

December 12, 2024

Food Safety and Environmental Policy Branch
Ontario Ministry of Agriculture, Food and Agri-Business
1 Stone Road West, 2nd Floor
Guelph ON
N1G 4Y2

Submitted via email on the Regulatory Registry

To whom it may concern,

RE: 24-OMAFRA017 - Compliance Modernization - Proposed Amendments to Regulation 950 to expand the ability to issue tickets

OFA is pleased to have the opportunity to provide input to “24-OMAFRA017 - Compliance Modernization - Proposed Amendments to Regulation 950 to expand the ability to issue tickets.” We are generally in favour of the proposal as presented; however we have some concerns regarding details that are not addressed in the consultation, that have the potential to be unsupportable by OFA.

We appreciate that the list of provisions to which a ticket may be issued is very clearly delineated in this consultation. **Further consultation with the agricultural sector must be held if any additional provisions are to be captured under this proposed authority for issuing tickets.**

OFA agrees with the need to hold the people of Ontario accountable to the rules. No one should profit from contravention of the laws and obtain an advantage over those who do follow the rules. However, we do believe that there are many approaches available to ensure compliance with the laws and rules. **We believe that OMAFA’s current progressive compliance approach that begins with education and awareness, then moves to warnings and compliance orders before moving to licence suspension or prosecution, must remain as the standard approach to enforcing legislation, with the issuance of tickets falling after compliance orders to capture recurring offences.**

Tickets must remain limited to recurring offences and the ability to issue tickets remains solely with specially trained OMAFA staff, as indicated in the consultation. We applaud the recognition that these OMAFA staff “will continue work closely with sectors to set clear expectations and outcomes in meeting food safety, animal welfare, and other consumer protection requirements.”

We do have concerns regarding the lack of details around the potential fines. It is our understanding that the fines will be set (not discretionary), and that the Chief Justice of Ontario ultimately determines the final range of fines. We are concerned as to what this range may be, and believe they must be proportional to the severity and frequency of non-compliance(s). **We highly recommend further consultation with the agricultural sector regarding the value of the fines.**

Furthermore, OFA has significant concerns regarding the potential structure of the fines. We are opposed to a ticket system that differentiates between corporations versus individuals for the agricultural sector; **we recommend that agricultural operations be treated as individuals regardless of incorporation status for the purpose of ticketing**. The reason for this is that, in the majority of agricultural circumstances, the “individual” is the corporation, unlike industrial operations. Farmers incorporate their businesses for a variety of reasons, including succession planning and tax reasons. There are a significant number of family farms and sole proprietorship farms that are incorporated.

The consultation also does not detail how fines will be collected and how that money will be used. **OFA believes that money collected from tickets to agricultural operations should be reinvested into the agricultural community.**

This consultation also does not detail an appeals process for the potential issuance of tickets for these very specific provisions under current legislation. **We believe there needs to be a system of appeals for tickets available, and that appeals should be made to an agricultural-related authority, such as the Agriculture, Food and Rural Affairs Appeal Tribunal.**

OFA appreciates the opportunity to provide our feedback and agricultural perspectives on the proposed amendments to Regulation 950 to expand the ability to issue tickets for the proposed list of provisions in current legislation. We look forward to further consultations on this concept as they continue to be developed and refined.

Sincerely,



Drew Spoelstra
President

cc: OFA Board of Directors