



June 8, 2015

John Turvey
Policy Advisor
Ontario Ministry of Agriculture, Food and Rural Affairs
1 Stone Road West
Floor 3
Guelph Ontario N1G 4Y2

Dear Mr. Turvey,

Re: Minimum Distance Separation (MDS) Formulae Revisions Consultation

The Beef Farmers of Ontario (BFO) appreciates the opportunity to make preliminary comments on the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) proposed Minimum Distance Separation (MDS) formulae revisions.

BFO represents beef producers from all sectors in Ontario by advocating in the areas of policy planning, industry development and research, and domestic and export market development. As potential revisions to the existing MDS formula will have far-reaching consequences for the Ontario beef industry, we appreciate the opportunity to provide comment.

While BFO broadly supports the intent of the MDS policy to prevent land use conflicts and minimize nuisance complaints from odour, the proposed revisions fall short of this aim and will only serve to marginalize a significant number of Ontario beef producers if implemented as proposed.

❖ **'Implementation Guideline #26: Factor B Nutrient Units Factor for MDS I Calculations'**

Of particular concern to BFO and its members are the potential significant ramifications that *'Implementation Guideline #26: Factor B Nutrient Units Factor for MDS I Calculations'* will have. As Table 1 highlights below, more than 83% of beef producers in Ontario would receive reduced setback protection from urban and non-agricultural land uses.

Table 1

Estimated Number of Beef Producers Impacted				
Total Number of Beef Producers (census data)			13,060	
Cow-Calf (reduced protection)	9,743/9,881 (99%)			
Backgrounder (reduced protection)	454/1,316 (34%)			
Feedlot (reduced protection)	686/1,863 (37%)			
Total			10,883	83%

Source: 2011, Census of Agriculture, Statistics Canada



Reducing setback distances for the vast majority of Ontario beef operations, including 99% of all cow-calf producers, will severely restrict future growth and expansion in our industry. This is extremely concerning and in direct conflict with the Growth Challenge set out by Premier Wynne, which challenged Ontario agriculture to double its annual growth by 2020. We simply cannot accept regulatory frameworks that actively limit the ability of small and medium-sized operations to grow and expand in the future.

The proposal, if implemented, would also come at the most unfortunate of times. With herd numbers at their lowest point in decades, it is safe to say we are at the bottom of the cattle cycle with current conditions ripe for growth and expansion. Historically high cattle prices over the last 18-24 months have injected equity into many Ontario beef operations, many of which have struggled over the last decade in the aftermath of BSE. With strong market prices and bullish demand for beef at home and abroad, now is not the time to handcuff operations from future growth and herd expansion potential.

Reducing MDS I setbacks will ultimately increase urban encroachment on small and medium-sized beef farms and will not decrease the problems with noise, odour and dust complaints that the original MDS policy sought to solve.

BFO strongly opposes the proposed MDS I formula revisions. If the true intent is to provide a greater level of protection for both farm and non-farm land uses then a better balance must be struck, to ensure that beef operations are not so disproportionately and unfairly impacted.

In the past 10 years alone, Ontario has lost more than one million acres of farmland to urban sprawl. Final decisions on MDS setback policy must strike a better balance between protection of farmland and non-agricultural development. The current proposal fails in this regard.

❖ **MDS Setbacks for Anaerobic Digesters**

If Anaerobic Digestors are to be included in the MDS guidelines, all reference to MDS setbacks under the Nutrient Management Act (NMA) should be removed, specifically Section 98.2.1. There is no provision for minor variance procedures under the NMA, while the MDS allows for minor variance if and when appropriate.

❖ **Implementation Guideline #11: MDS setbacks for building reconstruction**

The current policy does not require MDS II setbacks for livestock facilities that are being reconstructed as a result of catastrophe (e.g fire or wind damage). The proposed policy recognizes that there are other valid reasons for reconstruction, including public safety concerns and environmental issues, which is positive. However, under the proposed policy the MDS II calculation would still be required if the replacement livestock facility meets at least one of the following conditions:

- will house a different animal type which is more odorous than existed before reconstruction (resulting in a greater value for Factor A)
- will have a larger *design capacity* than existed before reconstruction (resulting in a greater value for Factor B)
- will change from a solid to a liquid manure system (resulting in a greater value for Factor D)
- will have a new *manure storage* with an increased relative odour potential (based on Table 5) than existed before reconstruction (e.g. going from a 'Very Low' to a 'Low' odour potential)

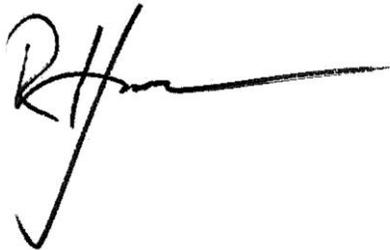


While we appreciate the flexibility of the MDS exemption for reconstruction purposes, the proposed policy is too restrictive as it triggers the requirement for MDS if there is any change in Factor A, Factor B or Factor D.

We strongly recommend that this policy be amended. A simplified and more practical policy would enable the MDS II exemption for reconstruction in all situations where the calculated MDS II based on all criteria for the replacement facility is equal to or less than the MDS II calculated for the current facility.

The Beef Farmers of Ontario would like to thank the Ontario Ministry of Agriculture, Food and Rural Affairs for the opportunity to comment on the proposed *Minimum Distance Separation (MDS) Formulae Revisions*. We would be pleased to answer any questions on the comments contained in this document and we look forward to participating in further consultations on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Horne', with a long horizontal stroke extending to the right.

Richard Horne
Manager of Policy and Issues

Cc: BFO Board of Directors
BFO Cow-Calf Committee
BFO Feedlot Committee
Chris Attema

