly in the Southeast.

After noting that "hog producers in integration has not only proceeded from the end product processors (packers) downward in the stages of production, but also from input suppliers (feed companies) upward.

An essential component of this has been the generalization of the "all-in, all-out" model, which shifts the bulk of the risk attending hog production to those hog production units under contract (p. 11).⁶

These developments are celebrated by the GMC as being a quintessential cost-effective business model (p. 12).

The transformation of the industry, the GMC observes, was the direct and deliberate result of federal and provincial government policy (pp. 12-13). Thus, the federal removal of the Crow entitlement, which significantly reduced hog production costs, was as a major 'catalyst to growth,' as was the hog price-boosting depreciation of the Canadian dollar, arguably a result of federal stabilization policies in concert with the actions of the Bank of Canada.

At the provincial level, the elimination of single desk selling played a major role. Here, the GMC makes the remarkable (and self-contradictory) claim (p. 12) that this action "... resulted in a more efficient and competitive industry ..." characterized by "... larger and more specialized vertical supply chains or loops" (read: vertically integrated oligopoly).

In subsequent years, the government of Manitoba has provided "... overt support for the hog industry." This was crucial because "... it provided the simple message to the public of Manitoba that the hog industry is competitive and sustainable," and "... it signaled to the hog industry players to get it done." This overt support, the GMC contends, was "... paramount to sustaining the growth achieved in Manitoba during the 90's and early 2000's" (p. 13).

As a result of expansion, the GMC notes that the economic impact of the industry considered as a whole (hog production plus packing) is now roughly \$2 billion. However, only \$.85 billion of this is attributed to hog production itself (packing is responsible for the remainder), since half of Manitoba's hog output is exported to extra-provincial packing operations and, as a consequence, the associated secondary multiplier effects (spin-offs) obtain outside the province, notably in the US (p. 16).

Moreover, the GMC estimates that a total of only 1382 direct, and 3394 indirect, jobs are attributable to hog production, with another 3713 direct and indirect jobs created in the packing component. The industry total (8488) represents about 57% of the number (15,000) claimed in recent Manitoba Pork

Council (MPC) advertising (p. 15-16). The clear, yet unmentioned, implication is that job creation from hog production is minimal, and is hardly sufficient to inspire the re-population of rural Manitoba, as the industry claims.

Section 3 consists of the reproduction of one of the GMC's studies, commissioned by the Canadian Pork Council (p. 18). Here, a number of barriers to hog production expansion in Manitoba are considered. Chief among these are: (a) US farm subsidy programs (which account for the decline in Canadian barley acreage relative to American corn acreage); (b) the subsidy-driven initiative to develop corn-based ethanol production in the US; and (c) the prospect of America's Country of Origin Labeling (COOL) requirements, viewed as a non-tariff trade barrier (pp. 19-23, 31).

But, by far, the most significant barrier involves the protracted collapse of the US dollar, and the consequent appreciation of Canada's currency. The resultant decline in Canadian hog producers' gross revenue is described as "severe". According to the GMC, with a \$.90 dollar, Canadian hog producers were losing \$10/head (pp. 24-25). Most recent estimates of producer losses, issued by the MPC (prior to the dollar's rise to \$105 US), have ranged from \$30-\$50 dollars/head.

All this notwithstanding, the GMC advances the remarkable conclusion that the economic prospects for hog production expansion in Manitoba are "moderately positive" (p. v), and "... when the difficulties pass, Manitoba's model has proven it to be the best place to grow and move forward" (p. xviii). Apparently, this is because the source of future industry growth is through export market development, a suggestion that is reinforced by the manifest decline in Canadian domestic per capita pork consumption (p. 36).

To the GMC, this implies that "Canada has a greater stake ... in export market competitiveness, by which is meant 'cost-competitiveness' (read: cost shifting/avoidance maximization).⁷ In this context, the GMC identifies Brazil as an increasingly significant rival for pork export markets. Indeed, from a 'cost-competitive' perspective, "... Brazil's long term prospects are good," because of its "... improvement in productivity ... , favorable domestic policies ... , and a weakening currency" (pp. 32-35). It also has a virtually non-existent environmental regulatory regime.

The message in all of this is that the future of Manitoba pork production requires the maintenance of 'export market cost-competitiveness,' in which "environmental Legislation" is a 'key issue.' Hence, the GMC's fundamental piece of advice to the CEC: the Manitoba government, in designing a regulatory regime, must not "... unfairly burden the industry relative to other jurisdictions" (p. viii), such as Brazil.

This advice is reiterated, albeit obliquely, in the GMC's discussion of the known negative environmental and health impacts ingredient in industrial hog production in Section 6. These impacts are characterized as mere 'concerns,' to which, happily, both industry and government "... have responded with initiatives to reduce the risk" (p. 55).

After observing that "legislation and regulation have often been the principal policy tools used by Canada and its trading partners to achieve environmental objectives ...," the GMC opines that "... as the challenges of the transition to sustainable production have become better understood and the limitations of regulations more apparent, the major stakeholders (government, industry and society) in environmental protection have begun to experiment with other mechanisms ...".¹⁸ Of these, the GMC clearly prefers "... market based instruments, fiscal instruments, and a range of voluntary and non-regulatory initiatives ...," such as Beneficial Management Practices (BMPs) [pp. 55-56].

The reason for such a preference is clear enough. Government regulation, when environmental protection is the actual and paramount objective, has (at least) the potential to prohibit, eliminate and/or seriously constrain environmentally unsustainable developments, such as ILO hog production. On the other hand, market-based, fiscal, and/or voluntary non-regulatory initiatives, wherein expansion and growth are the actual and paramount objectives, ensure the proliferation of environmentally unsustainable developments, while propagating the illusion of environmental protection.

The case of BMP's illustrates the point. According to the GMC, swine ILO operators "... have been using BMP to manage risk ... for years." The question is, how many? The GMC cites a Manitoba Government survey, with a sample of 131 respondents, which indicates that "... 48.9% of hog producers surveyed ... had partially or fully implemented manure management BMPs" (p. 56). Yet, three pages later,

the GMC reports that BMP adoption by Manitoba hog producers under the Canada-Manitoba Farm Stewardship (CMFS) program was 178, out of a total of 1670, or roughly 10% (p. 59). This is hardly an encouraging participation rate, particularly given the fact that the CMFS provided funding for the implementation of BMPs. Moreover, when adopted, the concrete effectiveness, feasibility, and affordability of BMPs are speculative, as the GMC notes (p. 60).

Section 6 concludes with a comparative review of environmental regulation relating to hog production in various jurisdictions. This review is guided by the proposition that "... the number and strength of environmental regulations in a particular jurisdiction may be a reflection of the intensity of agriculture in the region and the resulting environmental problems that may occur" (p. 63). Here, the GMC falsely identifies swine ILO production as an agricultural activity, not unlike traditional family farming. The clear and manifestly false suggestion is that the environmental problems specific to ILO production are problems ingredient in agricultural activity generally.¹⁹

The GMC linkage between regulatory intensity and hog densities (p. 63, p. 51) conveys the further suggestion that expansion of swine ILO's in low density areas (such as Western Manitoba) need not be accompanied by increased regulation (voluntary initiatives will suffice). Objectively, such a suggestion is a corollary of the absurd proposition, advanced in various formulations by industry promoters at the CEC public hearings, that 'polluting industries can become environmentally sustainable simply by changing location.'

Whether or not the CEC will rely on the advice offered in this latest example of Industry Advocacy Research is, at this point, an empirical question. However, one thing is clear. The degree to which it is relied upon will be a measure of the degree to which a special interest group, the hog industry, has succeeded in hijacking a public review process, by stealth.

Endnotes

1. Among other things, this has contributed to the subordination of the public interest to the special interests of industry stakeholder groups in Manitoba. For a succinct discussion, see Ruth Pryzner's Stakeholder Democracy (May, 2007) submission to the CEC. Available on the Beyond Factory Farming website.

2. See description on the Canada Beef Export Federation's website.

3. See CEC website.

4. All references are to George Morris Centre. Final Report, *Economic Analysis of the Hog Production Industry in Manitoba*. (September 7, 2007). Available on the CEC website.

5. Among other things, the meaning of 'environmental sustainability' is nowhere specified in the GMC's Final Report, nor is there any reference to the provisions of Manitoba's Sustainable Development Act.

6. Maple Leafs "Signature Pork Program" serves as a classic example.

7. For a succinct discussion of cost avoidance/shifting and the meaning of 'efficiency', see my submission to the CEC, *On the Sustainability of the Hog Industry in Manitoba* (May 2007). Available on the Beyond Factory Farming Website,

8. It is useful to note that the 'challenges of the transition to sustainable production' which have 'become better understood' are unspecified, rendering this construction incoherent.

9. The fact is that hog ILOs are industries that masquerade as agriculture. In the final analysis, this is the fundamental (and intellectually honest) distinction that the GMC wishes to obscure.

- Joe Dolecki

Joe Dolecki is an Associate Professor and Chair of the Economics Department at Brandon University.

Mr. Lindsey: So, thanks everybody for that. You've talked about the expansion of the hog industry. One of the things I want to ask you specifically was how would you as a citizen become aware that somebody is suggesting that they're going to expand their hog barn operation or start a new operation? Or for that matter, how would you become aware that they are going to open a gravel pit in an area that may affect you?

Mr. Dolecki: Well, typically, and this is the case in—because I've lived in a rural municipality—it's the local newspaper that publishes public notices on everything. And in my community, and for myself, that is the single most used type of method of communicating from the governments, from both federal, provincial and local governments of developments that impact—that will have an impact on the municipality and its people.

So it's newspapers, local newspapers, weekly newspapers.

Hon. Ralph Eichler (Minister of Agriculture):

Thank you for your presentation. You said in your presentation that you live in Riverdale municipality, and most municipalities have designated livestock areas. You focused a lot on the hog sector in your presentation. Is it all livestock sectors that you're opposed to or is it just the hog sector?

Because I know in this past year we've had 12 new poultry barns built, we've had nine new dairy barns built and the municipalities have a right to designate those livestock areas. If the presenter would answer those two questions.

Mr. Dolecki: Under our zoning bylaw, they—there are designated zones for agriculture, for seasonal, recreational and rural residential and stuff like that, right. The difficulty that is experienced in—under our bylaw is that it permits, if you will, the citing of livestock operations, be it pigs, be it cattle, in areas that are—that may be and are to be—and can be determined to be water sensitive.

The purpose of a conditional-use hearing and the purpose of the conditional-use process is to, in fact, discern whether or not something is compatible with a particular area, given the—given its characteristics, given its requirements. And we have to keep that in mind when having any discussions about any possibility of eliminating that, because local—it's the—it's a local input into the process, the public input into the process that is crucial to making proper decisions.

Mr. Gerrard: Yes, the—you raise the concern, and I think rightly so, about permanent residents not being able to present at public meetings.

Is there any precedent for this? This seems odd to me.

Mr. Dolecki: What I said was, in the legislation, if you look at the section that this is under, it's under objections, first and section—second objections to zoning bylaws—changes in the zoning bylaws. I have, as well as number of people have, made numerous first and second objections to zoning bylaws in the past, because of an honest belief that they will have a negative impact on components of our existence.

Here, I, personally, would be denied having the right to do that, to have it count for anything, because I am excluded because of my status of

permanent residency. I know of no other situation where that—in my knowledge and experience—no other situation, at least in this country where that's the case. There was that sort of thing in South Africa, but not here. And it's objectionable and I think it will not—it would not survive a Charter challenge.

Mr. Chairperson: Mr. Dolecki, our time for questions has expired. We'd like to thank you for your presentation, and I will now call on the next presenter.

Our next presenter is Nicole Kapusta from the Stonewall Teulon Tribune. Nicole? Is Nicole here? No? We will move Nicole to the bottom of the list.

Mike Teillet, private citizen. Mike? And could you tell me if I'm pronouncing your name properly, or could you please let me know what your—the proper pronunciation for your name is?

Mr. Mike Teillet (Private Citizen): Go tell it on the mountain. No, it's actually pronounced Teillet. It's like Byfuglien. It's got too many syllables in—

Mr. Chairperson: Teillet. Mr. Teillet, yes, thank you very much. Do you have written—then you may proceed with your presentation.

Mr. Teillet: So there is an anticipation by the industry that there will be growth in the hog sector, over the next five to 10 years, despite the number that's been bandied, about 285 barns. That is completely—I can't imagine how we could get a number like that where the Manitoba Pork Council is estimating somewhere between 50 and 100.

Now, the changes to The Planning Act proposed in Bill 19 as they impact the hog industry are actually relatively minor. They—there will be some removal of unnecessary restrictions that have caused some unreasonable delays and problems at the municipal level, but it is not removing any environmental restrictions and it isn't removing anyone's rights to do anything.

I'm sure you're aware that it was always the processes in The Planning Act that were the main causes of delays in getting barn approvals. Current planning process approvals can take more than a year, and Bill 19 actually won't reduce this time frame, but we understand that there are a number of actions underway that will assist in reducing some of those time frames.

*(18:40)

We are also aware that the government is working to streamline the TRC conditional use process system. Manitoba Pork, I know, is fully committed to environmentally sound and sustainable growth and development of the pork sector, and while Bill 19 will introduce some improvements, we would like to continue to work with the government to introduce some additional, sustainable improvements into the system. We have met with both ministers in the past and we know we are anticipating some additional work to be done.

I would mention, just for clarification, that the provision for 25 residents or 50 per cent of neighbouring residents not being able to object, they actually will still be able to object, but they won't be able to trigger a hearing. And that does not apply to conditional uses and it doesn't apply to variances. So it only applies to zoning measures. So it really won't impact the hog sector since hog applications almost never require zoning amendments or development plan amendments. They're almost always conditional uses or variances. And in those cases, the same rules are going to apply.

I should also mention, there are—there's been discussion about over-application of phosphorus. The reality is in Manitoba that virtually every municipality in Manitoba is actually phosphorus deficient. There's been a study done on this which shows this quite clearly. The municipalities—I think there's only two municipalities in the entire province that actually have an excess of phosphorus.

The conditional-use process under this bill will remain the same with the provisions of this bill. The only thing that's happening is that the 300 animal unit provision or threshold is being removed from the act. And that probably should never have been in the act in the first place. It's an arbitrary number and it really makes no scientific sense. This allows municipalities—there was discussion from some that this is taking away authority from municipalities. This is actually giving authority to municipalities because they'll actually be able to set their own threshold with this. And I know the pork industry is actually a little bit nervous that the thresholds may actually get set lower by some municipalities. Already about a third of them have this threshold set at below 300. And now that they will all be reviewing the thresholds, it is possible that they will continue—that some may actually lower them further. Our anticipation is actually most of them are going to leave it alone, that most of them will just say it's

good where it is, we're going to leave it alone. So, in other words, nothing is going to change.

The issue about groundwater protection which comes up over and over again—water protection and groundwater protection is well protected through the TRC and conditional-use process. This is a gruelling process. I've been to—just in the last week and a half, I've been to about five hearings, conditional-use hearings. These things take up to a year. The application alone is something like 28 pages long. By the time they submit their application, it's over 100 pages in length. They have to get engineers, they have to get soil tests. They have to do a whole bunch of different things in order to get approval. And that's just to get to the point of getting conditional-use approval, just to get to the point of getting that local approval. After that, they still have to go through the permitting process and the licensing process through the Department of Sustainable Development, which is another whole series of processes that they have to go through, which is why it takes so long for a farmer to get approval.

And the—it is simply—it would not be permitted for anyone to propose a barn if—it wouldn't get even anywhere through the system if there was any threat of groundwater or surface water contamination or pollution.

So just—my final point is that no environmental regulations are being changed in this bill. In fact, even the previous changes that were made by this government actually had very little impact on the environmental regulations. The main thing done was to remove the—what was referred to as the moratorium, but, other than that, the regulations are still the toughest, strictest, highest regulations—environmental regulations in North America.

And, with that, I'm done.

Mr. Chairperson: We thank you for your presentation, Mr. Teillet.

Mr. Eichler: Thank you, Mike, for your presentation.

Your comments in regards to the previous legislation was brought forward last year, in regards to anaerobic digesters. Would you explain to the committee, in your words, how you feel about the anaerobic digesters and why it was brought forward by the previous government?

Mr. Teillet: Yes, the anaerobic digester provision was—you know, I think there's sometimes a

misunderstanding about what pig manure really is, what we're talking about. People equate it to be like human sewage, and it's not; it's completely different. Human sewage has—I mean, people pour paint down their sinks. They—there's all sorts of stuff in human sewage, so it's all kinds of chemicals and things. And so there's a totally different product. The fact is manure does not need treatment—period. As long as you have enough land, spread acres, to put it in—to put it on in environmental and agronomic rates, you do not need to have treatment of manure; it's a myth. So the idea of bringing in an anaerobic—the requirement for an anaerobic digester, which costs—well, we were initially saying they were about \$1 million each, but the—actually, it turns out they were quite a bit more than that. But the \$1-million version would actually be some kind of sale price or something, because it turns out that the ones that were installed were more expensive than that.

The—in places like Quebec, for example, where there was a requirement for anaerobic digesters as well, I believe seven of them were put on hog barns, six of them are no longer operating, and the reason is is because they get an initial government subsidy to put the anaerobic digester in, 'thence' they run them for a year or two, something breaks, it's a \$100,000 part; there's no subsidy for that, so the farmer just shuts it off, because it's costing him money and they don't really need it in the first place.

So the requirement for anaerobic digesters were—was just not saleable, and that's why everyone referred to it as the moratorium, because it meant that no one could build barns.

Mr. Lindsey: Thank you for coming tonight and thank you for your presentation. Now, you've said a couple of things that I want to explore a little bit more with you. One is you've said this bill doesn't remove anyone's rights, but wouldn't it be fair to suggest that if people don't know that something is going to happen, that their right to object or support has, in fact, been removed—and this bill in particular does take away the ability for people to become informed, so, in fact, people's rights have been removed. And the other part of the question I have for you is you've said that, well, anybody can still object, but they don't get a hearing. So, then, that would seem to be rather a waste of everyone's time if you can object but nobody cares, because you're not going to get a hearing out of it.

Your comments on those two points.

Mr. Teillet: So let me answer the first question—or the second question first.

The—on the part about objections, again, that's only on zoning bylaws. Hog operations almost never require a zoning amendment or a—some kind of change in zoning. They go through the conditional-use process and the variance process. That process is not changing. So the part about objectors, first of all, they do get a hearing because they can go—come to the initial hearing like this and get their initial hearing. And my understanding is is that's only that second appeal hearing that is removed, and, actually, the Manitoba Pork Council doesn't really have much of—it doesn't have an opinion on that. We're not—we're kind of neutral on that proposal.

* (18:50)

Now, the other provision you were referring to was—now I've already forgotten—it was the newspaper ads. Again, my—the only comment I have on that is that it's fairly well known that the ads in newspapers are mostly missed by people. It—they just—it's just a fact. If you are looking for a legal notice for the Red River Planning District, for example, and it's on page 37 in the Free Press in a little corner like this, very few people see those and react to them.

Now, having said that, again, the Manitoba Pork Council doesn't really have an opinion on this. We're kind of neutral on this provision.

Mr. Chairperson: Our time for questions has expired, but I will allow Mr. Gerrard, because we've been sort of dragging—have a quick question and a quick response.

Mr. Gerrard: On—Mr. Dolecki raised the concern that permanent residents might not be able to participate as they have in the past, in certain areas. I wonder if you'd comment on that.

Mr. Teillet: I guess I'm not really sure what he was referring to. The bill, as I understand it, says that you need to have people—25 per cent of area residents, which is residents within the municipality, I believe. So I don't—that doesn't have any impact on whether you're a permanent resident or not. So residents within the municipality or 50 per cent of the immediate neighbours, so that means people that would actually border on the site, 50 per cent of those. Now, in rural areas, that can sometimes only be three or four neighbours, so it is—I guess I

don't know why that would have any impact on permanence.

Mr. Chairperson: We thank you for your presentation, Mr. Teillet, but we're running a little bit too far. Thank you very much.

We will now call the next presenter: George Matheson, Manitoba Pork Council.

George Matheson, do you have any written submissions for the committee?

Mr. George Matheson (Manitoba Pork Council): Yes.

Mr. Chairperson: We will—as soon as they get distributed, you may proceed with your presentation.

From our first presenter, Ms. Pryzner, we have a—she didn't have enough copy, so we have made copies. So she has presented, so everybody would get a copy, and she was wondering if this could be presented in—or placed in Hansard. Is it agreement of the committee to put this? *[Agreed]*

It shall be in Hansard.

Bill 19 has nothing to do with improving the planning process for rural people and municipal councils who truly care about the quality of life and health of their communities, existing livelihoods and the environment. It is clear that the primary intent of Bill 19 is to remove the ability for rural people to influence municipal decision-makers to reject and protect against the further industrialization of agro-Manitoba livestock production. It attempts to seduce municipalities into eliminating the conditional use approval process for livestock operations over 300 Animal Units in size from Development Plans and Zoning By-laws and all the accompanying local control and public protection provisions contained in The Planning Act.

Bill 19 is designed to placate and promote the industrial livestock industry, in particular the hog industry. The 2017 Manitoba Agriculture Department's internal Advisory Note 4C-1 provided to Cabinet leaves no doubt. The note identifies "public conflict" and "public pressure" as barriers to hog industry expansion. What to do? Invite municipalities to give up the processes that provide local control and give the public a say in how they want their areas to develop. Why? Because as the advisory note says 285 new barns to finish 1.8 million more hogs are needed "to ensure an

adequate supply of hogs to the Maple Leaf and Hy-Life Foods slaughter facilities." Why prop up an industry where finishing hog producers have lost money in 7 out of the last 9 years?

The real intent of Bill 19 is not about giving municipalities a fair say. Once conditional use approval authority is eliminated from Development Plans and Zoning By-Laws, the technical review process, such as it is, is also eliminated. Municipal authorities will have access to no information on the particulars of a proposed livestock operation. They will make no decisions at all. To suggest that this gives municipalities a fair say and empowers them is disingenuous and false. I have yet to meet a person who wants to live next to a pig factory or industrial feedlot—other than industry proponents. Even municipal councilors don't want them in their backyard. Unfortunately, too many are willing to sacrifice the quality of life of others because they believe that industrialization of agriculture is inevitable and they won't be negatively affected. Government is counting on municipalities to give up control to meet the needs of Maple Leaf and Hy-Life Food corporations.

The public too will have no access to any information about a proposed industrial livestock operation and will be denied the opportunity to evaluate the particulars of a proposal in light of local conditions and potential negative impacts on the environment, their quality of life, their farms, their source of water and the law.

With conditional use eliminated, the pig industry, large livestock operations, will no longer have to prove that a proposed operation will not harm the community, environment, ground and surface water quality, the land and natural ecosystems. This is unacceptable.

The Conditional Use approval process for livestock operations provides a vital level of insight and oversight at the local level. It is a public process that enables rural residents and existing farmers to assess the compatibility of a proposed livestock factory within the context of local conditions. Most Development Plans and Zoning By-Laws contain general agricultural zones provisions. Few create zones that guarantee upfront that groundwater sensitive areas will be protected, that surface water will be protected, that existing farms and residential properties will not be negatively impacted, that natural areas—vital for wildlife and the protection of biodiversity—will be maintained. They were designed

to give municipal authorities too much discretion, predicated on the assumption that they would in fact be making decisions through a conditional use approval process on a case-by-case basis. With the removal of this authority, rural areas are wide open for unfettered and locally unregulated industrial livestock expansion. The RM of Oakview Council, that was specifically mentioned in Manitoba Agriculture's Advisory note, found out how important public participation is. It was a member of the public, not provincial officials, who noticed and proved that the proposed site suggested and defended by the engineer for the manure storage was illegal. The Livestock Manure and Mortalities Management Regulation prohibited the siting of manure storages on surface watercourses. Because Oakview followed the law and rejected the proposal, government changed this regulation. This site is now considered to be suitable and legal. The province is handing over more control to engineers by reducing provincial oversight in the construction of manure storages. A scary "red tape reduction" model indeed.

When I served my community as a municipal councilor, I understood my responsibility to be as informed as possible and that good decisions in the public interest, not the interests of a particular industry or development, required public participation and solid evidence. Bill 19 invites municipalities to abandon their duty to act in and protect the public interest.

If municipalities buy in to the Bill 19 plan, the only authority that the hog industry has to deal with will be the Province. As hog industry promoters, provincial bureaucrats will continue to ensure that manure storage permits and water licences are granted in inappropriate locations. The secrecy of these processes serves the interests of the industry applicant, the engineers who work for them, and the government. All can escape public scrutiny and accountability as application information is protected as proprietorial business information under the Freedom of Information and Protection of Privacy Act. During the last round of expansion, permits to build storages were issued in areas with high water tables, flood plains and groundwater sensitive areas. Marshes woodlots and native pastures were approved as manure spread lands. Our community, only through persistence, was able to convince a provincial official to require an above-ground manure storage instead of a cheap earthen manure storage at a location rejected by our council. Approval of the cheap storage meant it would have

been built into the water table. In another instance of which I have personal knowledge, in the Killarney area, an earthen manure storage permit was approved in an area by the same official where the water table was only 2 feet below ground on a dry year because public participation wasn't as forceful. With recent changes to the regulations, this will get worse.

The pictures I've provided for you are spread lands considered suitable in my municipality by provincial officials. Can you see the spread lands under the flood waters? The other page of aerial photographs show operations approved in South East Manitoba. Notice the flooded barns, overflowing manure storages and obvious potential for nutrients to move off the sites in surface water.

Provincial environmental regulations and manure management plans will not protect surface water contamination from intensive livestock operations of all types. The over-application of phosphorus will continue. Science shows when soil levels approach 276 lbs/acre of soil test measurable phosphorus it leaks out into the environment at exponential rates. Current regulations allow phosphorus loading to 828 lbs/acre (180 ppm). To put this in perspective, the average annual use by Manitoba crops is 20.47lbs/acre. Once loaded to the top end of the regulation, it will take 400 years, if no more manure is added, for crops to deplete the spread lands of phosphorus. What happens in the meantime? Phosphorus leaks into surface waters that drain into Lake Winnipeg. This regulation has always been a recipe for short and long-term environmental problems recognized by the Clean Environment Commission. It has to be changed. Further, operations can and have been approved when there aren't enough spread acres for crops to utilize phosphorus on an annual basis.

Bill 19 makes it impossible for individuals to object to any changes to Zoning By-laws by requiring 25 people to object instead of one person and all must be eligible to election to a municipal council. The proposed 50% rule is meaningless given the 100m notice requirement.

It deliberately excludes and violates the Charter rights of recent immigrants and permanent residents from objecting to any type of future development that may negatively affect their homes, farms and investments in their communities. Indigenous Charter and treaty rights are ignored.

The Bill erodes democratic rights, supplanting human rights with corporate interests and significantly impedes the ability to dissent.

The Municipal Board are government appointees who rarely rule against the wishes of a municipal council or planning district board.

Before drafting the bill, government had private meetings with industry and the Association of Manitoba Municipalities whose president and two vice-presidents herald from Steinbach and Morris-hog alley. It's not surprising they would support livestock industry expansion and not listen to the public like my niece who lived near Steinbach and as an 8 year old wrote a letter to government telling them about how smelly it was to live in the area and that it wasn't safe to drink the local water. No public consultations were held prior to the drafting of the Bill. Nor were environmental or animal welfare groups asked what they think about expanding industrial livestock production.

If this isn't enough, Bill 19 removes section 1.1 of The Planning Act where multiple barns within 800 metres of each other and are sharing a manure storage are deemed to be a single operation. Why? Just in case some responsible municipalities and Planning Districts retain these conditional use provisions the industry can slip under the conditional use radar by building a series of factories under 300 Animal Units in size like they were doing before the Act was amended to prevent this. Another base covered. Indeed Bill 19 has covered most of the eventualities.

If municipalities choose to eliminate the approval process for industrial livestock proposals they will be admitting they don't care about what rural people truly want. Over the past 20 years, I've spoken with dozens of rural victims of the hog industry, many of whom wept as they told their story. It's undeniable that living next to factories and feedlots is not desirable. Most are stuck as they can't sell their homes and afford to move. One conversation sticks out. My daughter's 10 year old classmate was spending the weekend at our farm. All of a sudden, the play and laughter stopped. What's wrong? I asked. Through her sobs she told me that she was so happy to be able to play outside without having to smell hog manure. She told me how she was teased at school because, even when her Mom mechanically dried her clothes they smelled like hog feces. Smell for yourself she said, putting out her covered arm.

Indeed, her clothes smelled. No child should be forced to endure that. Two families were driven from that area. The hog factory was situated further than the minimum separation distances in the Provincial Land Use Regulation from her home.

The livestock industry and government continually chants the mantra of leveling the playing field. Your government talks about transparency, accountability and reducing costs to the taxpayer. Yet Bill 19 removes newspaper notice, invites the elimination of public and municipal scrutiny of livestock operation proposals and provincial technical reviews. It provides an appeal for the industry on a municipal authority's outright rejection of a proposal or the imposition of conditions and development agreements that require the livestock operation to absorb the true operating costs instead of making taxpayers subsidize the operation in the event municipalities keep the conditional use approval process. Bill 19 is pure hypocrisy and must be withdrawn.

Mr. Chairperson: Mr. Matheson, you may proceed.

Mr. Matheson: Thank you to the committee chair and to all MLAs for allowing me to make this contribution to the legislative process.

My name is George Matheson. I am the chair of the Manitoba Pork Council. I am here today to speak in favour of Bill 19.

Manitoba Pork represents the province's hog producers and the hog sector. The pork sector brings in approximately \$1.7 billion into Manitoba. It employs about 13,000 people. The pork processing industry represents almost 80 per cent of the entire food and beverage processing industry in Manitoba and is vital to the province's economic well-being. We export to over 35 countries around the world. Pork from Manitoba is considered to be among the best in the world. We therefore believe it is vital to Manitoba's future to ensure that our industry not only survives, but that it thrives and is allowed to sustainably grow.

Since we anticipate that there will be growth in the industry over the next five-plus years, at least, it is important that unnecessary impediments restricting normal business practices are removed. While the changes to The Planning Act proposed in Bill 19 are relatively minor, we nonetheless believe that they, along with some previous actions by this government, will go some way in removing some unnecessary restrictions that have caused

unreasonable delays and problems at the municipal level.

I am sure that you are aware that it was always the processes in The Planning Act that were the main causes of delays in getting barns approved. Current planning approvals can take up to a year or more. Bill 19 will not reduce this time frame but will allow for some potential situations where local approval may not be required under certain, limited circumstances.

We are also aware that the government is working to streamline the process of the technical review, a conditional-use system. Manitoba Pork is fully committed to the environmentally sound and sustainable growth and development of the pork sector.

While Bill 19 will introduce some improvements, we would like to continue to work with the government to introduce some additional, sustainable improvements into the system.

Thank you.

Mr. Chairperson: Thank you for your presentation, Mr. Matheson.

Mr. Eichler: Thank you for your presentation. And we've heard some concerns here tonight about the environment. Would you care to talk about what your industry's doing to protect the environment and to make sure that it's there and viable for the next generation coming forward?

Mr. Matheson: Well, we've always felt, Mr. Eichler, that Manitoba hog process—or hog producers have had the strictest environmental regulations of any producers in North America. Of course, anyone with over 300 animal units has to submit a manure-planning submission to government. There's only so much phosphorus we're allowed to put on per acre. There's only certain times of the year—November 10th to April 10th—that we can—or, I should say, during the summer, April 10th to November 10th, that we can apply. We can't apply during the winter months where the ground is frozen and there could be runoff, so we are protecting environment.

Mr. Lindsey: I thank you for coming out tonight and sharing your thoughts with us. Some of the things that we've heard tonight aren't necessarily specifically that this bill will change environmental laws or regulations, but what it does do is limits people's ability to have their voice heard when it

comes to some of these planning amendment changes. So, for example, it used to be that if one person was impacted by a change, they had the right to appeal, but now they have to round up 25 other people to support them before their voice can ever be heard that they might object to something. So, really, that begins to trample on their rights to the democratic process. That is part of what this bill puts forward.

The other thing that it does is it takes away some of the notice provisions that presently exist. It would require someone to actively now go searching for any notice. They would have to know what website to look and would have to go there every day to see if there's been anything proposed, as opposed to it being published in a newspaper.

So your thoughts on those two provisions that affect people's rights, as opposed to just talking strictly about environmental rules here, if you'd be so kind.

Mr. Matheson: Well, I don't think their rights should be restricted at all. I would think that if the conditional-use threshold is turned over to the municipal governments, I would hope that the municipal government in that area give those people ample opportunity and ample time to prepare for these meetings.

As far as the percentages and numbers, I'll defer to what the previous speaker said, and I agree with his stand on it.

Mr. Gerrard: Yes, thank you for coming to present.

We heard earlier on from Ruth Pryzner concern about spreading hog manure on land which is in a flood plain and regularly floods. Just wondering what the Pork Council's position on this is. *[interjection]*

Mr. Chairperson: Mr. Matheson.

Mr. Matheson: If there's any danger to the environment in that area, then the manure should not be spread in that area—period.

Mr. Lindsey: I just want to thank you for coming out tonight and making your presentation. I don't have any further questions for you, just thank you for coming out.

Mr. Chairperson: Thank you for your presentation, Mr. Matheson, and we will now call on the next presenter.

* (19:00)

Our next presenter is Andrew Dickson, private citizen.

Once your presentation has been distributed to the committee, you may proceed with your presentation.

You may proceed, Mr. Dickson.

Mr. Andrew Dickson (Private Citizen): I'm going to read the presentation and then I'll add some comments as I go along.

So thank you to the committee Chair and to all MLAs for allowing me to make this contribution to the legislative process. This open hearing that you hold for legislative reviews is pretty important. Very few legislative assemblies in Canada do this. In fact, in the Houses of Parliament, actually—you're actually invited by invitation to make presentations, and so it's a real selective process. This is unique in Manitoba and we need to preserve it. It's unfortunate the last two hearings we didn't—very few people actually showed up.

My name is Andrew Dickson, I'm the general manager of the Manitoba Pork Council. I'm here today to speak in favour of Bill 19 and provide some additional comments to those just shared by Mr. Matheson.

We appreciate the efforts of the provincial government to bring a more balanced and fair system for approving livestock developments while still ensuring local control over the process within very strict provincial environmental regulations.

A key part of Bill 19 is the repeal of subsection 72(2) in the part of the act dealing with zoning bylaws. Essentially, the amendment removes the provincial requirement that livestock developments be treated as conditional uses within the zoning bylaws for areas designated for livestock operations. I want to emphasize this: the municipalities still retain the authority to prescribe and permit—or, to prescribe permitted and conditional uses for land and buildings in livestock zones. There are specific provisions in the act for different sizes of operations, depending on what the municipality decides to set as the conditional-use threshold of animal units for which they will require a public hearing and a technical review by the provincial government. Planning districts will be asked to review the current bylaws and make appropriate changes to be approved by the Province in the next year.

The big question from our perspective is whether the municipalities will actually raise the current threshold of 300 animal units. To do so would require a local public hearing, which could be controversial in many areas. It is likely that most will simply stay with the status quo.

To provide you as members of the Legislature some context, a 300-animal unit pig finishing barn is about 212 feet long and about 88 feet wide. A 600-animal unit barn is only another 160 feet longer and 7 feet wider. This is a more modern barn design and allows our producers to be competitive with similar barns in Iowa and Minnesota. Most people would not notice the difference of another 160 feet if the barn is set off in the distance in a rural area surrounded by open fields or behind some bush. We hope municipalities will share our view on this matter.

The proposed amendments do not change the conditions which could be used by a municipality to deny a conditional-use application. The municipality can refuse an application if the council decided the proposal was not, and I quote, compatible with the general nature of the surrounding area. This is section 116 in the act.

Now, I've worked with municipal councils since 1975 on different issues. I've attended and presented at over 200 conditional-use hearings on livestock developments. I've seen the RCMP brought in to restore order at public meetings, listened to councillors talk about death threats against them and their families, watched people hurl verbal threats from the back of halls, and so forth. But aside from all of that, I've never understood what is meant by general nature and I don't feel most councillors have a hard sense of what is meant by the term. So I looked up the dictionary. The Oxford English Dictionary defines nature as the phenomena of the physical world, including plants, animals, the landscape and other features and products of the Earth, as 'topposed' to humans or human creations. This is in the act, this concept of general nature.

I suggest to you that this clause essentially permits a council to deny an application for whatever opinion inspires them at that moment in time. Do we really think municipal councillors will ponder the meaning of the phenomena of the physical world while weighing the pros and cons of a hog barn in their community? I think it is asking a lot from people who could be doing something else on a dark, wintery night. This is not the path to a rational,

planned approach to economic development. My personal view is that it's time to look at a more comprehensive look at The Planning Act and provide some better clarity and what is expected of municipal councils in the decision-making processes. We can't continue to rely on some form of forlorn hope that sanity will provide—prevail, sorry.

And those are my personal remarks.

Mr. Chairperson: Thank you for your presentation, Mr. Dickson.

Mr. Eichler: Thank you, Mr. Dickson, for your presentation.

I want to follow up a bit on the environmental side of things again. That seems to be the—one of the controversial issues that we've heard here tonight in regards to the regulations. Of course, we know as a government we have the strongest regulations for spreading manure in all of the provinces in Canada. Would you be prepared to tell the committee tonight your views on the environmental impacts of growing—the livestock sector in general and what your organization's done to make sure the environment is protected?

Mr. Dickson: This is one of my favourite topics, as you've probably realized. There's a number of things that we do. There's three impacts on the environment.

So one is the actual physical structure of the barn and it's—where it's located in a community. So we have setback distances in this province. We have them actually—we've embodied them into municipal planning and so on so that sets these things and put them in the appropriate places designated by the local community for livestock operations. In terms of the—we've set up in this province a review panel that citizens can go to and talk about odours and those sorts of things because it's so problematic to deal with it in nuisance law and it's usually not addressed in environmental legislation. So we have a series of what were accepted farm practices that will reduce the potential for odour and its impact and dust and so on and its impact on the local community.

In terms of groundwater protection and surface water protection, the industry has—currently, we inject something like 85 per cent of all the manure in the province into the land, cover it up with soil. Once it's incorporated in the soil, the phosphorus binds very quickly to the soil particles and becomes immobile within the soil. In fact, 99 per cent of

phosphorus becomes immobile within a year in the soil.

So the issue is nitrogen. So we put nitrogen on at the key rates that are expected by a crop to be able to grow in one year and then we'd rotate the fields from—every third year the fields get rotated because we don't want to build up the level of phosphorus in the soils.

We have a surface water problem in this province where we have a certain amount of phosphorus that leaches out of the soil naturally into the surface water in springtime and because the huge area of the Lake Winnipeg watershed—it goes all the way to Calgary—a certain amount of phosphorus will end up from time to time in the lake, and in fresh water phosphorus is a problem. In very low rates you can create great algal blooms. No one denies this.

So there's a major effort going on in agriculture in try to figure out how to hold back the surface water on the land through different ways of—in the springtime. And we will play a key role in that as an industry. So we've supported all kinds of organizations. We support, for example, the boat that goes out into Lake Winnipeg that takes water samples and so on. We've supported all kinds of other organizations at the university and at the national level through research to try and come up with even better techniques to reduce our impact on the environment.

And, of course, the next big one is our carbon footprint. So we're doing things like we're reducing the amount of feed that we need to produce a pound of grain. We're relocating our operations closer to where the grain is grown so we use less fuel and the new barns will be properly insulated so that we use less heat so we can use the animal heat to generate—keep them warm and so on in their environment.

So we are doing major activities. We think we're a leader in this area in terms of our impact on the environment.

Mr. Gerrard: Thank you for coming in and presenting and providing advice to us.

One of the concerns that was raised by Mr. Dolecki had to do with people who are permanent residents and I think that he was referring to the fact that it appears that the permanent residents can't be a part of the 25 people who would raise an objection. They have—they would be excluded, and I just wondered whether—has this historically been the case or is this a new approach?

Mr. Dickson: I am not familiar with this part of the legislation. Like, my understanding was permanent residence is a form of citizenship, so I don't understand what the issue is.

* (19:10)

Mr. Lindsey: Thank you for coming in and making your presentation tonight.

Now, some of the things that we've talked about earlier were the fact that some of the provisions in this particular bill may, in fact, impact individuals' and people's ability to voice their concerns, one of which is the provision in the act that allows notices to no longer be published in newspapers, just online somewhere.

The other thing that really will impact individuals is that they have to round up 25 people now to support them, whereas whoever's suggesting to expand the hog barn or put a new hog barn doesn't have to meet that same requirement. And the other thing that impacts people's ability is, in the appeal process, that if the individual loses or is not successful—

Mr. Chairperson: Mr. Lindsey, we are over the five minutes. I've asked you to kind of speed it up, so we can quickly get it done.

Mr. Lindsey: Certainly. So they're not allowed to appeal, whereas, if the person making the submission is not successful, they are allowed to appeal. So I'd like your comments on how you think this bill fairly allows people to have their democratic say in the process.

Mr. Chairperson: Mr. Dickson, I'll allow you to do a quick answer, because we are at over six minutes.

Mr. Dickson: There is three questions asked, I think. So one is on the notification. It should be pointed out that within a—I'm going to say five-kilometre radius, every household has to be notified at a conditional-use hearing by mail, and so that they know that this event will—there's going to be a public hearing that something will affect them directly; (2) on the appeal—well, the 25 per cent thing is to deal with zoning by-law amendments. It's nothing to do with conditional use. Any individual can show up at a conditional-use hearing and state their issues. Whether they're listened to or not by the council is up to the council. And, thirdly, in terms of representation at the appeal hearing, I would suspect that the municipal council would want to be at the appeal hearing, because they're the ones

who made the decision as to why the appeal is coming to the appeal body, and I always thought municipal councils were the democratically elected representatives of the people, and, if the council doesn't show up to support their decision at the appeal hearing, then, obviously, it's not fair.

Mr. Chairperson: Thank you very much, Mr. Dickson, for your presentation and your answers to the questions.

We will now call on Kim Langen. Is Kim Langen present? Kim Langen will be moved to the bottom of the list.

Debra Brezden? Would Debra Brezden be present? Debra Brezden will be moved to the bottom of the list.

Elisabeth Saftiuk? Elisabeth? You may proceed with your presentation, Ms. Saftiuk.

Ms. Elisabeth Saftiuk (Manitoba Professional Planners Institute): Thank you. Mr. Chairperson and committee members, good evening and thank you for the opportunity to provide comments on Bill 19, The Planning Amendment Act.

My name is Elisabeth Saftiuk, and I am the executive director of the Brandon Downtown Development Corporation, but I am also a planner, having gone through the graduate program at the University of Manitoba, and I also serve on the council of the Manitoba Professional Planners Institute, and it is in that capacity that I am before the committee this evening.

My presentation is made on behalf of the Manitoba Professional Planners Institute, also known as MPPI, which is the governing body mandated under The Registered Professional Planners Act to regulate and represent professional planners in Manitoba. Acknowledging that MPPI is not exactly a household name, I would like to begin with a brief description of the professional practitioners that MPPI represents and their role in planning and development in our province.

To earn the designation of a registered professional planner, which is abbreviated as RPP, and to become a full member of the Manitoba Professional Planners Institute, a candidate must: complete an accredited university program in planning; acquire at least two years of supervised, documented professional experience; and pass a national examination that tests understanding of

planning principles and professional ethics and standards of conduct.

To maintain the RPP designation, our members must complete at least 18 hours of documented, continuous professional learning every year. RPPs are involved in planning in Manitoba in a wide variety of roles.

Some work in staff positions in municipalities or with the provincial government; preparing development plans and zoning bylaw amendments; reviewing subdivision rezoning and development applications as well. Some work for non-profit organizations, such as downtown development corporations. Some work for the private sector in consulting firms.

Those planners who work in the private sector undertake a wide range of planning projects, including subdivision rezoning and development applications for developers, policy studies and public consultations for municipalities, and land selection studies and resource-management plans for First Nations communities.

Moreover, registered professional planners are also faculty members in the city planning program at the University of Manitoba, one of the longest established accredited planning programs in the country.

All of our members, regardless of their specific roles, are committed to improving planning processes and outcomes in Manitoba for all concerned, and MPPI is pleased to have the opportunity to provide input on the proposed amendments related to improving efficiency and planning as outlined in Bill 19.

The comments that we are presenting this evening on behalf of MPPI have been approved by the institute's council, and we believe they represent a consensus view that would be shared by the great majority of the institute's members in all their varied roles.

In our comments, we have largely refrained from recommending whether a specific provision should be adopted, amended or rejected, and have focused instead on providing general comments that we hope will help to inform the committee's deliberations on the bill.

Our comments fall under three main headings: the role of professional planners in preparing development plans; the proposed changes with

respect to public hearings; and finally, the legislative review process in general.

Dealing firstly with the role of registered professional planners in preparing development plans, we note that section 4 of the bill would amend the existing requirement that a board or council preparing a development plan consult with a qualified land-use planner to specify instead that the council must consult with a registered professional planner or an RPP. This change supports Manitoba's recently adopted Registered Professional Planners Act, and aligns with the standards in neighbouring jurisdictions, which also recognize the RPP designation.

It ensures that communities will have appropriately qualified professionals to support their planning processes. MPPI applauds this very positive step, which truly will modernize planning, legislation and practice in our province.

Turning now to the changes proposed in the bill regarding public hearings, we note that the bill would introduce a numerical threshold for second hearings on zoning bylaw amendments, and would repeal the requirements to provide notice of public hearings in newspapers and on posted signs.

Regarding second hearings on rezoning bylaws, the bill specifies that a second hearing would only occur if at least 25 voters or 50 per cent of property owners within 100 metres of the subject property objected at the initial public hearing and filed a second objection.

While we recognize the need to prevent frivolous or vexatious objections, the Manitoba Professional Planners Institute has some concern about relying solely on hard quantitative cut-off. Perhaps quality should be considered as well as quantity. For example, should thoughtful individual objections from 24 people carry less weight than 25 signatures on a petition? Similarly, should the concerns of immediately abutting property owners not carry more weight?

The proposed numerical threshold could also raise some practical problems of interpretation. For example, would a petition with 25 signatures count as one objection, or would it count as 25? Would 25 separate but identically worded letters be considered as one objection or would it count as 25?

Implementation details like these could presumably be resolved through regulations under The Planning Act. However, it is our

recommendation that issues such as these be addressed before the proposed bill becomes law.

Regarding the requirements for notice of public hearings in newspapers and on posted signs, section 25 of the bill specifies that neither a newspaper notice nor any posted signs would be required if a notice of hearing were posted on the municipality's website for at least 27 days.

While recognizing the reach of electronic communications, we would note that relying solely on a website notice imposes an onus on the public to initiate a search for an event they do not yet know about. Removing the requirement to post signs on site could particularly have a negative effect, as they are an effective and inexpensive means of notifying the public of site-specific proposals.

* (19:20)

MPPI would recommend that the committee carefully consider the implications of changes proposed in Bill 19, with respect to public hearings and weigh the risk of unintended consequences in terms of curtailing the rights of the public to receive adequate notice and have a reasonable opportunity to provide comments on developments that concern them.

In addition, regardless of whether the changes outlined in Bill 19 are adopted as currently drafted, or in some modified form, we would recommend that a review be conducted after a year or two to assess how well the new provisions are working, to address any unintended consequences and to develop further refinements as deemed appropriate.

Finally, turning to the legislative review process in general, the Manitoba Professional Planners Institute feels, as the body governing and representing professional planners in Manitoba, that we can and should be more actively engaged in the process whenever changes to the legislative framework and governing planning in our province is being contemplated. Going forward, MPPI would very much like to establish a protocol or even possibly a memorandum of understanding with the Department of Municipal Relations to provide for ongoing dialogue between our institute and the department regarding future legislative changes.

With the experience that our members have working as professional advisers to all participants and stakeholders in the planning and development process in Manitoba, we can make constructive

contributions to improving the efficiency and effectiveness of planning in our province.

In closing, Mr. Chairperson, I would like to thank the Standing Committee on Social and Economic Development for their time this evening and for the opportunity to provide comments on behalf of the Manitoba Professional Planners Institute. Thank you.

Mr. Chairperson: Thank you for your presentation, Ms. Saftiuk.

Mr. Lindsey: First off, let me thank you for taking time to come and present to us this evening. Certainly, you've presented some different takes on some of the concepts that we've talked about earlier, with the requirements for 25 voters to be required before somebody could mount a challenge to some of these things and the absence of the requirement to post things on newspapers. All of these things, it's been suggested, by myself, I guess, but by other presenters on other nights, that this will really impact people's ability to oppose or speak or have their democratic rights heard.

Would you, then, suggest or think that perhaps maybe the government should just hold off on this legislation and really consult with your group, or listen to some of the things that have been proposed here, before going ahead with this legislation? Would it be a good idea to try and further explore some of the things that you've talked about there, before proceeding?

Ms. Saftiuk: Representing the Manitoba Professional Planners Institute this evening, surely, the institute would welcome the opportunity to have some dialogue with the government, as it relates to the items that impact public interest. Specifically, as planners, we have an overarching responsibility to serve the public interest. It's right in our CIP code of conduct, and there are two items that identify the minimum standards that planners must face. One is members shall practice in a manner that respects the diversity, needs, values and aspirations of the public and encourages discussion on these matters. Another item is that members shall provide opportunities for meaningful participation and education in planning—in the planning process to all interested parties. And the reason I raise those is, as I mentioned, although we understand that there is a need to improve efficiency in planning and perhaps avoid frivolous objections, that it is very important that we respect the right of the public to be heard on development

issues that impact them—whether it's directly, through an adjacent property, or for issues that impact them in their municipalities.

Mr. Gerrard: Yes, we heard Mr. Dolecki earlier on talk about the fact that people who are residents, landowners, but are permanent residents rather than citizens, would not be able to be included in the 25 people who would be able to bring forward an objection. I'm just wondering if there's precedent for that approach in planning—making planning decisions in other areas?

Ms. Saftiuk: I'm certainly not aware of any precedent. I don't believe I necessarily qualify to answer that question. However, with further dialogue with our institute, surely, we have planners with tremendous experience in land-use planning that might be able to provide some insight in that regard. But, at the end of the day, if that is an 'undetendin' consequence of this legislation, that there are people who might be impacted by proposed changes who are not given an opportunity to be heard, that would be a serious concern of the institute.

Mr. Wharton: Thank you, Ms. Saftiuk, for your presentation tonight and the effort that has gone into this presentation, I really appreciate, and I know the board appreciates, the effort that you put into this proposal tonight. Again, and even in my municipal days when I served on council, I had the opportunity to work with our planner, our local planner, in our community, and I can appreciate the hard work that they do, going from site to site and ensuring that things are done appropriately—when somebody engages, moves into somebody's yard by two feet and how much work that can cause not only the planner but the community. So I really appreciate that.

More so a comment, that I'm also looking forward to hopefully hooking up with the planners this July and coming out and meeting more of you folks as well and engaging more on that. So, again, thank you.

Mr. Chairperson: Ms. Saftiuk, do you have a response to that, or?

Ms. Saftiuk: Look forward to having you at the conference as well.

Mr. Chairperson: Thank you very much for your presentation.

We will now call on the next presenter, Accalia Robertson. Accalia?

Do you have any written material for the committee?

Ms. Accalia Robertson (Private Citizen): I do not.

Mr. Chairperson: Then you may proceed with your presentation. Accalia?

Ms. Robertson: Thank you for giving me the opportunity to speak here this evening. I am here in the capacity as a private citizen who lives in a rural municipality where we are serviced by well water.

Bill 19 contains the potential to silence rural communities and make it harder for us to protect our groundwater quality as well as our air quality and to stand up for compassionate treatment of animals who are used for food.

Because Bill 19 would allow municipal councils and rural planning districts to opt out of the conditional-use process, it creates a threat to rural democratic engagement. While the intent of Bill 19 may be to remove red tape for intensive livestock operations, it conversely creates more red tape for civic engagement in rural communities. I don't believe that the removal of the technical review process, the conditional-use approval process and the requirement for 25, instead of one formal objection to the zoning bylaws, is necessarily a neutral removal merely in the interest of efficiency. As has been mentioned earlier today, the 2017 internal brief revealed that public opinion, public pressure was, in fact, a factor in the expansion of intensive livestock operations. And, as a rural citizen with well water, I am deeply concerned about the threat that Bill 19 presents in silencing our voices and protecting groundwater quality.

An article published in the Environment and Pollution scholarly journal article, which is a peer-reviewed scientific journal, volume 3, No. 2, as well as in Soil and Water Research, volume 7, No. 1, clearly cites scientific evidence that shows there are increased nitrate and phosphorous deposits downstream from intensive livestock operations, even smaller scaled ones in Manitoba, than there were found upstream from these operations.

Nitrate was strongly correlated downstream, more strongly correlated downstream of hog and poultry operations than upstream. Thusly, we know that the industry, currently as it is, it creates negative impacts on groundwater, our waterways, and this is including but not limited to the eutrophication of Lake Winnipeg. We know this.

*(19:30)

I presented at the Bill 24 committee hearing as well, and a common theme amongst all committee members—something on which both sides could agree—is that there's a great need for an evidence-based approach. So I'm curious why, then, is such scientific evidence that myself and others have cited continually ignored? I'm curious how we move from the scientific data, which indicates that existing management practices are not sufficient—how do we move from that to the presumption that expansion is a good idea? That presumption is not in any way evidence-based.

On the contrary, evidence-based policy would be reflected in less dense livestock operations; truly sustainable agricultural models, including, but not limited to, pasture-raised livestock; and certainly, the maintenance of, rather than barriers to, rural democratic engagement.

The scientific research previously cited also indicated reduced downstream biodiversity, and loss of biodiversity has been identified as great of a threat as climate change.

I don't want to presume to speak on behalf of indigenous communities, so I'm not going to, but I think it is very worth mentioning that members of Peguis First Nation, who have spoken out over concerns of groundwater contamination, which is directly linked to hog barn expansion, particularly blue baby syndrome, which is directly linked to contaminants from hog waste in groundwater. It's definitely worth mentioning that members of Peguis First Nation—First Nation were only recently were only recently informed of this bill, Bill 19, and they were informed by myself, a private citizen who just also found out very recently. This only proves that the provincial government continues to neglect their duty to consult Manitoba's First Nations people. And they have a duty to consult the First Nations.

Unfortunately, Mr. Mike Sutherland was unable to present tonight, as it was such short notice that he was not able to have time to prepare a presentation, which, I think, drives home a critical issue that there is a greater need of First Nations consultation here.

Finally, the treatment of animals in intensive livestock operations—if your beloved pets endured it, this is nothing short of abuse. Honestly, imagine dogs in gestation crates and/or windowless barns in place of sows. You simply cannot deny what a sorrowful existence it would be to let your family pet

live in these—the situation, not be able to run outside, feel the earth on their feet, the wind or sun on their bodies. These are simple pleasures that we all take for granted. Now imagine that your dog only leaves this large, densely packed windowless barn when it's time to be transported for slaughter.

Well, this is the reality of millions of other sentient beings in Manitoba. It's profit-motivated animal abuse. And perhaps—since I get Christmas cards from Conservative Party members, perhaps some of our Conservative leadership could consult their predominant scripture and respect creation.

In closing, I would just like to reiterate that Bill 19 really does contain potential to silence rural communities and make it harder for us to protect groundwater, air quality and to stand up for compassionate treatment of animals who are used for food. I know there's concern about efficiency and management practices, and not everyone cares about animal welfare. I get that. That's falling on a lot of deaf ears. But, when 95 per cent of our production here is geared towards export, is this really about feeding Manitobans while simultaneously destroying our environment? And, when we talk about competitiveness, are you wanting to keep up with the competitiveness that is currently proven to be an unsustainable agricultural model? We need to perhaps look at the industry and strive to be leaders in sustainable agriculture rather than a race to the bottom with other agricultural models that are, clearly, failing people, animals and the environment.

Thank you very much.

Mr. Chairperson: Thank you for your presentation, Ms. Robertson.

Mr. Lindsey: Thank you very much for your presentation, and, clearly, you put some thought into this.

A couple of questions, I guess, come out of it. And we've talked a little bit about the requirement that's in the bill that requires 25 people before you can really oppose, and the other one about the absence of the requirement for newspaper reporting. And we've heard your thoughts on that. So one question that really springs to mind is: How did you find out about tonight's hearing? Was it—did you go looking on the Internet? Did you hear word of mouth? Did you see something in a newspaper? How did you find out that there was going to be this public hearing tonight?

Ms. Robertson: I, fortunately, had connected with some other speakers at the Bill 24 hearings and that's how I was able to stay in the loop. And I think it's worth mentioning that that's a small group of people. There wasn't—I didn't see anything in the news about it. I had to look for information about it online and then I found some, but it was very hard to come across. And I think, as is indicated by Mr. Mike Sutherland, not even finding out about it until very recent, I think it's quite clear that there wasn't enough public notice about this at all.

Mr. Eichler: Thank you for your presentation. You've done a lot of research, and I would like to hear your opinion. The watershed district is quite large, starting in Alberta, working its way this way. Is there a jurisdiction that you think that the Manitoba government should follow in regards to the environmental licensing on—in the livestock operation?

Ms. Robertson: I think that's an excellent question, and perhaps this even is beyond the provincial jurisdiction because in the previous one hog barn expansion or ILO expansion comes up as an issue, some local producers have brought up the very valid point that it will only leave room for more competition coming from other provinces and that the same wetlands basin will be polluted just by non-local producers, which is totally a valid point. But I would say that, rather than bolstering the argument that that means we should be competitive in Manitoba, I think that just highlights our need for a national water policy, which, I will admit, is outside of the jurisdiction of the Province.

But I think what this highlights and what you're mentioning is that, yes, our wetlands and our water basins extend beyond jurisdictional lines, and we need to look at this more holistically and collaboratively with larger jurisdictions, hopefully, the federal—federally going forward so that we can plan something that's comprehensive, that includes—that's across Canada, perhaps, maybe not being too optimistically naive, in the United States as well, and seeing this as shared waterways and shared environment that we all are invested in and that we all are suffering from when we contaminate groundwater and waterways.

Mr. Gerrard: You point out the fact that somebody who is downstream, I guess in the way that groundwater flows, from a property which is being considered for, well, conditional use, for example, for a hog barn, would be relatively more affected

than somebody who is upstream. Do you think that should somehow be given consideration in terms of objections or hearings? *[interjection]*

Mr. Chairperson: Ms. Robertson.

Ms. Robertson: Sorry. Thank you.

Yes, I do think that should be definitely given consideration. I don't think it should be a replacement to the existing conditional-use approval process. I think the conditional use approval process is very important, regardless of where folks are located, but, absolutely, I mean if someone has a property adjacent to or downstream from an ILO, that's going to impact groundwater. And even from my home I can see intensive livestock operations and I have well water, you know, anyone elementary level understanding of the hydrologic cycle knows that that water goes into the ground. And, as we heard earlier, yes, the phosphorus binds to the soil as well, and some of it does dissipate in the ground, but what we can see from the data is that through streams and waterways it does flow away from the ILOs and 63 per cent of ILOs in Manitoba are located adjacent to streams. So, yes, I think that's an important consideration, and given the number of ILOs located next to streams, I think it's a consideration that applies to I would say most municipalities. Thank you.

Mr. Chairperson: Thank you for your presentation, Ms. Robertson. Our time for questions has expired.

We will now move on to our next presenter, Lindy Clubb. Is Lindy Clubb present?

Do you have any written—a written presentation for the committee?

Ms. Lindy Clubb (Mixedwood Forest Society): I do.

Mr. Chairperson: Once the staff has distributed your presentation, you will be able to make your presentation. *[interjection]*

Just hang on. Lindy Clubb, I must recognize you before you can speak.

Floor Comment: You don't know me, how are you going to recognize me?

Mr. Chairperson: I have your name here and—

Floor Comment: Oh, it's verbal recognition. All right.

Mr. Chairperson: Verbal recognition.

* (19:40)

Ms. Clubb: I'm representing an ecology group. I'm their executive director. I couldn't access this bill to read it, although I'm a writer and a reader and was really looking forward to the ins and outs of this bill.

I live in the country. It would be a three-hour exercise out of gardening season for me to come in and try and find a paper copy of this bill to read. So I'm here to tell you that, as a citizen, I couldn't access the site. It wasn't secure, and I tried multiple openings in my computer, and your sites, even for the discussions around the efficiency organization, were unobtainable to the average person from the Internet.

Our group, the Mixedwood Forest Society, has cottages, homes and farms all over Manitoba and Ontario. We have a 20-year history of advocating for clean air, clean water and healthy soil. We support small farms; we support livestock welfare; we've contributed to research on habitat; and we're award-winning for our protection of biodiversity. The hog industry has never supported us. We're all volunteers.

Years ago, in this room, we opposed changes to The Planning Act for municipalities to a group of yawning politicians that contributed to the hog industry and polluting development. The people who decided on these changes were nicely insulated from the consequences of their decisions. The resulting proliferation of unsuccessful industrial livestock operations led to nutrient loading, in part, for Lake Winnipeg; soil contamination; and horrifying fires in barns in rural areas.

Our government responded with a moratorium on hog barn expansion, which we also participated in. Now I can't read my own scratches—forgive me.

We were in favour of the hog barn moratorium. We also presented at Clean Environment Commission hearings to try and protect aquifers from intensive livestock operations and for overuse. We also presented at municipal conditional use and zoning bylaw change hearings, where we discovered councillors without knowledge of the dire results from hasty planning, motivated by extra taxes and passing on the true cost to local residents. This bill silences objectors and keeps investments going in a polluting industry that's hidden in rural areas, the same rural areas that keep our food coming and where I grow a lot of my own vegetables in a large garden on our small farm.

I've stopped eating commercially raised pork—why not? I object to a bad decision made on paper, in offices, by bureaucrats, that affects my community, my environment, my health and my well-being under the guise of efficiency for expanding hog barns and helping to conserve energy.

I just installed an \$800 solar unit instead of an \$8,000 electrical grid system at my second home in Ontario. We do not need another expensive Crown corporation to act on the demand-side management principles and practices our province has ignored for years.

Where is the energy efficiency in the 800 new homes in the subdivision being built in La Salle? Where was the water conservation in the 50 new homes built in the arid area of Steinbach years ago? Where is the soil protected in the 5,000 huge new homes in Waverley West?

If you want to foresee the future, look to the past. Around 2003, a landowner on the Menzie Road, up by Riding Mountain, applied for a permit to put a large hog barn on his property. It's a 2,500 sow-to-farrow nursery, 210 grower-to-finish operation. The proponents required 22 gallons of fresh water per day per pig for washing, drinking, cooling and domestic use, amounting to millions of gallons per year. That's enough to lower the nearby water tables.

There are more than 20 neighbouring farm families sharing the same supplies. We had a year of drought in 2006. I can safely assume that millions of gallons of water did not enter the aquifer for recharge that year, and it certainly won't be doing so in the drought that we're having now.

But aquifer recharge was left out of the topics discussed during the hearings process. The proposal proceeded in the absence of information about our local water and in the presence of our policies in Manitoba that don't call for efficiency or conservation. It's all about supply. That's the regulatory environment.

The spread fields for the waste were another point of entry for pollution, as our province found out when most of our southwest area was saturated with toxic hog waste. We have predominantly clay soils with some sand and gravel lands that allow for penetration for aquifer recharge. Soil experts in Brandon claim no one is testing their soils enough. One to four tests per section is inadequate since soils can change texture and composition and nutrient

content within inches. But soil tests are expensive, so we test once and hope for the best. Councillors refused call for soil tests and to release the results to the public as a condition for the operation. Why? It's an added cost and it's not the custom. So we had no assurance that aquifer recharge areas or surface water were to be located and protected from contamination or sucked dry from the massive amounts of water used by industry and development. It's not unreasonable to expect minimum precautions to be taken and some backup plans to be in place for emergencies. We do that in our domestic households. But our province has a polluter-pay policy that doesn't work in practice; just look at the mining industry.

But, after hearing all the ways an accident could happen, including a leak for every joint, coupling or hose in the operation, council asked for a performance bond. The applicant withdrew. It was acceptable to make a proposal when the community pays for cleanup. This bill is unacceptable and seems to be part of the push for more efficient pollution. One can only hope that the municipalities find this bill as abhorrent and misguided as we do and vote to hold conditional-use hearings in their own area for efficiency's sake. But it's no guaranty that hearings and zoning changes will benefit our ecology or our communities.

We've attended hearings that weren't publicized by municipalities and it's enormous amounts of time and effort to inform and encourage participants. In the RM of Brokenhead, councillors agreed to a housing development on a swampy field by Cloverleaf, a small community with large acreages, and they took a look at a very poorly planned camping development by the mar-adjacent protected Mars Hill Wildlife Management Area—I see I have the interest of you, Wayne, now *[interjection]* I wonder about that.

The increased traffic on roads and the sewage treatment in a water table area were concerns expressed by 12 people. It resulted in a call for a certified hydrologist review. The proponent withdrew the application. The councillors were voted out in the next election, as no one wanted decisions to be made by people who didn't consider water quality and traffic congestion. That's how Wayne got in, because we went to bat for a better councillor in that area because we'd had such bad experience with the people before. He's much better. *[interjection]* Yes, that was a thank-you.

I pass multiple trucks with open sides carrying hogs in all kinds of weather to slaughter, on the south Perimeter which is close to where I live and it's my road out. It's inhumane and it's dangerous. The amount of dust on our local roads has increased along with the traffic to and from the developments in La Salle and it's affected our fruit trees, our garden plants. We have 20 people from the City of Winnipeg coming to garden on our land because there's no crime and we have really good unsprayed soil, and we have a small dugout which is, you know, not very full this year, I must say. It's affected our household for the worst too. I had to clean out the bathtub to have a bath in order to come here tonight because we're experiencing dust-bowl conditions like the 1930s. My grandfather was the minister of public works and then, during the Depression, Labour, for 20 years in this building. It was nice to be in here. The native people call them talking stones. It's built of limestone and I could see, when I was out having a smoke—because industry has made me nervous and I have to smoke—you could see the fossils, and I like that. It's a beautiful building, although the circulation in here isn't conducive to comfort.

Anyway, back to the presentation. The amount of heavy equipment for farms and development is a danger to our roads and animals and loved ones. It's not an easy fix with a variance or a bylaw, but often the results of rezoning. Just ask any resident of West St. Paul about it. We have to consider the ramifications of making it easier to expand.

* (19:50)

Our research led us to a woman who lived next to an expanding hog operation. In her own words: We had to drive around our road to take our kids to school. The slurry trucks left such bad ruts only a four-by-four could get down them. The school bus couldn't get on the road at all. Hog barns are considered essential services, and the feed trucks come from all directions to keep up supplies. We counted 1,000 cement trucks just for the buildings and 100 trucks per year for loads of gravel. Spring and fall were the worst for smell—

Mr. Chairperson: Ms. Clubb, your 10 minutes for the presentation has expired. Actually, it's a little bit more than that.

We will now move into questions.

Mr. Lindsey: Thank you for coming out and thank you for taking the time to make your presentation. It's unfortunate that you didn't get to finish.

You touched on a couple of things that relate to the environmental impacts of some of the proposals here, such as the depletion of the groundwater and effects it would have on your well and your dugout. Some of the things that we've talked about earlier tonight—I don't know if you've been here for the whole presentation—was the requirement of 25 people as opposed to an individual making an appeal—that really limits people's ability to participate in the democratic process. Other things that affect the community—the people's ability to file an appeal or to really have their voices heard, going forward, on some of these things—one of the really egregious things is the requirement that would take the notices out of local newspapers.

So I just wonder if you could comment on some of those very specific things in this bill. And, as a final comment, do you see anything worth saving in this bill, or should the whole thing just be withdrawn?

Ms. Clubb: Thanks for the question. And I've made myself clear at the end of the written presentation, which I hope everybody will read, as to the amount of people coming together for a municipal hearing.

I'm here on behalf of 30 people. It's impossible to get everybody—they're all so busy, especially this time of year—in the same room, in the same place. I should be elsewhere right now. And I know from trying to pull in interest from the local area from people who are afraid to speak in formal settings—even though this one is pretty user-friendly. I, you know, compliment you on that. It's almost impossible to get people to speak up. They need information the same way the councillors do, and it's really difficult to take time from our busy world. We don't get paid to inform people and encourage them to present, so this bill becomes an impediment to public involvement, which has been spoken about by other people.

So, yes, I would say it was difficult—in fact, impossible. And one would have to wonder why we selected that number and why it's so large compared to our population and our usual presentation numbers at conditional-use hearings, at zoning bylaw changes.

For the newspaper, I am one of those—that small margin of people that was referred to earlier who reads, and I look at zoning changes. I've appeared in numerous places. I've had phone calls from people—ham-handed farmers, over by Riverton, who said we're having a conditional-use hearing on a hog

barn, come and take a look at this. They took me out to a site. It was a small hog operation—well, livestock intensive but under 300 animal units. We discovered there were 90 of them in that municipality alone, because they managed to slip under the 300-animal-unit level. And they showed me the green slime coming from the barn going into the ditch and going into Washow Bay.

So, for the next year, I was in touch with the Gimli fisheries people who were doing a watershed analysis. The Washow Bay was completely contaminated with hog waste, the spawning grounds were ruined and it was another reason to try and protect Lake Winnipeg through conditional-use hearings. These two ham-handed farmers that shoved me in the front of their pickup truck—it was fun—they didn't know what to say to the municipal councillors. They asked me to come and talk to them, so I represented them, because I'm verbal and because I'm a woman and, you know, I know how to talk.

By the way, it's really nice to see proportional representation, here. I—gender based. There's three of you? Yay.

Mr. Chairperson: The Honourable Mr. Gerrard. Our time is limited, so just a quick question, please.

Floor Comment: Hello, Jon.

Mr. Gerrard: Hi. If there was one thing that you would make a major change to in this act, what would it be? *[interjection]*

Mr. Chairperson: You have—Miss Clubb, you have to—before you speak, you have to wait—

Floor Comment: That's Ms. Clubb.

Mr. Chairperson: Ms. Clubb.

Ms. Clubb: I'm married, but I go by Ms., not Mrs.

I would take the money that's going into a new Crown corporation that we don't need—and Manitoba Hydro's power saving is really the equivalent of moving porta-potties around. They could do better. They could do a lot better. But we don't need a new Crown corporation. I would suggest that the money be taken from that Crown corporation and invested in our local, sustainable niche-marketing farms, the ones that are organic and the ones that don't pollute in any way at all.

Mr. Chairperson: We thank you for your presentation, Ms. Clubb.

We will now move on to our next presenter. Our next presenter is Bill Massey.

Mr. Massey, you have a written presentation for the committee? We will get the staff to distribute it for you. You may proceed with your presentation, Mr. Massey.

Mr. Bill Massey (Private Citizen): Good evening. Thank you for giving me the opportunity to describe to you our group's struggle for the past 14 years to bring justice to our community.

My name is Bill Massey and I have a small farm on the outskirts of Grosse Isle, Treaty 1 land, traditional homeland of the Anishinabe and Metis nations.

In 2004, I reluctantly accepted the chair of a group called the Concerned Citizens of Grosse Isle, formed to deal with a proposed hog facility expansion at Rock Lake Colony. The colony is located in the extreme southeast corner in the municipality of Woodlands, while the community of Grosse Isle located in Rosser and Rockwood municipalities, is just over a mile from the barn.

Of the 11 rural properties that are within—excuse me—within a mile of the barn, five are in Woodlands; three are in Rosser; and there are three of us in Rockwood. There's one more rural property in Rosser and two in Rockwood which are just over a mile from the barn and are affected by the smell. Grosse Isle has approximately 100 residents, a school, community centre and 10,000 visitors every summer on the Prairie Dog. The vast majority of people affected by this facility do not live in the RM of Woodlands.

In 2004, the colony put forward a proposal to expand their hog operation of 658 animal units to 1,815 animal units. This would have meant an operation of about 28,000 animals less than a mile from some of us and just a mile over for many others.

Our committee opposed this proposal rigorously and on March 4th, 2005, DGH Engineering submitted a proposal to Woodlands for a facility to house 889 animal units. March 2005 residents received a notification from the colony that they would not be expanding their hog operation. Upon investigation, I discovered the RM had issued a building permit for a facility of about 80,000 square feet, approximately. The finished building turned out to be 82,963 square feet.

We consulted Agriculture and Agri-Food Canada's publication 1898/E, which indicated a barn of 56,000 square feet would be more than adequate to house 889 animal units. On May 24th of 2005, Jim McCowan Sr. and I met with Andy Gross, hog manager at the colony, to discuss our concerns about the size of the barn.

* (20:00)

We were assured at that time that the extra space would be used as follows: a pen in the barn would stand empty for rotational cleaning purposes, a pen would be used as a holding area for sick animals or animals being shipped out, et cetera. Assurances were given that the limit of 889 animal units would be respected.

February of 2007, citizens in the area began experiencing extreme odour coming from the hog barn. On September 18th of 2007, we submitted a complaint to the Farm Practices Protection Board, and, on December 14th, received a report that stated that the colony had 1,437 animal units in the barn.

On December 18th of 2007, we requested the RM of Woodlands to enforce the provisions of The Planning Act. Compliance was not achieved until a count was conducted March 12th of 2009, nearly 18 months later.

January 2012, we met with Rockwood and Rosser's municipalities and asked for their support in urging Woodlands to conduct a count because of the continuous extreme odour. August 14th, Woodlands initiated a count of the animals.

In November, the count indicated the colony exceeded their allowable limits, and that was achieved after a second count in March. We were never told the actual numbers. On October 2014, we received a report from the Farm Industries Board which indicated the colony had 1,125 animal units in their hog operations. We requested a count.

November 19th, we received a letter from Woodlands indicating they would not conduct a count of the hogs at the colony. March 10th of 2015, we did a presentation to the new council at Woodlands and suggested a committee of the three municipalities and ourselves to address this problem. Woodlands declined.

Rockwood and Rosser municipalities then attempted to broker an agreement with the colony on our behalf, with no success. On October 17th, 2016, I met with my MLA, Ralph Eichler, to request a

change in The Planning Act to deal with situations such as this.

It is our belief that enforcement of The Planning Act should be mandatory and not discretionary, as it is now. This allows municipalities to ignore their responsibilities and means that groups like ours have no recourse to protect our rights.

It would be best, we feel, if these responsibilities be shifted from the municipalities to Conservation and the act be given some teeth, in terms of enforcement. Failing that, enforcement of The Planning Act should be made mandatory by the municipalities.

We are farming people. We support the agricultural community, and many of us are still engaged in farming. Clearly, an operation of this intensity and size should never have been allowed to be built in such a highly populated area.

However, we have never said to the colony that they can't have hogs in their operation, but we have always wanted them to obey the law and maintain their operation at 889 animal units.

In 2004, Dorothy and I had good friends in the colony. I could get repairs done there and usually find someone who'd help me out when I needed an extra pair of hands. I often bought the half-dozen weanlings I raised up for food for my family every summer from them. Some of the women at the colony there taught Dorothy to spin, and she'd sell their crafts for them at sales.

Now we've not been welcome at the colony for more than 10 years, and there—we are by no means the only ones who've had this experience. To resolve this situation and ensure our basic human rights, we urge you to make these changes to The Planning Act.

Thank you.

Mr. Chairperson: Thank you for your presentation, Mr. Massey.

Mr. Lindsey: Thank you very much for your presentation, and, again, it seems that this evening a lot of presentations, as they come forward, add another little layer or aspect that hadn't been considered with some of the changes that have been proposed to this particular piece of legislation.

We're already—have talked about restricting people's ability because of the 25-person requirement now to file the appeal, and some of the problems

with the appeal process. You've said that you've had a meeting with, well, with MLA Ralph Eichler to discuss some of the issues you've had with The Planning Act. Do you feel that that meeting was successful and that really it would help change some of the regulations, going forward?

Mr. Massey: I don't know yet. I'm still waiting to see what this government is planning to do. I know I'm looking at just a minor—not minor perhaps, but a small portion of The Planning Act, but it—I think is a very important one. But, no, Ralph and I have met. We've talked about this. We met several times over it, and as far as I know he's still working on the problem.

Mr. Eichler: Good to see you again, Bill, in regards to the presentation. And it'll—the presentation that you talked about here in regards to Bill 19, part of that encompasses designated livestock zones, and we know you're all about supporting the livestock sector as a farmer and a fellow producer. Do you feel the zoning requirements for municipalities will enable them to make the right decisions on locations of barns? We realize that the current location for Rock Lake Colony was where—way too close to any community, but the rezoning of the livestock zones, you think that will help alleviate some of those problems, going forward, to prevent this from happening in the future?

Mr. Massey: I am so disillusioned with the municipality that I have disgust. And I would have to say that my concern would be the ability and also the desire for a municipality to make the appropriate decisions in some of these situations. And I would be quite concerned particularly about the fact that it's becoming harder and harder for people to make presentations to the municipalities under this—these proposals. And I would think that in our case it wouldn't be difficult to probably collect at least 50 or more people to come to a meeting in terms of The Planning Act. But I know there are other municipalities which are not and other areas which are not nearly as highly populated as ours is, and I could see that would be a real problem.

Mr. Wharton: Thank you, Mr. Massey, for your presentation tonight. And I definitely want to get the record clear on some of the points that the member from Flin Flon has raised, in particular, when there is an objector and up to 25, essentially anybody can submit a petition of—with 24 additional names of eligible voters in the community, totalling 25. So, in

essence, to be clear, as long as one person is there with 25 signed petitions from eligible voters, then that would trigger an appeal process, just to be clear, for the record.

Mr. Gerrard: I think what I understand from you is that you'd like a change in The Planning Act which would make either the enforcement of The Planning Act mandatory for municipalities or would transfer the responsibilities to conservation. What about the alternatives that where things are not being enforced by a municipality, that could be appealed to conservation, who would then have the responsibility to enforce it? *[interjection]*

Mr. Chairperson: Mr. Massey.

Mr. Massey: I'm sorry. I don't see any problem with that, Jon, but, I guess, where I look at this after 14 years of being involved in this struggle with this particular problem is that there needs to be some follow-up for people such as us, because we have absolutely no recourse at this point. If the municipality refuses to count the hogs, it is discretionary on their part and they can make that choice, and we can't go to—we can't take them to court or we can't do a thing about it. And that is the basic problem. Now, if there was a process, I'd be more than happy to follow it.

* (20:10)

Mr. Chairperson: Mr. Massey, unfortunately, the time for questions has expired. We'd like to thank you for both your presentation and your answers to the question. Thank you very much.

Our next presenter: David Nickarz. David Nickarz from the Green Party.

Do you have a written presentation for the committee or just a verbal?

Mr. David Nickarz (Green Party of Manitoba): I do not. I usually just talk off the cuff, and it seems to work so far.

Mr. Chairperson: You may proceed when you are ready, Mr. Nickarz.

Mr. Nickarz: First of all, I want to thank everybody for having me here, not just the members of the Legislature but the staff as well. This is possibly a long process, and we could go to midnight. I'm not sure if that's the case here, but I do want to acknowledge that, again, I think Mr. Dickson said that Manitoba's one of the only provinces with the

legislatures that allow these sort of public hearings to speak to bills. So I hope that continues in the future, and I just wanted to acknowledge that.

Like you said, my name's Dave Nickarz. I'm the environment advocate for the Green Party of Manitoba. Usually we'd say environment critic, but language is important, so I want to be the advocate, and I'm not sure I'm comfortable with the word sustainable development. In my mind, that was invented by a prime minister of Norway who was really into whaling, so I'd like to use the language. There's been a lot of language thrown around, caring about the environment, you know, I guess I'm going to try to be an expert on that. I've been an environmental activist for 28 years now, and so I'm going to play that card.

As the Green Party of Manitoba, we got a little bit of a policy on this. We want to move away from factory farms and the use of pesticides and strengthened organic farming, family farms and, of course, increase the humane treatment of animals. It's very—it's a very small policy, but I'd like to maybe outline a bit of a vision of how we get there.

Now what that means is intensive livestock operations would not be part of that future—that future vision and it sounds, on the face of it, that that's a very radical stance to take. I don't think it is, because there are ways out, and other municipalities, other jurisdictions around the world have done this. I think it was about 10 years ago Hog Watch Manitoba put on a presentation with a pig farmer from the Netherlands. And the European standards are much more friendly to animals, and the Netherlands' standards are actually even better, and the hogs are allowed to leave the facility to go outside when they like and come back, and they have access to food and water. They have, you know, straw down and stuff like that. That would just mean a lot less hogs being produced, because you can't fit as many in the same place. So that's the vision I'd like to present here tonight.

The other thing I'd like to take further is the animal issue—the animal abuse issue. So animals that are in an intensive livestock operation suffer immensely. They suffer immensely, and humans benefit from that suffering. And I think if we, again, look to the future—I was just in the bathroom, and I noticed there was non-gendered bathrooms, especially in the lounge down the hall here, and, if you think back 20 or 30 years ago, would that have even been a consideration? Would we have

accommodated non-binary people? But now we do, which is great. I think that's a good idea. Perhaps 20 or 30 years in the future, we'll look back on this time and the way we treat animals as something that's a thing of the past, and I hope that not only the Green Party can bring that vision but perhaps the rest of the parties can as well. That's something which, I think, is often not talked about.

We had presentations from people who did speak on behalf of animals, and I want to offer my appreciation for their work. I also want to offer my appreciation to the people who come from the rural areas. I actually can see the Golden Boy from my house, over on Spence, from my living room, so I'm just a simple city boy that doesn't know as much about these issues as some of the people in the rural areas. Ms. Pryzner, Mr. Dolecki and Ms. Clubb certainly have done a lot of work on this issue. I want to reiterate and offer my appreciation for their comments. They are in it much more deeply than me, and they've taken time and made great efforts to get here. I took a short walk to get here, so I just want to acknowledge their efforts.

There's a couple things that were mentioned. The anaerobic digesters came up again, and these came up at the Bill 24 hearings last fall. And the thing—the focus seems to be on the nutrients again, and I want to just bring it up again, is that these anaerobic digesters have to do with reducing greenhouse gas emissions. I just looked it up on my phone, just to make sure I wasn't wrong about that. But we have to reduce greenhouse gas emissions. This is something that's—perhaps time for another bill, but the carbon strategy needs to include farmers and this is one of the things that has to happen.

So, again, climate change is a big issue. It affects everything and everything really has to change to deal with that. There was just mention of regulations and how a hog operation was able to put more animals in a barn than was appropriate for the permit. The previous gentleman had talked about that. Again, we need strong regulations—we need strong regulations if we're going to be a government, legislators, we need to make legislation that is strong and actually impacts what's happening on the ground and close these loopholes.

I'm reminded of the Kinder Morgan battle going on in BC. I've been following that closely because the leader of the Green Party of Canada Elizabeth May chose to engage in civil disobedience, and I admire her greatly and I support her in that. But that

is also an issue of jurisdiction. There's Burnaby and British Columbia that want to put more regulations and slow things down, and the federal government wants to come in. So there's a bit of a parallel there.

So, to summarize, Green Party of Manitoba opposes this bill. I think it's pretty much the wrong direction to take Manitoba, to take agriculture in dealing with animals, in dealing with climate change and I would urge the committee to put it in their recycling bin. Thank you for your time and I'm ready for questions.

Mr. Chairperson: Thank you for your presentation, Mr. Nickarz.

Mr. Lindsey: I just want to thank you for taking the time to come here and present and just a final comment, if you will, do you see anything in this particular piece of legislation worth saving, or should it just be withdrawn in total?

Mr. Nickarz: No. Nothing worth saving.

Mr. Wharton: Thank you, Mr. Nickarz, for your presentation this evening, and I just—you'd mentioned quite a bit about animal, of course, kind of free-range, in and out barns, more of less along the lines of animal treatment. Are you aware of Bill 19, by allowing barns and barn operators the ability to replace old, aging barns without going through another conditional-use process, will help with animal safety?

Mr. Nickarz: Again, I'm really concerned about the language involved there. We talk about efficiency, we talk about animal safety, but what does it really mean on the ground? I would love to come and see what actually that means on the ground, because my suspicion is, I don't this for sure, but my suspicion is they're going for efficiency, which means industrial efficiency which does not mean, perhaps, animal advocacy or animal welfare.

Mr. Gerrard: You've been at this hearing. You've listened to the back-and-forth discussion. If you were to make one change to The Planning Act, what would it be?

Mr. Nickarz: One change to The Planning Act, that's a good question. I wasn't ready for that; that we eliminate intensive livestock operations from the province. That'd be a great plan.

Mr. Eichler: Thank you for your presentation and, obviously, we're clear about your position on intensive livestock operations. The existing operations being quite an economic impact to the

province of Manitoba, what do you say to those producers that are growing food for Manitobans and Canadians that are in that business? How do you feel that—if you were in government, how would you deal with them?

Mr. Nickarz: If I'm, voters willing, elected to the Legislature from the riding of Wolseley, I would say that we need to have a vision and we need to have a direction we need to take things. And, like I said, in the Netherlands and in the European Union, there are much more—stronger regulations for animal welfare, and that would be the direction to go.

Now, would it make as much money? Perhaps not. Would people be able to sleep at night knowing that the animals are treated better? I think that that's something would be a benefit as well.

Mr. Chairperson: We thank you for your presentation, Mr. Nickarz.

We will now move on to our next presenter, Evan Rodgers. Evan Rodgers, Maple Leaf Foods.

You may proceed with your presentation when you are ready, Mr. Rodgers.

Mr. Evan Rodgers (Maple Leaf Foods): Good evening. My name is Evan Rodgers, senior manager of Business Optimization with Maple Leaf Foods. I would like to thank the committee and MLAs for allowing me to speak here this evening.

Maple Leaf Foods supports the proposed changes in Bill 19, The Planning Amendment Act. At Maple Leaf Foods, we exist to raise the good in food, and our vision is to be the most sustainable protein company on earth. We are actively addressing many of the diet-related health issues we face as a society today, including reducing artificial ingredients in flavours, reducing antibiotic use in livestock production and continually advancing leadership in food safety.

We are improving the care of our animals by heavily investing in improved housing and improved handling and transportation systems. The Maple Leaf Centre for Action on Food Security was created, in 2017, as a registered charity, which has partnered with many non-profits across the country, including some in Manitoba to tackle the issue of food security.

Furthermore, we are on track to meet or exceed an aggressive goal to reduce our environmental footprint by 50 per cent by the year 2025.

Simply put: better food, better care, better communities, better planet.

Maple Leaf Foods has a large presence in Manitoba. A major portion of Maple Leaf's assets and one third of our national workforce is in Manitoba, roughly 4,100, in total, across our Brandon plant, Winnipeg plant and our hog operations.

In addition to our own employees, we partner with a large number of family-run farms to raise many of our hogs. These contracted farms share our passion and our conviction to ensure that the animals are cared for and treated humanely.

To meet our sustainability goals while delivering value to our shareholders, we must continue moving forward and not sit idle. Maple Leaf Foods, in Brandon, is not running at full capacity as we've heard. To be competitive in North America, we need to address this volume issue and continue to invest in new hog production facilities.

Furthermore, we must replace aging assets with new modern facilities, using our standards of gestation-free sow housing, natural light, enriched environments for our animals and more energy-efficient barns.

We wish to make a large portion of this investment in Manitoba; however, there have been challenges with this. The moratorium put a hold on new investment in the hog sector for over a decade. Recently, the moratorium has been removed; however, the process to complete permits and gain approval to build hog facilities remains lengthy and cumbersome.

Improvements to streamline this process, remove redundancy and make it more competitive with other areas in Canada and North America are required for Manitoba hog producers to be competitive in our industry.

Canadian-raised pork has the attention of the world and is in high demand in many exporting countries. Investment in the pork sector in Manitoba will not only generate further economic benefit for the province but will keep farms, many of these as generational family-operated farms, alive and well for future generations.

Maple Leaf Foods will continue our commitment to environmentally sustainable farming practices, as we move forward in our path to raise the good in food.

Thank you.

Mr. Chairperson: Thank you for your presentation, Mr. Rodgers.

Mr. Eichler: Thank you for your presentation, Mr. Rodgers, and 4,100 people is a lot of people to employ in the province of Manitoba. What would be your estimate for the economic impact by your company being involved in Manitoba?

Mr. Rodgers: Economic impact would be in the millions. There's, you know, a number of initiatives that we've been working on and investing which spreads—you know, which spreads, you know, far and wide in construction, in hospitality, in—so on and so forth—is the reinvestment in our facilities.

And, you know, I spoke to a gestation-crate-free housing. We've made a commitment to have all of our sows under our control to be loose-housed, or gestation-crate-free by 2021. That alone is an investment of \$66 million. That's spanning over many years.

You know, of the 4,100 people, obviously all of those people, you know, are buying goods. They're in our schools, in our communities, giving back to our communities, and that's something that we're very proud of.

Mr. Lindsey: Thank you very much for coming tonight and taking time to put on your presentation. I hear what you're saying about increasing production and making sure that your business is viable, but, surely, you're not suggesting that limiting people's, citizens' ability to have their voices heard in the process of expanding hog barns or new barns or anything to do with the industry—you're not suggesting that limiting people's ability to have their voices heard would be an impediment to your business, are you?

Mr. Rodgers: As we've heard tonight, I don't think that anything in the bill is suggesting that people's voices can't be heard. It has made some changes to who can have reasonable objection, but, certainly, anybody's voice can be heard, whether that be at municipal council for them to make an informed decision or otherwise. But we—we're very open and welcome to any and all feedback in the projects that, you know, that we're undertaking and I think that that feedback is important in the process.

Mr. Gerrard: You talked about reducing, I think it was the environmental footprint by 50 per cent by

2025. That's an ambitious goal. Is part of that a reduction in greenhouse gases? *[interjection]*

Mr. Chairperson: Mr. Rodgers.

Mr. Rodgers: Sorry, thank you. The three areas that we focused on in this goal is reducing our energy consumption by 50 per cent, reducing our water use by 50 per cent and less waste in general.

Mr. Bob Lagassé (Dawson Trail): So I'm actually just going to thank you for coming this evening. As a community member—we live in the same community and I see the great work that Maple Leaf does in our Friendship Festival and helping out and the volunteering that you yourself do. I'd like to thank you especially for coming down this evening and presenting, knowing that, also, you have two young children at home that are waiting for you to anxiously get back. So thank you.

Mr. Rodgers: Thank you. Appreciate that.

Mr. Len Isleifson (Brandon East): I want to thank you very much for coming out this evening and, you know, bringing a presentation to us that has a good aspect of looking forward from an economic development while keeping in mind the environment.

We've heard many times tonight that there's not going to be a lot of changes because of this bill. However, you mentioned something that's very important to me, and that's with Maple Leaf. I'm the MLA from Brandon East, so the Maple Leaf processing plant in Brandon is in my area and I try to stay in touch with them. And you made a comment that they're not at full capacity. So if this bill passes and there's an ability to expand within reason, within guidelines and whatnot—if we went to a full shift at Maple Leaf, how many new jobs would that create?

Mr. Rodgers: The number of new jobs in the plant alone would be—I'm going to use some rough numbers here because I don't know exactly, but in the neighbourhood of 150 to 200 new jobs in the Brandon plant alone, never mind the—you know. It expands out from there and—in—you know, in the farms that those animals would be potentially raised in as well as the economic benefit that would be driven as a result of that and, you know, more infrastructure, more restaurants, more so on and so forth.

Mr. Chairperson: We want to thank you for your presentation and answering your questions, Mr. Rodgers.

We will now move on to the next presenter, Frances Shmee *[phonetic]*. And, if I'm not pronouncing your name correctly, please correct me.

* (20:30)

Ms. Frances Smee (RM of Rosser): You are not pronouncing my name correct.

Mr. Chairperson: Please correct me.

Ms. Smee: It is Smee.

Mr. Chairperson: Smee.

Ms. Smee: Smee.

Mr. Chairperson: Do you have any written presentation for the committee, Ms. Shmee *[phonetic]*?

Ms. Smee: No, I don't. Smee.

Mr. Chairperson: Smee. You may proceed with your presentation.

Ms. Smee: Minister Wharton, honourable members, ladies and gentlemen, I want to join first with Mr. Massey in just recognizing that we are on Treaty 1 territory, the traditional homeland of the Anishinabe, Cree, Oji-Cree, Dakota and Dene people, and in the very heart of the Metis nation, and we appreciate being able to live and work here. Thank you.

My name is Frances Smee. I'm the reeve of the RM of Rosser. I'm here to speak on behalf of the council and the people of the RM of Rosser with regard to The Planning Act and specifically Bill 19, The Planning Amendment Act. And my husband timed this for me, so I'm really hoping he was accurate.

I attended the presentation given in Portage la Prairie, on May 4th, along with Eric Shaw, the general manager of South Interlake Planning District. Our first concern has to do with the option for municipalities to publish notification of upcoming planning hearings on their website instead of in their local newspapers. We were told that there has already been a considerable response to this clause, so I will merely add our voice to the others to say that whereas the day when we are all connected digitally is likely on the horizon, we are not there yet. Our community relies heavily on our local papers for all notifications of this nature, and we would not be well served by notices posted solely on our website.

We were told at the Portage la Prairie presentation that the provincial government was proposing amendments to The Planning Act in response to the red tape commission findings and because—and I'm paraphrasing—the Province recognizes that municipal government is a mature form of government. They know their communities and constituents and are best able to make planning decisions that will affect their communities. I was very pleased to hear this, and we in Rosser are in agreement with this sentiment, as is the Supreme Court of Canada.

Given this statement, we are dismayed to learn, therefore, that there is a proposed appeal provision that will allow proponents of intensive livestock operation, ILOs, and aggregate quarries to appeal to the Municipal Board should their conditional-use applications be denied by the local council.

It is because local governments have a thorough understanding of their communities that it is so important that the final decision of approval or rejection of these intensive industrial land uses lay within their purview. Taking away this authority from local government contradicts the initial reason given for amending The Planning Act, which was, of course, that municipal government is a mature form of government that is most equipped to make these very important decisions.

By giving the final decisions in these cases to the Municipal Board, you are, in reality, taking away the right of local government to make planning decisions and putting these decisions in the hands of unelected government appointees who most likely will have no connection to the communities in question.

An applicant who is unsuccessful in their application already has options. They can return with a new application that addresses the concerns brought forward in the first hearing. It is not uncommon for proponents of large operations to make many conditional-use applications until they get it right, make the necessary changes and have a proposal that will be compatible with the surrounding area.

The Planning Act is clear: the conditional-use application must be made to the council of the municipality in which the affected property is located—103(3)(a). Council must hold a public hearing so that all concerned may have an opportunity to present to 'countil'—council, and The Planning Act states: "After holding the hearing, the

board, council or planning commission must make an order (a) rejecting the application; or (b) approving the application if the conditional use proposed in the application (i) will be compatible with the general nature of the surrounding area, (ii) will not be detrimental to the health or general welfare of people living or working in the surrounding area or negatively affect other properties or potential development in the surrounding area; and (iii) is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law."

These conditions alone make it clear that local government must be the final arbiter of these decisions. Local councils have the obligation to hear from all who wish to make a presentation and then make a decision that is to the best of their knowledge and abilities most beneficial to the community as a whole. This is not an easy task and it is one that the council of Rosser, for one, does not take lightly. We do spend countless hours going through material, research, presentations that have been made, and a suggestion by a former presenter that municipal councils are not able to do this, I found slightly insulting.

Large operations, such as ILOs and aggregate quarries, have the potential for great benefit for a community or significant hardship for affected properties. These operations almost always negatively affect the surrounding landowners' capacity to take full advantage of their land because of limitations placed on development within a certain range of ILOs and quarries. As for compatibility with the surrounding area, that is best understood by local councils.

The other avenue of appeal open to all applicants is through the courts. Councils must do their best not to make arbitrary or biased decisions, and conditional-use applicants can make their case through the Manitoba Court of Queen's Bench if they feel council has not done this. The RM of Rosser has been sued under this provision and was found to be within their rights to make planning decisions with regard to, in this particular case, aggregate operations. We want to make it clear that our municipality, and I would guess most other municipalities, do not wish to assume the costs associated with going to court unless it is unavoidable. But I can assure you it can be equally costly going before the Municipal Board, and that is also something that must be taken into consideration. It is possible to get court costs back, but what

happens to the tens of thousands of dollars spent when decisions go to the municipal court—or board, rather.

The part of The Planning Act that deals with conditional uses is there, in my view, to ensure that best practices are adhered to and incompatible land use is avoided. These principles protect the people of Manitoba. The Planning Act does not state that council must make their decisions based on these principles unless there is a lot of money to be made or saved by someone. I would respectfully suggest that these principles are in place to protect Manitobans in spite of the money that may be made.

In closing, I will state that to take final planning decisions away from local government is simply wrong. It does not serve the people of this province and we strongly suggest that this clause be removed from the bill.

Thank you.

Mr. Chairperson: Thank you very much for your presentation, Mrs. Smee.

Mr. Wharton: Thank you, Mrs. Smee, for coming out and presenting tonight and, again, being a former councillor and deputy mayor of the Town of Winnipeg Beach, I can appreciate the hard work you do for your community and of course the residents, so thank you for that.

You had made reference to, in your opening comment, about the fact that you felt Bill 19 would be taking away your ability to communicate with your ratepayers through the newspaper. You—are you aware that you will have fair say to choose how best to communicate with your residents and your ratepayers in your community? This does not take away your ability to put local amendment, local planning acts in a local newspaper.

* (20:40)

Ms. Smee: I was pretty sure I was going to be bad at doing this because I usually run things. So, you know, we realize that. But should you have a council that doesn't wish to put it in a local paper, they can then just put it on their website. The choice is there. So what we're saying is in our community we would put it in our papers, we will. A future council might feel that they don't want to do that, and I think, as a member of that community, I would want them to do that because—and don't tell anyone this, but even I don't go to our website on a regular basis to see what's going on. So I'm sure people don't do that.

Mr. Wharton: Well, thank you, and thank you for that comment. You know, I'm not sure how to respond, because, I mean, the bottom line is that I know that local governments are responsible. And, if they don't make responsible decisions, they will pay the price, much like the former NDP government did, in 2016.

So, you know, I argue the fact—and I love it, because it feels like we're around a municipal council table again and having this discussion and debate, and that's what I love about municipal grassroots politics—but, you know, I can assure you that I know, from my experience, that it would behoove us not to get that information out to our public on a regular basis.

So, however we choose to do it would be part of the Fair Say aspect, so—more so a comment than an actual question. Thank you.

Ms. Smee: I do appreciate that, but I would say that you're correct that, in the long run, people will get annoyed with that. But how many people along the way are going to lose the ability to lose the ability to respond to something? And, when we're talking about ILOs and aggregate operations, they are big deals, and they have big impacts. So we don't want to miss out.

And I think—and we've brought this up as a municipality before—we feel that The Planning Act doesn't go far enough in requiring notification, because the impacts of these kinds of large industrial land uses can go far beyond—and I don't know exactly what it says of the top of my mind, but they go far beyond what is required in The Planning Act. And people can have property value impacts, et cetera, et cetera, far beyond that.

So that would be my response. Thank you.

Mr. Lindsey: I want to thank you for your presentation tonight. Appreciate what you've said about the requirement for notice. I just want to get your take on the other requirement—that instead of one person being able to file an appeal, it now requires 25 people or 50 per cent—your take on that and that impact on people's ability to participate in the democratic process.

Ms. Smee: You know, I will be completely honest about this. I came prepared to talk about those two issues that I brought up. But I will say, you know, we all want to not be tied down or impeded by those few people who make it their hobby, their aim in life to

get in there and argue things that maybe have been argued before. And I get that.

I would be concerned—and I haven't really discussed this with council, so this is me. I would be concerned, as people have mentioned before, about people not being able to come forward that legitimately have concerns.

And we, on our council, really believe that if you have something to tell us, please, please, please come out before we make this decision. We want to hear from you. And so, for those few people who like to come out and be heard, over and over again, well, you let them do that, so as not to miss those people who really need to come out.

And so this one, 24, 25 number, I don't know really, but I just, I know that we want people to be able to come for sure.

Mr. Gerrard: Yes. I heard you, loud and clear, about leaving the decisions to municipalities, but my question to you is related to a presentation that was a little earlier on by Bill Massey. And he described an operation in—hog operation that was in Woodlands, but it actually was affecting three people who lived in Rosser.

So maybe you can share your wisdom with us in terms of what—how one approaches situations which right—are on the border between municipalities.

Ms. Smee: Yes, and I do recall—part of that happened prior—I don't—did he leave? Oh. He's not hearing this. Anyway, prior to when I was on council, but I was on that group that went to Woodlands to try to see if we could get an agreement.

What—from what I understand, this is a bit anecdotal, but when there's big operations, often they go to the corner of the municipality because the impacts are going to be felt by the neighbouring municipalities and not so much by the municipality they're in. Don't know if that's true or not; I've just heard that that happens. That's what's happened in this particular case.

So I don't know—

Mr. Chairperson: Mrs. Smee, we are well over the time limit. We want to thank you very much for your presentation and your answers, but as the Chair I have to, unfortunately, cut you off. Thank you very much for your presentation.

Our next presenter, Matt Reimer with HyLife.

Mr. Reimer, you may proceed with your presentation.

Mr. Matt Reimer (HyLife Foods): Thank you to the committee Chair and to all MLAs for providing me the opportunity to present tonight.

My name is Matt Reimer and I'm the senior manager of environmental affairs at HyLife located in La Broquerie. I've been involved in the livestock industry my entire life. After growing up on both dairy and beef farms, I attended the University of Manitoba to study agriculture. Since childhood, I've always knew—known that I wanted to be involved in the agricultural industry in Manitoba.

Throughout university and after graduating I've worked at HyLife in La Broquerie, and I've had the opportunity to grow and develop both personally and professionally with the company and industry that has its roots planted firmly in rural Manitoba. And I'm here today to speak in favour of Bill 19.

HyLife operates many hog barns, feed mills, distribution centres, truck washes and offices across Manitoba. We also operate a state-of-the-art federally certified pork processing facility in Neepawa that has recently completed a major expansion and renovation. We currently employ over 1,800 people throughout our organization.

HyLife was founded in 1994 as a joint venture between two farm families in southeast Manitoba, and since that time HyLife has continued to grow and invest in pork production infrastructure across Manitoba.

Like most producers in the province, we are entering a phase of sustainable renewal of our aging hog production facilities. To sustain and grow our business, we need to maintain and renew our operations to ensure that they allow us to complete—compete in a global marketplace. We believe that the proposed changes to The Planning Act will help to encourage agricultural growth and development in rural Manitoba. We believe that the proposed changes to The Planning Act help with removing some of the unnecessary restrictions that have caused delays at the local government level. Many RMs have implemented local zoning and development plans that allow them to determine what fits and is appropriate for their specific municipality.

It can take up to a year or more for current planning approvals. As I understand, Bill 19 will not reduce the amount of permits or licences that are

required, but may help with reducing the time frame required for planning approvals under certain circumstances.

There have been many good times and tough times in the pork industry, but I am excited at what the future holds for the industry in Manitoba. As I mentioned earlier, I feel privileged to have grown up and being involved in agriculture in rural Manitoba, and I am proud of the fact that my children will have that same opportunity.

Thank you.

Mr. Chairperson: Thank you for your presentation, Mr. Reimer.

Mr. Eichler: Thank you for your presentation, and being a young farmer, a new entrepreneur in the livestock business and having grown up there, what's your take in—how much focus does your organization spend on the environment?

Mr. Reimer: Thank you for the question, and, yes, so I've been with the company since university and I've kind of had the opportunity to work in many departments and work at many different levels with a lot of different staff. And I can say that throughout our organization it is a—it's a critical factor of our success. Not only the environment, when we look at, we often speak about community. So and when we look at community it's not just, you know, the towns we live in, but it's the environment, the air, the soil, the land, the water around our facilities where our employees, their families and their children work, live and play. So it is of the utmost importance to us.

* (20:50)

Mr. Lindsey: Thank you very much for taking time to come and present to the committee process. Certainly, this process is part of the whole democratic process that people need to be encouraged to participate in, and we should be doing everything in our power to encourage people to participate in that.

So some of the troubling parts of this bill seem to limit people's ability to participate in that democratic process, when it comes to some of these changes in the planning acts, while not specifically saying that some of the requirements of requiring 25 people where it used to be one person would seem to be an impediment to people exercising their democratic right, and some of the provisions in the appeal process would seem to be impeding people's ability to participate and have their voices heard.

Certainly, nobody on this side is suggesting that there should be no hog barns. But it's really about making sure that the people that are impacted by any of these changes will have their voices heard in a reasonable fashion.

Do you think that that is an important part of what should take place?

Mr. Reimer: Yes, I do believe it's important that people have their voice heard. There's many different, you know, methods or channels for that to happen. As a company, we have conducted open houses when we have proposed development proposals in different RMs, just so that we can gather feedback before we go into a formal process. And open houses available to open—to anybody in the community, anybody who wants to come and ask questions and get more information. So, yes, I believe it's important for people to speak for, or against, issues or matters or proposals in their area.

Mr. Gerrard: Thank you for coming in. I take it you deal with environmental issues and challenges for the company, and maybe you could tell us biggest or one of the biggest environmental challenges you faced, and how you dealt with it?

Mr. Reimer: It's an interesting question. I think, you know, on a daily basis, we look at all the challenges around us. And it's a daily process, and it's something that's on our minds on a daily basis. It's—you know, we don't look at, you know, one specific thing being, you know, bigger or more important, but it's making sure we're following all the laws, the regulations that are put out locally, provincially or federally, and it's ensuring that the environment is taken care of for future generations.

Hon. Eileen Clarke (Minister of Indigenous and Northern Relations): I'd like to thank you for your presentation here tonight and recognize HyLife for great work that they do. I have Neepawa in my constituency, and I've met with your ownership on many occasions. I've also been through the plant, in Neepawa, many times. But, as an MLA in the Agassiz area, I also have 18, soon 20, Hutterite colonies in my constituency. So, when we've heard discussion here tonight on Hutterite colonies, I'm very familiar with hog operations, chickens and all the different—I've been there from the time that they were in the planning stage of their barns, as well as when they're in operation and have a pretty good understanding of that.

I also have the municipal background where I've had many planning meetings and sat on those committees, so I want to thank Mrs. Smee for her presentation, because these municipalities play a huge role in these decision-making processes. And I want to acknowledge that. But companies like HyLife are very reputable. And you're not only are concerned about the environment, but you're concerned about the healthy well-being of our communities. And I think that needs to be recognized. It's not in the act, but it is part of what makes Manitoba a great place. So thank you.

Mr. Chairperson: Mr. Reimer, the time has expired, but we'll give you some—a little bit of time to answer that question.

Mr. Reimer: Thank you for the comments, yes.

Mr. Chairperson: Thank you very much for your presentation, Mr. Reimer.

We will now call on our next presenter, Catherine King. Catherine King.

Do you have any written material for the committee?

Ms. Catherine King (Private Citizen): No. This is just—

Mr. Chairperson: Then you may start with your presentation when you are ready, Ms. King.

Ms. King: Thank you for letting me speak tonight. So Bill 19, I'm here to express opposition. I'm a tax-paying citizen and I devote—for you, okay. Newspapers have been filled with information about the degradation of land and water in Manitoba, especially in the last 20 to 25 years since this pig industry took off. Bill 19 is designed to silence others who oppose expansion of the hog industry. If industry, this industry as it is was actually so great for Manitoba, then why would industry need a bill that silences people?

I've personally witnessed animals that have been bred and raised in intensive livestock—in that system and they're treated in what should be called criminal animal abuse. I could tell you a lot about what I've seen in there, but, frankly, I don't think a lot of people really care about that right now. The structures where these animals are trapped, industry likes to pretend they're farms. These are not farms. They're industrial sites built to serve the profit margins of two companies.

What really adds to my ire is that my tax dollars are heavily subsidizing them. With further deregulation it's going to get worse. Who pays to build the roads to service the new structures they lobbied to have? Who pays to maintain these roads? It's the Manitoba taxpayers. I really don't want my taxes supporting an industry that causes so much damage to the environment that ultimately more taxes are then required to clean up the mess, if that's even possible.

So speaking of taxes, Maple Leaf gets to defer taxes. The company has various government loans on specific projects with interest rates ranging from non-interest bearing to 2.9 per cent. That's a heck of a deal that I sure don't get.

Bill 19 will make it very difficult, if not impossible, for rural people to prevent themselves from becoming the next door neighbour to an intensive livestock operation. What about their quality of life and what about their health that will, little doubt, be compromised by breathing noxious fumes that seep from these barns and feedlots or whatever other scheme industry decides. So their properties will end up being worth very little and most people really don't have a second home on some tropical island that they can escape to. To top it off, for seven of nine years the Manitoba hog finishing producers have lost money, yet Maple Leaf, subsidized by Manitoba taxpayers, they walk away with profits. Why would we want to smooth the way for expansion? This is not good for Manitoba.

I'm a Winnipegger standing beside our rural and First Nations neighbours to say no to Bill 19, and I'm also curious why this bill is being dealt with now in the springtime when farmers, those who are going to be directly affected, this is the season when they have to be out in their land seeding their crops. The timing for this is really curious.

You know, I'm really tired. I work all day and I resent the fact that I feel that I have to spend my evening here to talk to you, trying to urge you to—that further deregulations are really not in the best interests of Manitobans. Everyone knows that the intensive livestock business is just not sustainable, and silencing rural people is shocking. It's blatantly obvious that this bill is being pushed through only to serve the interests of two companies, really, the rest of us be damned.

Enough is enough. Thank you.

Mr. Chairperson: Thank you for your presentation, Mrs. King.

Mr. Lindsey: I want to thank you very much for taking the time to come here and I appreciate the fact that it is a bit onerous on average citizens to come here late at night, and so I do really appreciate that you took that time.

I just—I'm wondering your thoughts specifically on the changes in this particular bill that would take the requirement for notices in local newspapers and leave it as an optional thing, and, therefore, people may be forced to go looking for information that should, in fact, be publicly available. Your thoughts on that, if you'd be so kind.

Ms. King: My thoughts on that, I don't think people go seeking that type of information because that would mean a weekly or bi-monthly exercise on their part. I don't go looking for changes. I would hope they would remain in newspapers if there is any kind of change, especially major industry like this.

* (21:00)

Mr. Gerrard: Yes, thank you for coming in and presenting.

If—of all the changes in Bill 19, which is the most troublesome for you?

Ms. King: Silencing people.

Mr. Eichler: Thank you for your presentation, Ms. King, and I thank you for taking time tonight.

Manitoba's one of the few provinces left that—we have this process, and we're very proud of that. And we know that it's sustainable. We have changed a number of things in regards to the presentations. We used to sit all night, and we modernized that through an all-party committee.

One thing that may not be public out there, as well, is the opportunity for written submissions, because we do want to hear from all citizens within the province of Manitoba.

So you're right; it's a busy time for farm families. We've had a number of written submissions that have been sent in to us. So I just wanted to make you aware of that, and thank you for coming out tonight.

Mr. Chairperson: Ms. King, did you have a comment back on that? No.

Ms. King: No.

Mr. Lindsey: I want to thank you. And, earlier, my colleague from River Heights asked you which part of the bill was the best or which part you'd keep. In fact, would it trouble you at all if the entire bill was withdrawn, because—in your opinion, is there any part that's worth keeping?

Ms. King: I would like to see the entire bill withdrawn. And I guess that—when—my first sentence was: I'm a voter. And this bill is so troubling that I am going to be watching, especially at the next election, where my vote is going to go. I'm a swing voter; I'm not usually a one-item—I don't usually look at one item. I like to look at things as a whole. But this is something very important. This is a bill silencing people.

Mr. Chairperson: Thank you for your presentation, Ms. King.

We will now call on our next presenter, Vicki Burns.

Ms. Burns, do you have a written submission for the—no? Then you may proceed with your—when you are ready.

Ms. Vicki Burns (Hog Watch Manitoba): Okay, thank you so much for giving me the opportunity to speak to you tonight about something that's really important.

I'm speaking today as a representative of Hog Watch Manitoba. And Hog Watch Manitoba is a non-profit organization that's a coalition of environmentalists, farmers, friends of animals, social justice advocates, trade unions, scientists. We are promoting a hog industry in Manitoba that is ethically, environmentally and economically sustainable.

So our concern with Bill 19 centres around, really, the unwritten goal of this bill, which appears to be to allow the development of many more industrial-style hog barns around southern Manitoba by decreasing the ability of local residents to participate in the decision-making process about those proposed barns.

Now, as I previously mentioned, I do really want to stress we're not saying we shouldn't have a hog industry in Manitoba. But we are supporting and promoting a style of industry in which the barns are ethically, environmentally and economically sustainable.

So, essentially, what does that mean? It means that we are not supportive of these huge, closed

barns that hold thousands of pigs under one roof, above open pits of their manure, that produce such noxious fumes that the animals will die within an hour or two if the ventilation system fails, as happened in one particular area this past winter.

Now, there's much more that I could say about the inhumane conditions that the pigs are kept in in these industrial barns. Some of you may know from my background at the Humane Society—that's how I actually got involved in this issue in the first place—but, for the purpose of these hearings, I'll restrict my comments to one of the most contentious environmental concerns, and that is the water pollution threats.

So, as many of you must be aware, there are concerns about the possibility—I'm saying possibility—that the hog industry is a significant contributor of phosphorus to our lakes and the resultant blue-green algae, some of it—some of which contains dangerous toxins both to humans and animals.

Now, this concern has been brought up many times in the last—more than a decade, I'm sure, with advocates on both sides of this issue making claims that as are yet unsubstantiated. There have been estimates about what percentage of phosphorus getting into Lake Winnipeg comes from the hog industry, but it's very important to understand that those estimates are based on theoretical assumptions, not on actual hard data captured from real measurements in water samples.

Now, the good news is that we do have the knowledge and the ability to get evidence-based answers to the question of what contribution the hog industry is making to the growing eutrophication of our Manitoba lakes and Hog Watch Manitoba has the ability to help with this monitoring of water for analysis of phosphorus content.

We're talking about doing water sampling in the ditches and streams that run alongside fields where manure has been applied and then analyzing that for phosphorus content. We have—we are able to organize many citizen volunteers because there's so much public interest in this issue. So attracting individuals who have an interest in helping isn't difficult, and with training and supervision from experts in this field such as those at the Lake Winnipeg Foundation as well as analysis of samples at recognized and accredited labs, we could build a very reliable database over a five-year period, and then this contentious question of the hog industry's

part in the growing blue-green algae problem could be resolved one way or another.

Now, over the past few months, Hog Watch Manitoba has contacted Manitoba Pork, Maple Leaf, and HyLife to request their participation and co-operation in this water monitoring proposal. We're not asking for money; we're asking their interest and their co-operation in this. To date, we have had no response from them.

Now, given that even tonight and many times prior to this we've heard hog industry representatives frequently claiming that they are doing things right and they're good stewards of the land and that they're only contributing maybe 1 per cent of the phosphorus that's getting into Lake Winnipeg, we thought they would be interested in getting solid data to substantiate those claims, given that it is possible to do that. So their lack of response leaves us wondering why. Are they actually afraid of what water monitoring might show? Their lack of interest in acquiring data seems very telling to us.

Now, I cannot stress enough the seriousness of the blue-green algae problem that's happening in Lake Winnipeg and in lots of other lakes in Manitoba. It's not just Manitoba, all over North America and other areas where industrial agriculture dominates the landscape, there are reports about the increasingly toxic threats of blue-green algae.

So I'm just going to mention quickly a couple of news items that came to my attention just today, one from the state of Iowa, which is a huge hog producer. The head of the drinking-water treatment for the City of Des Moines, which has actually issued a lawsuit, I believe, against some of the hog producers there, but the head of their city water treatment is calling for a ban on factory farming and a return to the smaller family-type farms because of the real threats to drinking water that they are experiencing right now in the state of Iowa.

As well, today a report was issued in the state of Minnesota that is warning the public about—that toxic algae are a growing threat to water and human health. And finally, not just today, but in the last couple of weeks, there's been news about a huge lawsuit that was settled in North Carolina, brought by a number of neighbours of a large industrial hog operation and the company that owns that hog operation has been ordered to pay \$50 million to those neighbours because of the environmental problems caused by that barn.

* (21:10)

So that's just to give you an indication of a tiny bit of what's happening, and Manitoba is not going to be immune to those things. So I really implore you to not let us bury our head in the sand about what is happening, in our province, to our lakes, to Lake Winnipeg, Killarney Lake, Pelican Lake, Rock Lake, to name a few.

We have a choice to make, and I hope it will be the one that we can count on for many years to help Manitoba flourish as an agriculture-based economy that will offer support and encouragement to thousands of smaller economically, environmentally and ethically sustainable farms.

In conclusion, I want to tell you about a petition that Hog Watch Manitoba started recently, which called for government to withdraw Bill 19 so that there are no more factory-style hog barns built. It now has, I think, 10,000 signatures. Many of those signatories are for Manitoba, and many are actually from farther afield as well. But I think that we can draw the conclusion by that huge response in a matter of a few days that industrial-style hog farming does not have a good reputation in general, and there's no really—reason to believe that that is going to change if we continue along this path.

So thank you for your attention tonight.

Mr. Chairperson: We thank you for your presentation, Ms. Burns.

Mr. Eichler: Thank you, Ms. Burns, for your presentation. Good to see you again. Thanks for your input. And I know, through various meetings we've had together, we've had some very good dialogue in regards to your position and some of your concerns.

I know that we talked about the watershed that comes into Lake Winnipeg and a lot of lakes within the province of Manitoba, and we've had those conversations. Have you reached out to the other provinces, whether it be United States or other provinces, and addressed your concerns with them as well? And is there measurables that you'd be able to use to collect that data to really show where the pollution's coming from? *[interjection]*

Mr. Chairperson: Ms. Burns.

Ms. Burns: Oh, sorry.

I haven't in recent years, in recent times, reached out to other provinces. In my first work with the—

around Lake Winnipeg with community foundations, I did a lot with Alberta and Saskatchewan as well.

But I think we need to really focus on the fact that we, in Manitoba, need to be the leaders in this issue. Lake Winnipeg is our lake. We're the stewards of the lake. We need to demonstrate, by our actions first, that we're serious about improving the health of the lake. So, if, for example, Manitoba—the Province of Manitoba was to adopt some policies and so on that would actually, in a very concrete way, address this and would encourage the smaller straw-based hog farms, for example, that have much less opportunity for pollution, that would be a really great thing for us to take to other provinces and see what we're doing.

Now, as I've mentioned in another context, the City of Winnipeg should be very embarrassed about our slow treatment on sewage treatment. That's always held up, when I go to rural areas, by rural people saying, why the heck are you expecting us to change when, you know, your own city is not even doing what you need to do? So I'm just stressing the point that we, in Manitoba, need to show very strong leadership by doing the right thing by taking action—not just talk, by taking action. It's totally possible to measure what phosphorus is in our waterways. It's totally possible to measure whether it's up and down every year, and we should be doing that, and we should be public about it. We should be very accountable, and then we go to outside our provincial jurisdiction and say: Okay, this is what we're doing now; we really need you to be part of it.

Mr. Lindsey: Well, I thank you for coming out tonight and staying with us to the end to make your presentation, to really get your 'important'—important points across.

Some of the things we have heard, from Bill 19 tonight, previous presenters have said: Well, really, there's not much there that's worth saving; it should just be withdrawn.

I guess I would ask you the same question: Do you think there's anything in this bill that really is worth saving, or should it just be withdrawn and start over, if changes are required?

Ms. Burns: I'm not aware of any. I think we should just withdraw it.

Mr. Gerrard: I think the Lake Winnipeg Foundation is now doing, with some citizen volunteers, some broader sampling of water waste in terms of phosphorus. Maybe you can tell us a little

bit about how that fits in with what Hog Watch now wants to do. *[interjection]*

Mr. Chairperson: Ms. Burns.

Ms. Burns: Sorry, I keep forgetting.

It would totally fit in with what Hog Watch wants to do. We've had conversations with the Lake Winnipeg Foundation and several of our members are actually, including myself, we are doing water sampling right now for the Lake Winnipeg Foundation.

So essentially, what I would be talking about is a very expanded version of that. I mean, obviously, we can't start with doing the whole province, but we can start with certain areas and do a much deeper sort of dive into where the water is coming from, where the phosphorus is coming from, and put an end to this.

I'm tired of arguing about this, and I'm sure you're tired of hearing about it. Why don't we get the answer?

Mr. Chairperson: Thank you for your presentation, Ms. Burns.

That concludes the list we have, but we will now go back to call for the second time, the presenters that were not available when they were called the first time.

Nicole Kapusta. Nicole Kapusta?

Nicole is not here. She will be dropped from the list.

Kim Langen. Kim Langen?

Kim Langen is not here. Kim will be dropped from the list.

Debra Bresden. Debra Bresden is not here. She will be dropped from the list.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation?

Seeing none, that concludes public presentations.

* * *

Mr. Chairperson: Clause-by-clause consideration. During the consideration of a bill, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is an agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

We will now proceed with clause by clause of Bill 19.

Does the minister responsible for Bill 19 have an opening statement?

Mr. Wharton: First off, I want to thank all the presenters that have joined us over the last three days and, of course, presenting their feedback on a number of areas involving Bill 19, The Planning Amendment Act. With respect to concerns raised regarding public notice requirements, I am pleased to say that I'll be putting amendment to ensure that the current process remains unchanged with respect to public notices. I also believe that this legislation provides more fair say, as we talked about with many presenters over the last three days, to municipalities while ensuring members of the public are engaged in local decision making. And, again, there's no concerns with municipalities having fair say to make sure that they communicate with residents in the most appropriate fashion. Fundamentally, fair say means enabling more decisions to be made at the local level, and, of course, our government believes in municipalities, and we mentioned this a number of times as well, are mature and responsible levels of government capable of making sound decisions.

And, with that, I would like to thank the members of the committee who were involved in this process as well, and, again, all the members and folks that presented, I thank you again for coming out.

Mr. Chairperson: We thank the minister for his opening statement.

Does the critic from the official opposition have an opening statement?

* (21:20)

Mr. Lindsey: First off, I want to thank all the presenters that came out on the three nights that we're here. It seems like an arduous process, I appreciate that, and I certainly appreciate you all being here sharing your thoughts with us.

With this particular piece of legislation, I'm cognizant that the minister says that there is going to be some amendments coming. We haven't seen those

amendments yet. Certainly, until such time as we see them, we are not going to comment too much on them because we need to make sure that it is a satisfactory amendment that actually removes those particular clauses altogether from this bill, not just leaves it hanging out there, because that's not acceptable.

You know, that—there's several things within this bill, on top of the notices requirement, that aren't acceptable. We've heard a lot of presenters—and not just all of them private citizens. We've heard from, for example, the Pork Council that wasn't opposed to people having the ability to appeal decisions.

So, you know, there's things in here that really need to be rethought. We've heard that, well, this municipal council may rule on something, but it'll affect three other municipal councils that don't have the ability to comment on it.

So, again, I would really urge the minister to just say, never mind that we're going to amend one part of this legislation. I would strongly encourage him to just say: We're going to take this legislation and cancel it, pull it off the table, let's be done with it. If there are things that are required, let's just start over and get it right this time, because there's too much to change in here to get it right.

Mr. Chairperson: We thank the member for his statement.

Clauses 1 through 5—pass.

Shall clauses 6 through 10 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: No.

Clause 6—pass; clause 7—pass; clause 8—pass; clause 9—pass.

Shall clause 10 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Lindsey: All of clause 10, which makes changes—72.1(1) all the way through to 72.1(4), really, are problematic and should be withdrawn.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Voice Vote

Mr. Chairperson: All those in favour of clause 10, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Clause 10 is accordingly passed.

* * *

Mr. Chairperson: Shall clause 11 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Mr. Lindsey: Again, we've heard, particularly tonight, about the problems with the definition of eligible persons, so I would encourage the minister to listen to the public presentations that were made tonight, because that's the whole point of the public presentations, is to enlighten the minister on things and, really, let's take that into account and just withdraw the part in clause 11.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Voice Vote

Mr. Chairperson: All those in favour of clause 11, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Clause 11 is accordingly passed.

* * *

Mr. Chairperson: Shall clauses 12 and 13 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: Shall clause 12 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Lindsey: I have a bit of a problem with the definition that where it used to say if no person objects, now it says unless there's sufficient objections. So, really, what's the definition of sufficient? It get's into the whole problem with, well, now you need 25 people; an individual no longer has the right. So those sections should be withdrawn.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall clause 12 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Voice Vote

Mr. Chairperson: All those in favour of clause 12 passing, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Clause 12 is accordingly passed.

* * *

Mr. Chairperson: Shall clause 13 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Mr. Lindsey: Same objection as with clause 12. It talks about sufficient objection again without really, in this part, explaining exactly what that means. If it means that in order to have a sufficient objection you have to have 25 people or 50 per cent, whatever that number is, then that clearly should be withdrawn.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall clause 12 pass—oh, sorry, 13. Shall clause—oh, sorry.

Voice Vote

Mr. Chairperson: All those in favour of clause 13, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Clause 13 is accordingly passed.

* * *

Mr. Chairperson: Shall clauses 14 through 16 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: Shall clause 14 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Lindsey: Again, the same language is used, sufficient objections, without clearly defining in here what sufficient objections are, again, if it gets to an individual doesn't have the ability to object anymore, it has to be 25, then this section and subsequent sections should be withdrawn.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Voice Vote

Mr. Chairperson: All those in favour of clause 14, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Clause 14 is accordingly passed.

* * *

Mr. Chairperson: Shall clause 15 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Lindsey: It gets into the whole question of who can make an objection and it takes out the ability of the individuals to object to a proposal. Once the municipal council has made their ruling, the party that's made the submissions can have another objection but the individuals who may be impacted cannot. So, again, this section should be withdrawn.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Voice Vote

Mr. Chairperson: All those in favour of clause 15 passing, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Clause 15 is accordingly passed.

* * *

Mr. Chairperson: Clause 16—pass.

Shall clauses 17 through 20 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: Clause 17—pass.

Shall clause 18 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Lindsey: Again, there's problems with this appeal that we've heard from people that came tonight that talked about it. It's the same objection. This part should be withdrawn because it limits an individual's chance to appeal a decision that's made. The one that submits the proposal gets to appeal the decision, the people that may be impacted by that decision do not get to appeal the decision. So that part should be withdrawn.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Voice Vote

Mr. Chairperson: All those in favour of clause 18 passing, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Clause 18 is accordingly passed.

* * *

Mr. Chairperson: Shall clause 19 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Lindsey: Again, it's all about the rights to appeal and—[interjection] It—when you look at part 19 it talks about the appeals and so it should be rescinded.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Voice Vote

Mr. Chairperson: All those in favour of clause 19 passing, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Clause 19 is accordingly passed.

* * *

Mr. Chairperson: Shall clause 20 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

* (21:30)

Mr. Lindsey: Again, clause 20 takes in all the definitions and all the appeal process and really is the

most offensive part where it talks about limiting people's ability to appeal a decision. The person making the application for a conditional use may appeal a rejection or a decision imposing conditions.

However, the individuals are not allowed to appeal those decisions, and that just is patently unfair, so all of the sections that deal with the appeal under part 20 should be removed.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Voice Vote

Mr. Chairperson: All those in favour of clause 20 passing, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Clause 20 is accordingly passed.

* * *

Mr. Chairperson: Clauses 21 through 24—pass.

Shall clauses 25 through 28 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: Shall clause 25 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: Mr. Lindsey.

Mr. Lindsey: I believe I heard the minister say earlier that he was going to amend the requirement around newspaper, so I'm not sure why all his government members are voting in favour of this particular clause when in fact this particular clause should be withdrawn.

An Honourable Member: Question.

Mr. Chairperson: Is the committee ready for the question?

Voice Vote

Mr. Chairperson: Shall clause 25 pass—or, all those in favour of clause 25 passing, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Clause 25 is accordingly passed.

* * *

Mr. Chairperson: Shall clause 26 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: Mr. Lindsey.

Mr. Lindsey: Again, the notice of conditional use involving an aggregate quarry, that part should be withdrawn. The minister's talked about having some changes made, and this particular piece talks about notice of hearing. People need to be aware of those, so this part, again, should be withdrawn.

Mr. Chairperson: Question—the committee ready for the question?

Some Honourable Members: Question.

Voice Vote

Mr. Chairperson: All those in favour of clause 26 passing, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Clause 26 is accordingly passed.

* * *

Mr. Chairperson: Clause 27—pass; clause 28—pass; clauses 29 and 30—pass; clause 31—pass.

Shall clause 32 pass?

An Honourable Member: No.

Mr. Chairperson: The Honourable Mr. Wharton.

Mr. Wharton: Yes, Mr. Chair. I move

THAT Clause 32(2) of the Bill be amended by striking out "Sections 18, 20 and 26" and substituting "Section 18, subsection 19(2) and sections 20, 25 and 26".

Mr. Chairperson: It has been moved by the Honourable Mr. Wharton

THAT Clause 32(2) of the Bill be amended by—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is in order. The floor is now open for questions.

Mr. Lindsey: I guess the first question I would have: Would the minister please explain everything that's contained in this particular amendment? It's got a lot of—section 18, section 20, section 26 substituting section 18—so could you please explain that?

Mr. Wharton: Certainly, I'd be honoured to explain what we're proposing here in an amendment. Of course, we've taken the consideration of the presentations and, of course, the consultations that we had prior to the last three days, and we are looking at moving—adding sections 20 and 25 and 26 to be proclaimed at a later date.

Mr. Andrew Swan (Minto): You know, we've heard from a lot of people tonight, as well as the first two nights this committee was hearing, and, actually, whichever side they happened to be on, whether they were supporting other provisions of Bill 19 or had great concerns with Bill 19, I didn't hear anybody say they didn't think there should be proper notice given, proper notice being in a newspaper.

All this section would do would be to allow Cabinet, at some later date, without going back to the public, without consulting with anybody else, with the stroke of a pen, to bring that section into force. I described it as a sword of Damocles in the House, a while—and I'm not sure that many members opposite knew what I meant. What it does mean is that this section, which the minister is going to hold up as having listened, is simply going to defer the possibility to prevent the need for these advertisements to go in newspapers without any further consultation.

Does the minister really think that that's acceptable based on everything he's heard from presenters over the last three nights?

Mr. Wharton: Well, I thank the member from Minto for those comments on the record, and if the member was to take part in the first couple of days he'll find that there was actually a balance struck by a number of presenters, from all sides of Bill 19, that felt that this bill struck a balance when it came to the areas in the bill that would, of course, affect fair say for municipalities along with them having the opportunity for fair communication, along with folks from the Manitoba Heavy Construction Association, along with AMM. It really felt—and Manitoba Community Newspapers Association felt

that there was a really good balance in this bill, unlike bills that were brought forward during the NDP er—

Mr. Swan: I'm sorry, which newspaper representatives came forward and said that they favoured doing away with advertising? Can the minister put that on the record?

Mr. Wharton: I don't believe I said they favoured in doing away with the opportunity for municipalities to put advertising on their websites. This will give them fair say to choose how best to communicate with their constituents.

Mr. Lindsey: I was at the previous nights' presentations and I don't recall anybody saying that not withdrawing the part that talked about advertising was a good idea. We heard from many presenters, certainly from the newspaper industry, that said take that section out all together. Don't just leave it hanging there to bring in at some future date.

So I'm not sure where the minister came to the conclusion that anybody that presented thought that just not proclaiming that section of this act was the right way to go. Certainly from the people that I heard, it was withdrawn that section altogether, so I would really encourage the minister to do that.

Mr. Wharton: Well, I would invite the member from Flin Flon to review Hansard, and I'm sure he will do his due diligence and review Hansard, and again remind the member that—and when he does review, he'll see that folks did talk about the industry, related to the Manitoba Community Newspapers Association, knowing and recognizing, and admitting here to this committee that, look, we know we're going to have to move towards a more web-based approach to getting our information out. We know it's coming, and, quite frankly, we understand that.

So we are taking a very balanced approach with saying absolutely, we hear you, we are going to not proclaim this area, and eventually, down the road, as I mentioned in meetings with Kim and their membership from Manitoba Community Newspapers Association, we are very prepared to move this into a later-date proclamation.

Mr. Swan: I'd ask the minister: Is that six weeks, is that six months, is that six years? When does the minister expect, then, that this section would then come into force?

Mr. Wharton: Well, I can only assume that when we do get connectivity across this province, which

we are making inroads as a new government—and I know that, of course, Bell MTS is making a million-dollar investment in our province under this new government, I can tell the member from Minto that certainly we'll be consulting with the Manitoba Community Newspapers Association during this process over the years to come.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: The committee before the question is as follows:

THAT Clause 32(2) of the Bill be amended by striking out "Sections 8–

An Honourable Member: Dispense.

Mr. Chairperson: Dispense.

* (21:40)

Shall the amendment pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

The amendment is accordingly passed.

* * *

Mr. Chairperson: Clause 32 as amended—pass; enacting clause—pass; title—pass.

Shall the bill be amended—no, should the bill as amended be reported?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those—oh—all those in favour of reporting the bill as amended, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Recorded Vote

An Honourable Member: Recorded vote, please.

Mr. Chairperson: A recorded vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.

Mr. Chairperson: Bill as amended be reported.

* * *

Mr. Chairperson: The hour being 9:41, what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 9:42 p.m.

WRITTEN SUBMISSIONS

Re: Bill 19

Dear Committee members,

I wish to add my voice in opposition to Section 25 of Bill 19—the removal of the requirement to publish public notices in the newspaper of record.

If the goal of this section of the legislation is to 'enhance communications with the public', then removing the publishing requirement is exactly the opposite of what should be done. I am in no way against adding a website to further inform the public,

but this should be done in addition, not in substitution of newspapers.

Whether the committee is aware of it or not, community newspapers are read weekly by 80 per cent of the people living in the communities they serve. 80 per cent!

In addition to being very well read overall, community newspapers are the media preferred by rural residents to receive information about all local issues. This includes issues important to the community and local government programs or initiatives. Please see my sources at the link below.

<http://adcanadamedia.ca/uploads/files/2018%20Study/2018%20AdWest%20Media%20Usage%20Study%20-%20Villages.pdf>

One of the most important rolls of government is to inform the citizenry. Call me cynical, but it seems like the wording of this section of the bill is designed more to bury contentious issues in some Internet backwater than to inform the citizenry of changes that could impact their lives and communities.

Sincerely,

Curtis Struth

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/hansard.html>