

October 20, 2020

The Honourable Jonathan Wilkinson
Minister of Environment and Climate Change
200, Sacré-Coeur Blvd, 2nd Floor
Gatineau, Quebec K1A 0H3

Via email: Jonathan.Wilkinson@canada.ca

Dear Minister Wilkinson:

Re: The Updated Proposed Changes to the Draft Clean Fuel Standard Regulations

Respecting concerns raised by our membership and farmers across Canada, I would like to provide comment on various aspects of the proposed edits to the draft Clean Fuel Standard (CFS) regulations presented to stakeholders this September.

The proposed regulatory changes have elevated worries within Ontario's farming community and many aspects remain of concern for farmers.

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We are passionate and dedicated to ensuring the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses.

Farmers are concerned that adherence to CFS-designated riparian buffer zones will take significant acreage out of production and will take some farms with multiple buffer zones completely out of biofuel crop production. Although the grandfathering clause allows farmers to continue harvesting biofuel feedstock on cropland farmed prior to January 2020, this will put significant constraint on future expansion and land diversion opportunities. Most farmers adhere to exceptional farm management practices, sufficient to ensure appropriate check on encroachment within riparian buffer zones.

The Environment and Climate Change Canada (ECCC) consideration that forest harvesters are guided to abide by forestry best management practices highlights the appropriateness for ECCC to accept that farmers would abide by similar guides. We recommend CFS regulations for farmers consider adopting existing agricultural best management as sufficient to meet CFS Land Use and Biodiversity (LUB) compliance.

Farmers are concerned about restrictions on farmland expansion into non-agricultural zones, such as forest clearing. Expanding the agricultural land base in Northern Ontario is necessary to maintain Ontario's food production capacity as farmland is lost to urban development in southern Ontario. The Ontario Ministries of Northern Development and Mines (MNDM) and Agriculture Food and Rural Affairs (OMAFRA) have championed efforts to grow agricultural production in Northern Ontario:

The Northern Ontario Heritage Fund Corporation (NOHFC) is an Ontario government agency overseen by MNDM. Its mandate is to support the Growth Plan for Northern Ontario through strategic economic development initiatives. The agency has supported agricultural development in Northern Ontario through several programs, and OMAFRA and MNDM staff based in Northern Ontario work closely with the NOHFC.

Since 2013, the NOHFC has invested \$27 million to improve over 50,000 acres of land in Northern Ontario to encourage agricultural production. The funding has assisted farmers to clear land and install tile drainage. The NOHFC also provided northern agri-food industries with \$24 million in funding for business start-ups and expansions.

- Northern Ontario Food Strategy, May 2018¹

Our farm member concerns were partially addressed in the short-term by switching the crop expansion base-year from 2008 to 2020. This will help improve CFS data, but the significant impact on future cropland expansion remains. We recommend the CFS recognize that the Ontario provincial government has policy in place to sustain and expand agricultural production in the northern Ontario region. With respect to cropland expansions, OFA strongly recommends that draft CFS regulations not discourage biofuel feedstock production and not be at cross-purposes with other agriculture-related government policy objectives and initiatives established at the federal, provincial and/or regional level.

Farmers are concerned about verifying their compliance with CFS regulations and the participant costs to continue harvesting biofuel crops. Aligning criteria with the US EPA (Environmental Protection Agency) guidelines would help the import and export of biofuel feedstocks. Although it appears the CFS will use aggregate compliance, most crop producers are worried that there will not be a viable solution with any details provided to the public prior to publication of CFS regulations in the Canada Gazette Part 2. OFA strongly recommends ECCC delay the start date for implementing LUB criteria, align the compliance baseline year with the delayed start date, and adjust CFS milestone dates, in order to allow ECCC adequate time to receive detailed stakeholder input about administration and verification burdens and costs. CFS parties cannot enter into informed production agreements until these details are clear and acceptable CFS regulations have gone through a legislated comment period.

Thank you for considering these comments. OFA would like to partner and work with ECCC and the federal government to create a set of attainable regulations for Ontario farmers based on farmers' best management practices as environmental stewards. We look forward to the opportunity to meet with you and discuss our concerns and how they can be addressed moving forward.

Sincerely,



Keith Currie
President

cc: OFA Board of Directors

¹ <http://www.omafra.gov.on.ca/english/northernagrifood/noas.htm#StrengthenAAFP>