

October 30, 2023

Ministry of the Environment, Conservation and Parks
Permissions Modernization Team
Client Services and Permissions Branch
135 St. Clair Avenue West, Floor 1
Toronto, ON M4V1P5

Sent via email, to: permissions.modernization@ontario.ca and submitted online through the Environmental Registry of Ontario

Dear Permissions Modernization Team,

RE: ERO 019-6951 - Exploring changes to streamline the permit-by-rule framework

On behalf of the Ontario Federation of Agriculture (OFA), thank you for the opportunity to participate in the consultation process for “Exploring changes to streamline the permit-by-rule framework”. We are in favour of the intent of creating more efficient environmental permissions processes. Generally, we are in favour of this proposal, however we see the need for some very important protections to be incorporated. Our topline feedback is summarized below:

- In favour of peer review through a third-party consultant.
- Establishment of discharge criteria must consider potential impact to agricultural properties where applicable, to ensure the safety of our food and well-being of our livestock.
- The timely rehabilitation of aggregate operations to sustainable agricultural production must remain.
- While we do not disagree with the development of codes of practice outside of the legislation, we believe that this cannot occur without developing very strong enforcement protocols.
- We strongly support the unmentioned benefit of moving certain activities to an EASR – that is a faster processing time for those activities that remain subject to more traditional permissions such as Environmental Compliance Approvals (ECA) and Permits-to-Take-Water (PTTW).
- We look forward to further conversations and consultations regarding this process, as well as exploring options for some agricultural processes to be brought under the EASR process.

Enable more activities to register for a permission when they demonstrate they meet established environmental outcomes:

OFA is in favour of exploring the option of having assessments subject to peer review through a third-party consultant.

We believe that the requirement of proponents to meet discharge criteria must include stringent rules if agricultural properties or activities are located nearby. Stringent discharge criteria and standards must be enforced if there is any potential for discharge or spills to impact an agricultural operation, as a means to ensure the safety of the food grown in Ontario and the well-being of our livestock.

While this proposal is exploring whether aggregate operations are good candidates for an assessed EASR, we would like to reiterate our policy that states:

OFA believes that agricultural activities make the best use of arable lands, and that the productivity of those lands must be maintained. Aggregate extraction should be prohibited on prime agricultural land (classes 1-4), and specialty crop lands. While we recognize the critical importance of aggregates for upgrading and maintaining our networks of roads and bridges, as well as for residential, commercial, institutional and industrial construction, we insist that agricultural lands be fully rehabilitated to their former use for sustainable agricultural production, in a timely manner.

While the Ministry considers bringing aggregate stormwater and wash water under an assessed EASR process, we encourage discussions with the agricultural community to ascertain if there are similar opportunities for similar agricultural processes.

With regards to suggestions for outcomes established for aggregate operations, we believe that the timely rehabilitation to sustainable agricultural production must be maintained and enforced.

Exploring improvements to Ontario’s permit-by-rule framework – Potential improvement options and questions for discussion:

While we can see the value and benefits of “moving prescribed rules governing activities into ‘codes of practice’ outside of regulation”, we believe that this must not be done without ensuring some very clear rules and protections around enforcement. Currently, the Ministry can “enforce compliance with regulatory requirements.” If these codes of practice are moved outside of regulation, how can they be enforced? We believe that these codes of practice must still be legally binding and subject to enforcement. Ministry officials must have the power to mandate compliance with codes of practice if a proponent/operator works outside of these codes that results in harm. There must be a requirement to follow provincial recommendations in cases of a contravention. These recommendations should include the power to mandate remediation if there is an impact to another property or operation. For example, if a proponent permits an effluent to be discharged

onto a neighbouring agricultural property that ends up causing harm to the livestock grazing on that land and is confirmed through Provincial investigation, then the proponent must also compensate the farmer for both the harm to the livestock and remediating the land to ensure the removal of the effluent.

Finally, one benefit of moving some environmental permissions to an EASR system, the processing times for permit applications outside of this process, such as ECA's and PTTW, should be decreased significantly.

OFA is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

OFA appreciates the opportunity to provide our feedback and agricultural perspectives on exploring changes to streamline the permit-by-rule framework. We look forward to further consultations on this concept as they continue to be developed and refined.

Sincerely,



Peggy Brekveld
President

cc: Hon. Lisa Thompson, Minister, Ontario Ministry of Agriculture, Food and Rural Affairs
OFA Board of Directors