

January 18, 2019

The Honourable Todd Smith
Ministry of Economic Development, Job Creation and Trade
18th Floor, 777 Bay St.
Toronto, ON
M7A 1S5

Dear Mr. Smith:

RE: ERO 013-4293 Bill 66, Restoring Ontario's Competitiveness Act, 2018

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 38,000 farm family businesses across Ontario. Agriculture and agri-food businesses are leading economic drivers for the province, contributing nearly \$40 billion in GDP and employing over 822,000 Ontarians. These farm businesses form the backbone of our robust food system, and rural communities, with the potential to drive the Ontario economy forward.

OFA is a strong advocate of eliminating unnecessary red tape and regulatory burden for Ontario's agricultural community. Bill 66, *Restoring Ontario's Competitiveness Act, 2018*, aims to increase Ontario's competitiveness through red tape reduction and decreasing regulatory burden to stimulate job creation and economic growth. OFA welcomes this opportunity to provide the following comments on *Bill 66, Restoring Ontario's Competitiveness Act, 2018*.

Schedule 1: Ontario Ministry of Agriculture, Food, and Rural Affairs

Agricultural Employees Protection Act (AEPA), 2002

OFA is in support of the changes to the Agricultural Employees Protection Act (AEPA), which would extend its application to those employees engaged in ornamental horticulture. It is important to note, however, that the current definition of agriculture in the AEPA is very broad. OFA believes the current definition already encompasses edible and ornamental culture by default. Explicitly mentioning ornamental horticulture may inadvertently exclude those employees engaged in other aspects of horticulture, including fruit and vegetable production. We believe including language in the AEPA surrounding edible horticulture and all encompassing activities required to farm is necessary, as not to exclude other horticultural groups entirely.

Farm Registration and Farm Organizations Funding Act, 1993

OFA generally supports the proposed amendments to the *Farm Registration and Farm Organizations Funding Act, 1993*, meant to simplify program delivery and enhance responsiveness. However, the proposed amendments to section 2 eliminate the explanation of when one registration form is needed, in the event that two or more persons carry on a farming business together. Eliminating section 2 (2) of the Act could increase red tape and burden, as it may result in multiple registrations being filed for the same farming business. We recommend including clarification as to when one registration form is needed when one or more persons carry on a farming business together.

Ministry of Agriculture, Food and Rural Affairs Act

Farming is a capital-intensive business. With the cost of farmland and machinery on the rise, it is important that Ontario producers have access to credit to help improve farm assets, adopt new technologies, and improve their overall financial viability. OFA supports the proposed amendments to section 8 of the *Ministry of Agriculture, Food and Rural Affairs Act* to allow loan guarantees to be given not only to producers but also to lenders.

Schedule 3: Ministry of Education

Child Care and Early Years Act, 2014, and Education Act

Bill 66 proposes changes under the *Child Care and Early Years Act, 2014* which would increase the maximum numbers of children and lower the age threshold permitted in home-based child care. Bill 66 also proposes decreasing the age for children to participate in “recreational and skill building programs” from ages six to four. This would allow kindergarten-aged children to participate in authorized recreational programs, providing added options for parents with school-aged children. The changes to the *Education Act* correspond to the changes in the *Child Care and Early Years Act, 2014* with a few additional nuances. OFA is in favour of these changes, as we support developing flexible, accessible and affordable childcare services to meet the specific circumstances of rural and farm families.

Schedule 5: Ministry of the Environment, Conservation and Parks

Toxics Reduction Act, 2009

OFA supports the provincial government move to adopt the Canada Chemicals Management Plan for facilities owners and operators to ensure that a toxic substance reduction plan is in place for any toxic substance, in accordance with the Federal Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations.

OFA supports making it easier for people to report violations and recommend that the government ensures that any compliance system conducts scientifically sound investigations to remove the spectre of harassment or false reporting.

Schedule 7: Ministry of Government and Consumer Services

Wireless Services Agreements Act, 2013

OFA is in favour of repealing the *Wireless Services Agreements Act, 2013* as it would eliminate duplication with federal regulations. OFA would like to reiterate its position that access to reliable high-speed internet and telecommunication services is vital to modern farming businesses.

Access to these services should be affordable and competitively priced for all provincial residents, including those in rural Ontario.

Schedule 9: Ministry of Labour

Employment Standards Act (ESA), 2000

Bill 66 proposes changes to the Employment Standards Act (ESA) which would no longer require employers to publish the ESA poster in the workplace. The poster provides information concerning the rights and obligations of employers and employees under the Act. OFA is in support of this change, as employers will still be required to provide an employee with a copy of the poster within 30 days of employment.

Additional amendments to the ESA proposed in Bill 66 would remove the need for employers to obtain approval from a Director of Employment Standards to make agreements allowing their employees to exceed 48 hours of work in a work week. The job categories in the agricultural sector are not covered by the hours of work provisions under the ESA, and therefore this change will not impact the agricultural sector.

Schedule 9 to Bill 66 would remove the requirements for employers to seek Director approval to average their employee's hours of work. The agricultural sector would not be impacted by this amendment, as the overtime provision does not apply to the agricultural sector job categories.

Labour Relations Act, 1995

Amendments to the *Labour Relations Act, 1995* expanding the definition of "non-construction employer" do not impact the agricultural sector.

Schedule 10: Ministry Municipal Affairs and Housing

Planning Act

Before addressing the proposed amendments to the *Planning Act* in Schedule 10 of Bill 66, we emphasize that Ontario only has one landscape. That means that the **full range** of landforms and land uses found across Ontario; agricultural, industrial, rural, residential, natural heritage, commercial, cultural heritage, mineral extraction, etc. must share that landscape. Ontario's agricultural areas not only provide us with food, fibre and fuel, but also a broad range of environmental and ecological goods and services that benefit all Ontarians. To fulfill their role and function for all Ontarians, Ontario's prime agricultural lands **must** be separated from non-compatible land uses. To do otherwise, as Schedule 10 of Bill 66 proposes, will be "death by a thousand cuts" for the family farm businesses, farm input supply businesses and food processing businesses located throughout Ontario.

Agriculture is southern Ontario's principle resource-based land use. Protecting Ontario's prime agricultural areas for their long-term agricultural use is a key provincial policy objective, noted not only in the *Planning Act* [section 2.(b)], but also in the Provincial Policy Statement, the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan. Retaining our finite and shrinking agricultural lands to produce food, fibre and fuel is critical.

Schedule 10 of Bill 66 is a direct attack on the family farm businesses, farm input supply businesses and food processing businesses located throughout Ontario. On-farm production of food underpins a broad spectrum of rural and urban businesses. Farm input supply businesses provide the goods and services farm businesses depend upon; seed, feed and fertilizer, farm equipment dealerships, building supply retailers, not to mention veterinarians, banking, insurance, etc. There are numerous food processing businesses located throughout Ontario, but concentrated in the Greater Toronto/Hamilton area, dependent on the fruits, vegetables, grains, oil seeds, livestock, poultry and fish grown and raised by Ontario farm businesses.

In 2017, Ontario's family farm and food processing businesses contributed \$39.5 billion in GDP and supported 822,483 jobs. Agriculture and agri-food are the number one economic contributor to Ontario's overall economy. Jeopardizing these stable, recession-resistant businesses and jobs runs counter of an "open-for-business" mindset. Agriculture is a **business**. This proposal presumes that agricultural land should no longer be preserved and protected for agriculture to make way for commercial and industrial businesses. By putting Schedule 10 forward, the Ontario government is suggesting that agricultural businesses should be shut down and paved over to make way for industrial development.

While Bill 66 claims to "give businesses more flexibility to create jobs right here at home", Schedule 10 forgets and abandons the businesses that are already here in our agri-food sector. As noted, agriculture and agri-food are Ontario's number one economic contributor. OFA appreciates the Ontario government's intention to cut red tape and be "Open for Business". However, there are alternative ways that do not compromise our agricultural businesses, our clean water, and strategic land use protection. Agri-food is the recession-resilient answer to economic growth in this province.

The primary principle behind land use planning is to group compatible uses together, while at the same time separate non-compatible land uses. The widespread practice of dedicating large, contiguous tracts of agricultural land solely for agricultural uses is to facilitate their viability, and to ensure that non-compatible uses, which are detrimental to agricultural viability, are located elsewhere. Agriculture in the 21st century needs large, contiguous tracts of agricultural land reserved for agricultural uses. It minimizes complaints from non-farm neighbours over agricultural odours, noises, dusts, etc. While none of these "nuisances" pose a threat to public health or safety, they nevertheless present a temporary inconvenience; manure odours, dusts from planting, tilling or harvesting, noises from livestock or farm equipment operating at odd hours to avoid impending adverse weather.

Locating industrial facilities outside of urban settlement areas benefits no sector of the economy. Municipalities will be faced with the need to service scattered sites located at some distance from fully serviced settlement areas. Neighbouring farm businesses must contend with incompatible uses adjacent to them (industrial odours, noises, dusts, etc.). Facilitating scattered industrial sites also facilitates the fragmentation of a finite and shrinking resource, Ontario's prime agricultural land, which provides Ontario's agri-food processors, retailers and restaurants with safe, affordable, locally produced (greenhouse gas benefits) and close to market food. A mere 5% of Ontario's land base is currently capable of supporting agricultural production. Between 2011 and

2016, Ontario lost 319,700 acres of agricultural land, or the equivalent of 175 acres/day over that five-year period. Going back to the 1996 census, Ontario has lost 1.5 million acres of agricultural land.

Agricultural land not only provides us with safe, affordable food, but also provides a range of ecological and environmental services that benefit all Ontarians. In alphabetical order, these services include aesthetic and recreational space, air quality (carbon sequestration, climate regulation, oxygen production), biodiversity, nutrient cycling, pollination services, soil erosion control and water cycling (flood mitigation, groundwater recharge, purification, retention).

Facilities located outside the urban envelope will face a lack of services, or higher costs to service their site, plus longer distances for inputs and outputs; distances to shipping points, etc. Furthermore, employees will live at some distance from these remote and scattered facilities, leading to longer commute times and reliance on private vehicles as these new sites will not be served by public transit.

OFA urges the provincial government to enhance agri-food growth in Ontario by showing farmers and food businesses that we are “Open for Business” by:

- Using the Provincial Policy Statement definitions and language in all Four Provincial Plans. A lack of consistency across the Plans leads to confusion for businesses and subjective interpretation by the many stakeholders involved.
- Supporting the Agricultural System to consistently protect farmland across the Greater Golden Horseshoe and support the prosperity of the agri-food sector. OFA supports the provincial mapping of the Agricultural Land Base, including identification of Candidate Areas for inclusion in the Agricultural Land Base. OFA also supports the implementation of the agri-food network. For agriculture to prosper, smart land use planning that protects farmland needs to align with economic development to support agriculture-related businesses along the supply chain.
- Adhering to the designated greenfield density targets of “not less than 80 residents and jobs combined per hectare” and implement this requirement as soon as possible. In addition, OFA would welcome the adoption of fixed, permanent urban boundaries to contain urban sprawl.
- Transferring oversight of the Niagara Escarpment Plan from the Ministry of Natural Resources and Forestry (MNRF) to the Ministry of Municipal Affairs and Housing (MMAH). Businesses should not need to contact multiple ministries and multiple governing bodies for similar provincial plans.
- Targeting smaller communities for infrastructure and economic investments to distribute economic development, reduce congestion and growth pressures in the Greater Toronto Area. The growth pressures will continue to make life unaffordable and challenging for the average resident, not to mention the pressure of developing agricultural land- Ontario’s most important resource.

The current pattern of growth is unsustainable. The Province's priorities to increase housing supply and affordability, create jobs, reduce red tape, attract new investments, and build strategic partnerships align exceptionally well with our Producing Prosperity plan, and OFA has solutions that will mutually achieve our objectives.

Furthermore, OFA is opposed to the proposed "open-for-business planning by-law". The consultation documents state that this "tool would support the government's one-year service standard for provincial approvals related to these land use planning proposals". However, OFA believes that this is not the appropriate approach to meeting the service standard. Removing requirements for businesses to meet existing laws and regulations is NOT justifiable. The people of Ontario are better served by a comprehensive review of the approval process for new businesses – not a blanket exemption from rules if the business is large enough.

OFA recognizes the need to reduce regulatory burden and red tape to ensure Ontario remains at the forefront in a competitive environment. In the 2018 Ontario Economic Outlook and Fiscal Review, the government references a recent Ontario 360 paper, highlighting the cost of red tape. In this paper, red tape is defined as rules, policies, and poor government services that do little or nothing to serve the public interest, while creating financial cost or frustration to producers and consumers alike. While we feel aspects of Bill 66, *Restoring Ontario's Competitiveness Act, 2018* accomplish this goal, we believe that Schedule 10 does not serve to reduce red tape, rather it aims to remove justified regulation that serves the public interest.

On behalf of OFA's more than 38,000 farm family businesses, we look forward to continuing to work with the Ontario government to develop actions that moves us toward an even stronger, more vibrant agri-food sector and support the future of farming and agri-food production in Ontario.

Sincerely,



Keith Currie
President

cc: Hon. Doug Ford, Premier of Ontario
Hon. Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
Hon. Lisa Thompson, Minister of Education
Hon. Bill Walker, Minister of Government and Consumer Services
Hon. Laurie Scott, Minister of Labour
Hon. Steve Clark, Minister of Municipal Affairs and Housing
Hon. Monte McNaughton, Minister of Infrastructure
OFA Board of Directors