

MANITOBA CLEAN ENVIRONMENT COMMISSION

HOG PRODUCTION INDUSTRY REVIEW

TRANSCRIPT OF PROCEEDINGS

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Held at the Elks Hall

Virden, Manitoba

MONDAY, APRIL 16, 2007

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APPEARANCES:

Clean Environment Commission:

Mr. Terry Sargeant	Chairman
Mr. Edwin Yee	Member
Mr. Wayne Motheral	Member
Ms. Cathy Johnson	Commission Secretary
Mr. Doug Smith	Report Writer

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NO EXHIBITS MARKED

1 MONDAY, APRIL 16, 2007

2 UPON COMMENCING AT 1:05 P.M.

3 THE CHAIRMAN: Good afternoon, ladies
4 and gentlemen. Welcome to the Clean Environment
5 Commission hearings. I have lost track of what
6 day this is, but it is about day 10 or 11. I have
7 a few opening comments and then we will proceed
8 hearing from a number of you people.

9 The Clean Environment Commission has
10 been requested by the Minister of Conservation to
11 conduct an investigation into the environmental
12 sustainability of hog production in Manitoba.

13 The Terms of Reference from the
14 Minister direct us to review the current
15 environmental protection measures in place
16 relating to hog production, in order to determine
17 their effectiveness for the purpose of managing
18 the industry in an environmentally sustainable
19 manner.

20 Our investigation is to include a
21 public component to gain advice and feedback from
22 Manitobans.

23 We have also been asked to take into
24 account efforts underway in other jurisdictions to
25 manage hog production in those jurisdictions in a

1 sustainable manner.

2 Further, we are to review the contents
3 of a report prepared by Manitoba Conservation
4 entitled: "An Examination of the Environmental
5 Sustainability of the Hog Industry in Manitoba."
6 At the end of our investigation, we will consider
7 various options, and make recommendations in a
8 report to the Minister on any improvements that
9 may be necessary to provide for environmental
10 sustainability.

11 To ensure that our review includes
12 issues of importance to all Manitobans, the panel
13 has undertaken to hold 17 days of meetings in 14
14 communities throughout the agricultural part of
15 the province. These meetings began in early
16 March, and will continue until the end of next
17 week, with our final public meeting scheduled for
18 Friday, April 27th, in Winnipeg.

19 It is open to any group, or
20 individuals, to make a presentation to this panel
21 on issues related to hog production. For the most
22 part, presentations are to be limited to 15
23 minutes. Exceptions may be made, in some cases,
24 where a presenter needs more time, and provided
25 that arrangements have been made ahead of time

1 with the commission secretary.

2 Presenters will be asked to take an
3 oath promising to tell the truth. Presentations
4 should be relevant to the mandate given the
5 Commission by the Minister, and to the issues
6 described in the Guide to Public Participation in
7 this review. If a presentation is clearly not
8 relevant, it may be ruled out of order. And if it
9 is clearly repetitive, that may also be ruled out
10 of order.

11 Members of the panel may ask questions
12 of any presenter during or after the presentation.
13 There will be no opportunity for other presenters
14 to question or cross-examine presenters.

15 In addition to these public meetings,
16 the Clean Environment Commission is engaging a
17 number of consultants to assist us in this review.
18 The results of those research endeavours will be
19 posted on our website upon receipt, which we
20 anticipate to be in late June. Parties and
21 individuals will be invited to provide comment on
22 any of these reports, if they so wish. A
23 reasonable, albeit brief period of time, will be
24 allowed for this.

25 Written submissions will also be

1 accepted. Information as to how to submit written
2 suggestions is available on our website. The
3 deadline for such submissions is May 7th.

4 We also realize that many people are
5 reluctant to make presentations in public, for a
6 variety of reasons. To that end, or to address
7 that concern, we have engaged a graduate student
8 from the University of Manitoba to meet with or
9 talk on the phone with people who would rather not
10 speak publicly at meetings. These meetings or
11 telephone conversations will be held in
12 confidence. Information as to how to contact this
13 person is available on both our website and at the
14 table at the entrance.

15 Some administrative matters. If you
16 wish to make a presentation today, but haven't yet
17 registered, please advise Joyce at the table by
18 the entrance. As is our normal practice, we are
19 recording these sessions. Verbatim transcripts
20 will be available online in a day or so. You can
21 find the link from our website.

22 In respect of cell phones, I would ask
23 that they be turned off or at least that the ring
24 tone be turned off. If you must take a call, I
25 would ask that you leave the room. And I would

1 ask that you not engage in any conversations while
2 people are making presentations.

3 And, finally, I overlooked introducing
4 the panel. My name is Terry Sargeant. I am the
5 chair of the Clean Environment Commission and the
6 chair of this panel. With me on the panel are
7 Wayne Motheral and Edwin Yee. So those are my
8 brief opening comments. We have a fairly full
9 afternoon scheduled.

10 The first person on the agenda for
11 this afternoon is Mr. George Wipf. Would you
12 please come up to the table at the front? Would
13 you please state your name for the record?

14 MR. WIPF: I'm George Wipf.

15 GEORGE WIPF, having been sworn, presented as
16 follows:

17 THE CHAIRMAN: Go ahead, sir.

18 MR. WIPF: Good afternoon members of
19 the Clean Environment Commission panel and ladies
20 and gentlemen of the audience.

21 My name is George Wipf. I'm from the
22 Souris River Colony at Elgin, Manitoba. We farm
23 approximately 6,000 acres of land, with a 900 sow,
24 farrow to finish, operation. Also included in the
25 livestock is a beef and dairy cows operation. The

1 hog operation is a multiplier operation, with half
2 purebred and half F1 sows. It is a high health
3 unit. About 1/3 of the animals are sold as
4 breeding stock.

5 THE CHAIRMAN: Two things. Could you
6 slow down a bit, please? Our recorder has trouble
7 keeping up with you. And could you also explain
8 what an F1 sow is?

9 MR. WIPF: A purebred sow is a
10 purebred sow. An F1 is one grade down from that a
11 bit.

12 THE CHAIRMAN: If you could just slow
13 down a bit, please.

14 MR. WIPF: Now, in order to sell
15 breeding stock, we have got to maintain a
16 disease-free environment. The operation uses an
17 on-site manure separator and a holding lagoon for
18 the liquids.

19 The operation is considered a large
20 animal unit and falls under the large animals unit
21 guidelines. Four years ago we built a lagoon for
22 a liquid holding tank. We also filed a plan with
23 the local R.M. and Manitoba Conservation. We got
24 engineered plans and a licensed contractor to dig
25 the lagoon. When we put the plans in place for a

1 manure separator, Manitoba Conservation approved
2 the plans.

3 All large animal units fall under the
4 Manitoba Livestock Mortalities and Manure
5 Management Regulations, and are required to file a
6 Manure Management Plan. Souris River Colony hires
7 independent third parties to do the soil testing.
8 The colony uses a professional agrologist and
9 certified crop advisors, who have successfully
10 completed an acceptable nutrient management
11 course. We soil test all our land in the fall of
12 every year, using GPS locators and the services of
13 A & L Soil Services. The manure gets spread both
14 in spring and in fall. Excuse me. We spread the
15 dry manure on crop land in summertime, and
16 irrigate the liquids with a pivot system, in
17 accordance with soil requirements. Usually we do
18 not put any other fertilizer on the land that we
19 apply manure on.

20 The manure from the dairy is pumped
21 into the same system and is handled in the same
22 manner. All dry manure is summer applied with
23 manure spreaders.

24 Our colony has been complying with all
25 Federal and Provincial regulations, and it costs

1 us more than \$5,000 annually. And all of that is
2 to cover the costs of soil and water testing and
3 for professional services. And in view of the
4 level of importance that is being placed on this
5 data collection, and the potential usefulness of
6 this data for provincial reporting on our
7 environmental health, I would strongly recommend
8 that the government should bear the costs of these
9 tests.

10 Huttherite people are considered as
11 long-term land holders. In order to own anything
12 long-term, a person must take care of it. We
13 pride ourselves, as do most farmers, as excellent
14 stewards of the land. It is my wish to hand down
15 my farm to the younger generation, so the onus is
16 on me to take care of my soil, to the best of my
17 capacities.

18 All market hogs go to Maple Leaf in
19 Brandon. In order to sell to Maple Leaf, and in
20 order to keep our multiplier status, we had to
21 become HACCP certified, which means that the barn
22 has to be checked by Federal and Provincial
23 veterinarians twice a year. Also, all drugs must
24 be purchased via prescription, and a log must be
25 kept to show which animals got which drug. It is

1 a regulated industry. As a fact, the hog
2 industries is the most regulated of all other
3 industries in the province.

4 Yet, it is safe to say, that outside
5 of Quebec they face the most opposition. The
6 naysayers are relentlessly trying to slow it down
7 or are trying to downsize it. Last year the
8 Provincial Government finally recognized that
9 Manitoba has a serious brain drain, or that the
10 fact that many of our young people are leaving our
11 province for work and to live elsewhere. The
12 government of the day gave out tuition incentives,
13 of which they are to be commended. Yet, at the
14 same time, they turn around and are trying to shut
15 down one of the few thriving industries that we
16 have left.

17 The hog industry, according to
18 Statistics Canada, in the Province of Manitoba
19 contributed \$1.72 billion or 44.9 percent of total
20 farm cash receipts, making it the most valuable
21 agricultural commodity in Manitoba. Again,
22 according to Statistics Canada, in 2002, 32,000
23 people were directly employed in Manitoba's
24 agricultural industry.

25 In addition, it is estimated that

1 17,000 people are employed in other areas of the
2 provincial economy as a direct result of the
3 agricultural economy. This would bring the total
4 to 49,000 people or 8.7 percent of Manitoba's
5 labour force in 2002. If we take Statistics
6 Canada's spin figure of 4:1, then considering
7 that, the total of 49,000 times four is 196,000
8 people. In 2002, Manitoba had approximately one
9 million people. And so there were, approximately,
10 20 percent of all Manitobans benefitted from
11 Manitoba's agricultural industry.

12 Manitoba is the largest pig producing
13 and pig exporting province in Canada, with close
14 to 30 percent of the total pig production in 2006.
15 Manitoba pigs are the best in Canada and, in fact,
16 the world. Manitoba sows are the best producers
17 in Canada, producing an average of 2.2 tonnes per
18 sow per year, as compared to the rest of the
19 Canadian average of 1.7 in 2005. Manitoba hog
20 producers thrive to be the best in the world.
21 Manitoba hogs are recognized as some of the best
22 indexing hogs, the leanest, and the most
23 sought-after in the meat and breeding markets.
24 Yes, I know that there are those who say that the
25 Province of Manitoba is overcrowded with hogs.

1 However, it is a fact that Manitoba has one of the
2 lowest pig densities of all major hog producing
3 provinces in the States or countries.

4 Hog producers, like all other farmers,
5 are facing hard times. In 2006 the value of pigs
6 produced in Manitoba was \$880 million. In 2005,
7 it was over one billion dollars. In 2004, it was
8 \$995 million. The number of pigs farms in 1971
9 was 14,200. In 2006 it was 1,300. It does not
10 take much of a genius to figure out that between
11 1971 and 2006, over 14,000 jobs were lost in the
12 rural area and millions of dollars gone from the
13 rural economy. A devastating loss to nearby small
14 towns and villages.

15 The people of Manitoba had better
16 think very long and very hard before they decide
17 to downsize this very valuable industry. The
18 cattle industry in this province can be used as a
19 very valuable lesson. We have virtually no
20 slaughter capacity left in our province. The
21 recent rebuilding attempts by such groups as
22 Rancher's Choice should tell us that revitalizing
23 an industry after it is destroyed is next to
24 impossible.

25 I was born on the banks of the

1 Assiniboine River, 20 miles west of Winnipeg. For
2 23 years of my life, I considered Winnipeg my
3 hometown. I moved away from the city about 30
4 years ago. Today when I visit the city, I am
5 disappointed at what I see. I remember as a
6 16-year-old taking hogs to Winnipeg. We had a
7 choice where to deliver hogs to. There was O.K.
8 Packers, Jack Forgan Packers, Schneiders, East
9 West Packers, Canada Packers, Swifts, Burns in
10 Winnipeg and in Brandon.

11 In later years, Maple Leaf purchased
12 Burns and Schneiders, and today remains the sole
13 packing plant in Winnipeg. Let us not forget that
14 Maple Leaf has announced that they will shut down
15 the Winnipeg slaughter line later this year,
16 leaving Winnipeg with no slaughter capacity
17 whatsoever, zero. Excuse me.

18 For those that say a new plant is in
19 the works, can I only say "wishful thinking." The
20 recent announcement by Olywest to withdraw was the
21 first sinking stone. The only other big player
22 left is Big Sky. The recent rumours going around
23 the industry is that Big Sky is going to build in
24 Saskatoon. Considering all of the opposition the
25 killing plant received in Winnipeg, and

1 considering that Big Sky is a Saskatchewan
2 company, with lots of Saskatchewan money behind
3 it, I do not believe the proposed plant will ever
4 be built. Should Winnipeg's slaughter capacity be
5 at zero in 2009, I will not be surprised. Let's
6 look at history. I still remember there being
7 three or four slaughter plants in Winnipeg for
8 beef. Today there are none.

9 In the past, I can remember a bridge
10 building plant, Dominion Bridge, gone today. Two
11 flour mills, Maple Leaf and Ogilvie mills, gone.
12 Boiler Building, the boiler that we used to heat
13 our barns, Vulcan Iron Works, gone today. Four
14 beer breweries, one small one left. Co-op
15 Implements, gone. Manitoba Sugar, gone.

16 These are just six that I mention, yet
17 there are dozens more, from ship hull building to
18 sewing factory, jean factories to brick building.
19 Winnipeg used to be the proud owner of many
20 enterprises. Sadly to say, there is little
21 manufacturing left in the city.

22 It must also be mentioned that the
23 rest of the province has not fared any better.
24 The number of flour mills in the province at one
25 time was so plentiful that they were hard to

1 count. Today counting them is easy. There is
2 only one left that I know of. 40 years ago,
3 almost every town had a creamery and cheese making
4 plant. Today there is only one left, which is
5 Saputo Cheese in St. Claude and/or Winkler.

6 Who can argue against the fact that we
7 need more industry in this province? We should
8 all work on making or passing laws that make it
9 easier to develop safer workplaces in the
10 province. Why must we lose so many of our people
11 to the west or the Unites States?

12 The Province of Manitoba has openly
13 pointed out the hog industry as a prime target to
14 start cleaning up Manitoba's lakes and rivers.
15 Will somebody please tell me what's going on? The
16 National Centre for Livestock and the Environment,
17 from the University of Manitoba, has openly said
18 that only one percent of the phosphorous comes
19 from the hog industry, blaming all the rest of the
20 big cities and the Red River bringing it in from
21 the Unites States.

22 In a report done by Manitoba
23 Conservation called "An Examination of the
24 Environmental Sustainability of the Hog Industry
25 in Manitoba," they quoted that the whole

1 agricultural industry as a whole, consisting of
2 beef, dairy, hogs, poultry, bees, bison, grain and
3 oilseed growing, and all of the agricultural
4 commodities contribute only 15 percent of the
5 whole load. Ladies and gentlemen, if we shut down
6 the whole agricultural industry today, tomorrow we
7 would still be left with 85 percent of the
8 phosphorous load. So I ask again: Why the hog
9 industry? Why is the hog industry being singled
10 out?

11 I stated before that the hog industry
12 is already very heavily regulated. In order to
13 operate a hog operation today, one must work and
14 be very familiar with all of the following
15 governments acts: The Environment Act, the Water
16 Protection Act, the Water Rights Act, the Manitoba
17 Livestock Mortalities and Manure Management
18 Regulations, the Planning Act, the Farm Practice
19 Protection Act, the Animal Diseases Act, the HACCP
20 Program, the Truck Quality Assurance for Safe
21 Animal Transportation.

22 To start building a large animal unit
23 in the province today, the following have to be
24 involved, at the very least: Manitoba Pork
25 Council, Manitoba Water Stewardship, Manitoba

1 Conservation, Agriculture and Agri-food Canada,
2 the local R.M. and the office of the Fire
3 Commission.

4 Some day we will have to realize that
5 enough restrictions are in place already. One of
6 the main problems we face today is, that even when
7 we have an agricultural problem, the government of
8 the day is trying to fix it with people who have
9 little or no agricultural background. I would
10 strongly recommend that these kind of problems
11 should be handled by people with the proper
12 agricultural expertise.

13 In closing, let me remind everybody
14 that agriculture, and agriculture alone, puts the
15 food on our table. Let us not forget that
16 Manitoba's food and beverage processing industry
17 includes the slaughtering and/or processing of red
18 meat and poultry, fruit and vegetables, cereal
19 products, seed, dairy products, vegetable oils,
20 feed and beverages. It is one of the most
21 important manufacturing industries in the
22 province, producing close to \$3.3 billion worth of
23 goods in 2003, or almost one quarter of the total
24 manufacturing output in the province.

25 Let us not forget that the food on our

1 table was produced somewhere on a farm. Please
2 don't forget that there are getting to be less and
3 less farms all the time. Let us try to rebuild or
4 revamp some of the abandoned farms so that the
5 rural area can be repopulated.

6 Thank you.

7 THE CHAIRMAN: Thank you, Mr. Wipf. I
8 would just like to note that I don't think it's
9 the intention of the Manitoba government to shut
10 down the hog industry. It is, indeed, its
11 intention to try to ensure that it can continue,
12 as long as it is in an environmentally sustainable
13 manner.

14 Edwin, questions?

15 MR. YEE: Just a few questions.

16 Mr. Wipf, you mentioned that you have 6,000 acres
17 in terms of your colony operation. And that, I
18 gather, would be sufficient for the use of your
19 fertilizers?

20 MR. WIPF: Yes, that's about double
21 what we need.

22 MR. YEE: And you also mentioned that
23 you have an on-site manure separator. What type
24 of separator are you using?

25 MR. WIPF: It's a conveyor-type manure

1 separator. It is made in Quebec. And it works on
2 a conveyor-type system. It takes about 80 percent
3 of the liquids, leaving roughly 20 percent of the
4 solids.

5 MR. YEE: And your liquid manure is
6 stored on site. What type of storage structure do
7 you use?

8 MR. WIPF: It's an earthen lagoon.

9 MR. YEE: An earthen lagoon. Do you
10 use a cover system?

11 MR. WIPF: No.

12 MR. YEE: Have you had any complaints
13 about the manure?

14 MR. WIPF: No. Because the manure is
15 separated, it eliminates a large number of the
16 odours.

17 MR. YEE: And in terms of your
18 spreading, you mentioned you have the manure
19 spreader for the dry. Is your liquid manure
20 injected?

21 MR. WIPF: No, it is not. It is an
22 irrigation system. And to mention that, we are
23 really studying the concept of going to a water
24 treatment plant, which will make the liquid manure
25 even more cleaner.

1 MR. YEE: And you mentioned also, in
2 terms of the amount of regulations involved with
3 the prescriptions, that they are done through the
4 veterinarian. And is there a need for a large
5 amount of drugs for the animals or is it seldom
6 used?

7 MR. WIPF: Well, we do it more as a
8 preventive measure than as a need. And A lot of
9 the drugs that we use are more as prevention
10 drugs.

11 MR. YEE: Thank you.

12 THE CHAIRMAN: Wayne?

13 MR. MOTHERAL: Thank you,
14 Mr. Chairman. Mr. Wipf, when you said -- and I
15 didn't catch that in your presentation here, but
16 you said that you separate some of your
17 fertilizer, your dry from your liquid?

18 MR. WIPF: We separate the manure.

19 MR. MOTHERAL: Yes, the manure, I
20 realize that. And when you soil test, like, do
21 you also test that manure product before it is put
22 on the field?

23 MR. WIPF: Oh, yes, that's a
24 requirement.

25 MR. MOTHERAL: That's a requirement.

1 And when you said that there was -- that when you
2 separate it, you said that there seems to be less
3 fertilizer value in the liquid?

4 MR. WIPF: Yes, there is.

5 MR. YEE: And that you use a pivot
6 system. And, like, we have heard several areas in
7 the province that have used the pivot system
8 before as their irrigation system. And it is a
9 very unpredictable way of applying nutrients.
10 What is your feeling of that? Because it is not a
11 very even spread, is that true, or am I going way
12 off somewhere else?

13 MR. WIPF: As far as I know, Souris
14 River Colony is the only colony or any large
15 livestock operation which uses separated manure,
16 or the water, I should say, to go to a central
17 pivot system. A lot of guys used the walking
18 guns, which were not very effective, not very
19 successful. And as far as I know, we were the
20 only ones. And we have only been doing this for a
21 few years, too, where we are using the --

22 MR. MOTHERAL: Just a second here.
23 Maybe we ought to dance.

24 MR. WIPF: And I could stand to be
25 corrected, but as far as I know, we are the only

1 ones that are using a central pivot with separated
2 manure.

3 MR. MOTHERAL: With separation, yes.
4 We have heard about the separation before, but I
5 have never heard it in combination with the pivot
6 system. Thank you.

7 How often is your water tested around
8 the area?

9 MR. WIPF: About four times a year.

10 MR. MOTHERAL: It is about four times
11 a year?

12 MR. WIPF: Yes.

13 MR. MOTHERAL: Is that a requirement
14 or just something that you have been advised to
15 do?

16 MR. WIPF: No. It is a once a year
17 requirement when you apply for your Manure
18 Management Regulations.

19 MR. MOTHERAL: And we have heard from
20 people, too, with the increasing regulations over
21 the years, that they feel the government should
22 bear some of these costs. And do you really feel
23 strongly about that?

24 MR. WIPF: Absolutely. It's the point
25 I made on the first page.

1 MR. MOTHERAL: Yes. And this isn't
2 the first time we have heard that.

3 MR. WIPF: Well, my point is that all
4 of this information that I am required to gather
5 outside of the water sampling, and all of the
6 information that I am testing for, it's useless to
7 me.

8 MR. MOTHERAL: I just wanted to
9 comment. You do make a comment saying:

10 "Sometimes governments try to fix
11 problems with non agricultural
12 people".

13 I just thought that I would remind you
14 that I am a farmer. And I am hoping that that
15 sounds good to hear. There are some times that I
16 am not that proud of it, but I am a farmer and a
17 former municipal politician. And so maybe that
18 gives you a little bit of comfort.

19 MR. WIPF: It does.

20 THE CHAIRMAN: Mr. Wipf, you mentioned
21 the possibility of going to a water treatment
22 plant. Is it cost effective? How expensive would
23 a water treatment plant be?

24 MR. WIPF: It's very -- it's something
25 that we are considering. But we are also

1 considering -- right now manure is a problem. And
2 we are also considering a digester to produce
3 hydro with it. And, like, I don't know, there is
4 no effective water treatment in Canada. And there
5 is no digester in Manitoba that works. There are
6 lots in the States that seem to work. And there
7 is lots of water treatment in the States that seem
8 to work, but their environment is totally
9 different. So as far as how cost effective it is,
10 I don't know. I know that the three large hog
11 producers have seriously got to do something this
12 year. And I would like to let them try it first.
13 It's cheaper if they do it first.

14 THE CHAIRMAN: I believe that there
15 are three farms that are working with the
16 government on pilot projects. There is a guy in
17 Vancouver who has got an operation that will
18 provide hydro, but it costs \$7 million. So I
19 don't know if you have a spare \$7 million.

20 MR. WIPF: Not yet.

21 THE CHAIRMAN: And how expensive is
22 the manure separator?

23 MR. WIPF: Well, by the time you get
24 the building up and get all of the sows in, I
25 would be saying \$200,000, by the time all is said

1 and done.

2 THE CHAIRMAN: And has that been worth
3 it, rather than just dealing with mixed manure and
4 then injecting that? Has it been worth it to go
5 to the manure separation unit?

6 MR. WIPF: I would say yes. Right now
7 the problem with the manure separators is that
8 they are too new and a there are still a lot of
9 growing pains from that. But in two or three
10 years from now, it is something that guys should
11 seriously consider. We have had it for three
12 years now, and I would do it again.

13 THE CHAIRMAN: And the dry manure you
14 just apply, then, on the field like any other
15 fertilizer?

16 MR. WIPF: Well, you can do whatever
17 you want with it. We do a lot of composting with
18 it right now. And you can sell the compost.

19 THE CHAIRMAN: Yes.

20 MR. WIPF: But once it is dry, you can
21 do whatever you want with it. Our dad started
22 composting everything. Like, the dry manure is a
23 plus. Like, once you have got it, it's worth
24 money.

25 THE CHAIRMAN: Okay. And so for your

1 6,000 acres, do you mostly use commercial
2 fertilizer?

3 MR. WIPF: Yes. For the balance of
4 it, yes.

5 THE CHAIRMAN: Thank you. I have no
6 more questions. Thank you very much for coming
7 out this afternoon, Mr. Wipf.

8 MR. WIPF: Thank you.

9 THE CHAIRMAN: Next on the agenda is
10 Bob Senff. Please introduce yourself for the
11 record?

12 MR. SENFF: I'm Bob Senff. I'm a
13 retired school teacher living in Oak Lake. I have
14 lived and taught school in the Fort La Bosse SD in
15 Southwestern Manitoba, which includes Virden and
16 Oak Lake and Fort La Bosse, and other communities
17 since 1970.

18 BOB SENFF, having been sworn, presented as
19 follows:

20 MR. SENFF: As maybe a preamble before
21 I get into the brief that I prepared, I certainly
22 enjoyed listening to the speaker just before me,
23 the prior speaker, and the information that he
24 passed on. And undoubtedly this Commission has
25 heard many, many details of many, many operations.

1 You are going to see that mine is maybe a little
2 bit different than that.

3 Again, I would like to thank the CEC
4 for this opportunity to speak. I am here today to
5 represent the ideas of a number of individuals,
6 moderate people, who are unable to attend this
7 meeting, for various reasons.

8 And I am also here to speak for some
9 Grade 8 and 9 students in Fort La Bosse schools.
10 A little digression here for a second. As you can
11 tell, I am a retired teacher, but I have the
12 opportunity to go into the schools in Southwestern
13 Manitoba to substitute, and have had the
14 opportunity to deal with several classes in the --
15 just recently.

16 And very interestingly, they were
17 working on issues relating to water pollution and
18 contamination and air pollution and contamination
19 and so forth. And they got quite excited about
20 the fact that, you know, I would have this
21 opportunity to share just some of their ideas
22 briefly.

23 Without exception, these people are
24 pleased that the Clean Environment Commission, and
25 the Government of Manitoba, are monitoring the

1 expansion of ILOs in the province. Undoubtedly,
2 this Commission has heard presentations from a
3 wide variety of stakeholders. The range from pro
4 to con must be very great. This is a complex
5 issue. And we hope that the CEC will continue to
6 monitor many other spheres of operation.

7 I was most impressed by the insights
8 of the students in Grades 8 and 9. They were
9 researching water, air and land contamination, and
10 they were very serious about the topic. They
11 expressed concerns about the quantity of water
12 required for hogs, and that this resulted in a
13 very large volume of wastewater. Great
14 discussions centered on the variety of
15 contaminants, including phosphorous. Their
16 message is that each and every one of us must work
17 and sacrifice to improve the quality of water in
18 Manitoba, especially in Lake Winnipeg.

19 They laughed at the old joke about
20 "getting wind" of a hog operation, but then they
21 became serious and recognized that improvements to
22 air quality must be made. They were concerned
23 about airborne health threats to workers and to
24 those living too near large operations. Their
25 message was to encourage everyone to do his or her

1 part to prevent air pollution, or to increase
2 greenhouse gas emissions, or the spread of
3 disease.

4 And if, again, I might make a brief
5 digression, this morning, listening to a news
6 commentary, it was interesting to hear that a
7 young university student, I believe, and I think
8 it was in Saskatchewan, has been working on the
9 whole business of air pollution from the manure
10 and so forth. And he, again, has come up with
11 potentially another method or a new method of
12 dealing with that. And, again, in this
13 digression, it was very obvious to me, as a
14 teacher, that these young people were very, very
15 interested in the business of intervention,
16 research and so forth, to find methods to deal,
17 not only with the odours and health risks and so
18 forth, but interventions for all fields that
19 affect the environment in Manitoba.

20 The availability of clean, arable land
21 is still very desirable to the next generation of
22 Manitoba farmers. Young people are appreciative
23 of new methods of protecting land from erosion,
24 from chemical pollution, and from toxic damage.
25 They hope that the present generation will not

1 poison the land any further. Their message is to
2 treat the land with respect so that farming will
3 be available to them.

4 On the other hand, they spoke about
5 the economic contributions of the hog industry in
6 Manitoba. They are quite well aware of the
7 contributions and the advances. They hope to be
8 able to have the opportunity to work in a viable
9 industry as owners, operators or workers.

10 The future of the hog industry in
11 Manitoba must depend on wise decisions, made by
12 knowledgeable people. This requires solid
13 scientific research and information, clear and
14 honest communication, and a vision for the future.
15 And that is what the students and the people that
16 I have talked with desire; a future. And how do
17 we achieve this? Well, through balance and
18 moderation, arising from sincere care for our
19 environment.

20 And I thank you, the CEC members, for
21 allowing me this opportunity to share the insights
22 of just a few of the young people in southwestern
23 Manitoba. Thank you.

24 THE CHAIRMAN: Thank you, Mr. Senff.
25 I am just curious about the news report that you

1 referred to?

2 MR. SENFF: I heard it on the radio
3 this morning, Terry. And, again, it was one of
4 those -- I caught it sort of in mid-stream, you
5 know. And it mentioned the business of the
6 stench, for example. And that was the word that
7 really caught my attention in the newscast, the
8 word used by the reporter who talked about the
9 stench from hog operations, the manure and so
10 forth. And this young man, obviously, having done
11 research at a university, I believe in
12 Saskatchewan, has obviously publicized in some way
13 or another, a process that's going to improve
14 that. And I guess the message that I picked up
15 from that, and certainly want to share here, and
16 obviously with people in the industry and all of
17 that, is that I believe that there are
18 potential -- there are potential solutions to the
19 problems that you hear about, you know, whether it
20 be air pollution or water pollution and so forth.

21 The previous speaker I know was
22 talking about the Americans having systems that
23 treat water. I can attest to that because I know
24 people in the Unites States who are related. My
25 daughter is married and living down there. And

1 her father-in-law deals with a product that
2 actually goes in and tests water lagoons, and so
3 forth, and then has a purifying system. It is not
4 marketed in Canada, to my knowledge. And, again,
5 I am not familiar with all of the cross-border
6 elements that would prevent that. But I know that
7 he has travelled extensively throughout the United
8 States installing what they call Pond Doctor. So,
9 you know, obviously, things like that or, you
10 know, that this young man is working on at
11 university, are very good.

12 I know that there are -- there have
13 been studies and tests done and interventions
14 being worked on that deal with manure and waste,
15 including human waste. And, you know, there
16 are -- I believe that in the future there are
17 going to be ways to deal with this in a much
18 better way.

19 THE CHAIRMAN: Thank you. Wayne?

20 MR. MOTHERAL: Thank you,
21 Mr. Chairman. Some of these issues have hit me.
22 You know, it's a concern of mine about our younger
23 generation. And maybe rather than asking
24 questions, just a few comments. And maybe
25 somewheres a person in your category could help us

1 in some way. It's important to me that the
2 students get the proper information. And
3 information today is so available in the
4 newspapers. And newspapers are stories. They
5 sell newspapers, for what that's worth. But
6 information should never be taken to heart from
7 what you read in the papers. And so many of the
8 comments that I have heard from the younger
9 generations is what they read in papers. It's our
10 job as a Commission to separate those issues. And
11 we need the facts. We need scientific -- some
12 scientific information. But we do have to deal
13 with perception also.

14 But teachers, in this way, can have a
15 great deal of influence on students. And what a
16 teacher's knowledge is, is very important in that
17 way, because it can lean the students to whichever
18 way you want them to be leaned to do that. And
19 I've heard this from several schools, because I
20 have been involved in a Conservation District
21 years back, where we went to the classroom and
22 spoke to students. And some of them, as soon as
23 you hear "chemical", as soon as you hear that,
24 they figure that it is automatically bad, without
25 knowing all of the facts. And I am just saying

1 that it is very important for students to grasp
2 the information in a proper manner.

3 So I think that's all the comments
4 that I have. I have really enjoyed your
5 presentation because students are very important
6 for our future, that's for sure.

7 MR. SENFF: And I thank you for your
8 comments. That's exactly what my concerns are.
9 Obviously, these people in Grade 8 and Grade 9 are
10 really getting into this kind of research. And,
11 yes, one of the skills that they are taught is to
12 evaluate the source of material. And, obviously,
13 newspapers are one source, but I was surprised
14 that you said that. I would think young people
15 mostly get their information from the internet,
16 you know, which is that other new information
17 highway.

18 MR. MOTHERAL: That scares me.

19 MR. SENFF: I know.

20 MR. MOTHERAL: And getting back -- I
21 don't want to go on and on about this, because I
22 can talk to you afterwards. But when I hear you
23 say something like "poison", there is a thing out
24 there that when it comes to hogs that the hog
25 waste is poison. And in some cases, it probably

1 could be. But then the majority of people that we
2 are hearing from, say that it's a wonderful asset
3 and that it's a product. So a student can get
4 that side and that side, you know what I mean?

5 MR. SENFF: I understand.

6 MR. MOTHERAL: Okay. I had better
7 just quit here.

8 THE CHAIRMAN: Edwin?

9 MR. YEE: Yes. Mr. Senff, again, I
10 would echo the same thing, that it is nice to hear
11 the perspective of students, and it is a very
12 thoughtful presentation.

13 And I just have a couple questions,
14 just for clarification. Not to put you on the
15 spot or anything, but just for my clarification.
16 And you have mentioned that it is a complex issue,
17 and we are more than aware of it, given the boxes
18 of information that we are going through now. You
19 mentioned that:

20 "We hope that the CEC will continue to
21 monitor many other spheres of
22 operation?"

23 Can you clarify that as bit, as to what are these
24 other spheres of operation?

25 MR. SENFF: I would say that when we

1 talked about this type of thing in class,
2 obviously, we weren't just talking about hog
3 operations. Obviously, there were other elements.
4 I know that it was alluded to in the previous
5 presentation about cattle and so forth, you know.
6 Obviously, all agricultural and other, you know,
7 industries, and so forth, that impact on our
8 environment have to be monitored.

9 And I also listened to this gentleman,
10 and he mentioned about regulations and limits.
11 And I know that within the process, and within the
12 scope of what you will be hearing, there will be
13 those that will say: We don't want any limits,
14 period. And there will be those that will be
15 saying, you know: We want so many limits that
16 nothing will function. And, obviously, these
17 students were not saying that at all. They were
18 in that moderate area. And that's why, for
19 example, they talked about -- they felt good about
20 doing things in moderation and with a balance, you
21 know.

22 MR. YEE: Yes, I gathered that, and I
23 was very appreciative of that. And just one other
24 question that I have for you. And, again, it is
25 just a clarification of things. You had mentioned

1 that:

2 "They were very concerned about
3 airborne health threats to workers and
4 those that live near large
5 operations."

6 What would you define as a large
7 operation?

8 MR. SENFF: Oh, again, I am not an
9 expert on how large an operation has to be.
10 Obviously, hearing the acreage and the capacity of
11 the number of sows and the number of, you know,
12 pigs that are being produced, and everything else,
13 as compared to, you know, others that are smaller,
14 I guess, one of the things that I didn't mention,
15 and they certainly were interested in this, was
16 the saturation points and where most hogs are
17 dealt with. And it certainly came out in their
18 discussion, and in the bit of research that they
19 had a chance to do that, you know, towards eastern
20 Manitoba is very different than out here in
21 western Manitoba. But they live in western
22 Manitoba and, therefore, you know, that was their
23 concern.

24 And as was pointed out earlier, they
25 don't know all of the potential health dangers and

1 diseases and all of that. They were researching
2 that. But, you know, they realized that as
3 industry gets larger, and saturation points are
4 met, then the danger gets -- the potential danger
5 gets higher.

6 MR. YEE: Thank you very much.

7 THE CHAIRMAN: Thank you very much,
8 Mr. Senff. Thank you for coming out this
9 afternoon.

10 Is Kim Shepherd here? Okay, she is
11 not here yet. Mr. Fefchak, are you prepared to go
12 now?

13 MR. FEFCHAK: Sure.

14 THE CHAIRMAN: Would you please state
15 your name for the record?

16 MR. FEFCHAK: My name is John Fefchak.
17 JOHN FEFCHAK, having been sworn, presents as
18 follows:

19 THE CHAIRMAN: Go ahead, sir.

20 MR. FEFCHAK: Mr. Chair, members of
21 the Clean Environment Commission, good afternoon,
22 and welcome to Virden.

23 I will begin my presentation with an
24 opening statement and a commitment. This will be
25 followed by an introduction, and then we will

1 carry on, as outlined in the agenda that I have
2 just handed to you.

3 As a nation, and as a people, we must,
4 even as one individual, believe in our own
5 ability; the ability to recognize and defend the
6 resources that are the lifeblood of our being and
7 all the land.

8 And as responsible individuals, we
9 must also recognize that, for evil to triumph, the
10 only thing necessary is for good people to do
11 nothing.

12 Nobody made a greater mistake than he,
13 who did nothing, because he could only do a
14 little.

15 We respect and uphold the absolute
16 need for clean air, water and soil.

17 We see that economic activities that
18 benefit the few, while shrinking the inheritance
19 of many, is wrong.

20 And since environmental degradation
21 erodes biological capital forever, full ecological
22 and social costs must enter all equations of
23 development.

24 We are one brief generation in the
25 long march of time; the future is not ours to

1 erase. So where knowledge is limited, we will
2 remember all those who will walk after us, and err
3 on the side of caution.

4 I am a first generation Canadian, born
5 and raised on a Manitoba family farm in the early
6 1930s. And until 1948 when, along with my sister
7 and our parents, we moved to reside in the town of
8 Virden.

9 I did not take up farming as my
10 livelihood. However, I did learn to recognize
11 that farm life can be extremely rewarding so many
12 different ways.

13 I also learned to appreciate and
14 realize that water and nature, our environment,
15 were to be treated with the utmost respect and
16 courtesy, and with a humble sense of dignity.

17 Now retired, I, along with so many,
18 have become very concerned and worried how those
19 once so valuable principles have deteriorated and
20 crumbled.

21 Corporations and their investors have
22 taken over, interested only in benefitting from
23 the current unsustainable economic activity. Huge
24 hog-producing factories and massive feedlots
25 threaten our health, our water and the

1 environment.

2 Part of the problem is that our
3 economy, our governments, and our social society
4 does not account for the social and environmental
5 consequences that are being experienced and
6 inflicted upon the people, the communities and our
7 precious water resources.

8 The rivers of yesterday, in Manitoba,
9 provided a means of transportation, a source of
10 food and clean, usable water. Today, the rivers
11 are regarded, for the most part, as handy and
12 inexpensive open-air sewers, some place to dump
13 the left-overs and the trash of industry
14 processing. Many of our water sources are
15 already, or will become, affected with pollution.
16 Lake Winnipeg, the 10th largest fresh water lake
17 on this planet, has become a huge sewage lagoon
18 and is dying; a shameful legacy for our
19 grandchildren to witness.

20 Now, the rural people of Manitoba have
21 a sense of common purpose that brings them
22 together to face a shared adversary and the
23 malignant forces of the expansionism of
24 corporations and industries. For "the people" now
25 have come to the realization that the future of

1 our generations are at stake, and the risks can no
2 longer be tolerated.

3 I support and agree with a competitive
4 and profitable agricultural industry; but "never"
5 at the expense of human suffering and related
6 health complications, nor at the expense of our
7 water, air and environment.

8 Feeding the world with pork, and
9 destroying and exploiting our resources in the
10 process, is not acceptable. In fact, as well as
11 being unsustainable, it is also very
12 irresponsible, ignorant and immoral. And while
13 you may ask: Without growth of industry and
14 expansion of economy, there is little advancement
15 for the future. My reply is: Without clean
16 water, clean air and an unpolluted environment,
17 there is no future!

18 We are all biological creatures. If
19 we don't have clean water and clean air, our
20 health will continue to suffer, and we will not
21 survive.

22 If we don't respond to what affects
23 our lives, we are in deep trouble. How can we
24 continue to put economy above the reality that we
25 are living in? How can we continue to literally

1 skew the very resources on which we utterly depend
2 on for our existence and our survival.

3 It seems to me that nature is,
4 actually, screaming about the impacts that we are
5 putting on her; yet, we think wistfully of what
6 has been lost and dismiss it as "the price of
7 progress".

8 It's about time we started to put
9 moral ethics back into our present-day society.
10 Also, it's about time that we started to redefine
11 "progress."

12 The following is an extract of a
13 column titled "Hog industry on shaky ground." It
14 was printed in weekly and daily newspapers, and
15 appeared on February 15th of this year.

16 And I quote:

17 "Most of the assumptions that drove
18 this industry's rapid expansion over
19 the past decade... an expansion that
20 was wholeheartedly promoted by the two
21 political parties dominating
22 Manitoba's social scene... were just
23 plain wrong!

24 Instead of creating an environment
25 that fostered sustainable growth,

1 Manitoba's hog policy was simply...
2 Growth. Growth based on assumptions
3 and rules, which were based on
4 research conducted elsewhere. It is
5 one thing for industry to lobby. It
6 is another for governments to buy into
7 the rhetoric."

8 In the year of 2000, seven years ago,
9 this was the message from the Manitoba Government
10 regarding the dramatic change in the livestock
11 sector:

12 "The Manitoba Government has a
13 responsibility to guide this
14 development and ensure that industry
15 growth does not occur at the expense
16 of the environment or our quality of
17 life."

18 And that was signed by Ministers of Conservation,
19 Agriculture and Food, and Intergovernmental
20 Affairs; it is now so very obvious, this
21 commitment and serious pledge to Manitobans was
22 nothing more than "political grandstanding"! If
23 you have integrity... nothing else matters: If
24 you don't have integrity... nothing else matters."

25 And to further support my

1 presentation, the following evidence is also
2 provided. Livestock study rings health and
3 environmental alarm bells:

4 Livestock producers, especially hog
5 farmers, like to claim their industries are highly
6 regulated and, therefore, environmentally sound.
7 But a major, two-year scientific study says...
8 Intensive Livestock Operations pose environmental
9 and health risks because they aren't regulated
10 enough.

11 Manitoba hog farmers, along with pork
12 producers, say they follow strict Manure
13 Management Regulations which minimize
14 environmental risks to soil, air, water and human
15 health. Again, the study disagrees. Released in
16 2006, the study originated from a 2004 Iowa
17 workshop of American, Canadian and European
18 environmental scientists. The six reports
19 comprising the studies were released in
20 November 2006, coincidentally appearing around the
21 time the Manitoba Government banned construction
22 of new and expanded hog barns, pending a
23 Provincial Clean Environment Commission Review of
24 the Hog Industry.

25 The study paints a sobering picture of

1 the potential risks posed by the Concentrated
2 Animal Feeding Operations to human health, as well
3 as air and water quality.

4 "The industrialization of livestock
5 production over the past decades has
6 not been accompanied by commensurate
7 modernization of regulations to
8 protect the health of the public",
9 the study summarizes. Major concerns exist over
10 the role of intensive livestock production in
11 influenza outbreaks and the emergence of
12 antibiotic resistant organisms.

13 The team research leader, Peter
14 Thorne, a toxicology professor, rejects industry
15 claims that livestock producers are already
16 heavily regulated and it's unfair to blame them
17 for environmental problems.

18 In a point of fact, we don't see that
19 there is sufficient regulation to control the
20 hazards that are arising from these operations.

21 "North America has tried using
22 set-backs to protect the public from
23 air emissions, but they haven't been
24 effective because it's hard to set
25 operations back far enough to protect

1 people in the vicinity",

2 he said.

3 "What we have now, in the current
4 regulatory framework, was fine in the
5 days of the local communities, small
6 family farms and the right to farm
7 legislation. But the industry has
8 moved far past that model, and
9 regulations aren't keeping up",

10 said Thorne. The six reports, making up the
11 complete study, were published in November 2006 in
12 Environmental Health Perspectives, the scientific
13 journal of the U.S. National Institute of
14 Environmental Health Sciences.

15 More and additional evidence is
16 provided:

17 "The negative social impacts of
18 Manitoba's hog industry and the
19 implications of social
20 sustainability."

21 Under the Manitoba Legislative Internship Program,
22 this 2002-2003 report was compiled and presented
23 by Theresa Vandean. At the Federal level:
24 Regarding Farmers Independent Weekly, 13th of
25 October, 2005, Commissioner of Environment.

1 Johanne Gelinas, zeroes in on impacts of hog ILOs:
2 "The Federal Government isn't doing
3 enough to ensure Canada's rapidly
4 growing hog sector doesn't harm the
5 environment. Not enough is known
6 about the impact of hog manure. The
7 commitment of monitoring and reducing
8 the negative impacts have failed.
9 Environment Canada cannot demonstrate
10 that its compliance, promotion and
11 enforcement efforts at hog barns are
12 effective."

13 The Roundtable's Strategy for Canada Pork
14 Industry, dated May, 2005, identifies:

15 "Environmental issues as a major concern".

16 "Yet, only one of the 57 specific
17 actions identified by the Roundtable,
18 addresses environmental matters, the
19 Commissioner' report says:

20 "The Manitoba Pork Council, on behalf
21 of the producers that they represent,
22 have made public statements, in
23 newspapers, that: 'Odour control
24 problems' from the hog industry are
25 over-stated, and the risk of hog

1 production to public health is
2 exaggerated."

3 (Manitoba Co-operator Newspaper, March 7, 2007)

4 But I would argue the opposite, and present the
5 following as evidence in support of my rebuttal.

6 A few weeks ago, while doing some
7 research on the internet, I entered: "Hog ILO's
8 odour," and a large selection of information was
9 provided. I will submit just two examples. There
10 were several others to choose from.

11 Example one: "Health affects from
12 breathing air near CAFO's", and that's
13 concentrated animal feeding operations, written by
14 Susanna G. Van Essen, M.D., Mph, and Brent W.
15 Averman, Ph.D.

16 And example two: "Air and water;
17 Fredericton/Moncton, New Brunswick", April 16,
18 2006.

19 "Pollution evidence mounts against
20 factory hog operation. Premier of New
21 Brunswick orders an expert committee
22 to study the people's complaint."

23 "Consultant's report". What we
24 already know: Odour levels were high,
25 as far as nine kilometres away."

1 Unfortunately, here in Manitoba, the
2 government regulations for minimum separation
3 distances from a family single residence to an
4 earthen manure storage facility or to the animal
5 housing facility falls far short of providing
6 respiratory and odour protection for the occupants
7 residing in that dwelling.

8 Designated areas like playgrounds,
9 schools, a cluster of homes, et cetera, do receive
10 a greater separation distance; but that, too, is
11 below an atmosphere considered as a healthy living
12 environment.

13 One example that I will present and,
14 this is according to the Manitoba regulations:
15 An operation of 10,000 sows, farrow to finish,
16 which is 12,250 animal units, a minimum separation
17 distance for a single residence:

18 900 metres to an earthen manure
19 storage facility.

20 450 metres to an animal housing
21 facility.

22 Designated area:

23 3,600 metres to earthen manure storage
24 facility.

25 2,400 metres to an animal housing

1 facility.

2 The one example that I have provided,
3 and there are others in the regulations, brings up
4 a very serious matter of importance: That is
5 discrimination! Discrimination: Regarding those
6 occupants who happen to be residing in a single
7 residence in the vicinity of an intensive
8 livestock operation. And the example shown is a
9 hog ILO.

10 So why, I ask, is their own health,
11 the health of their children and their quality of
12 life any less important than the health and
13 quality of living of those individuals who happen
14 to be closely grouped in a different boundary of
15 safety?

16 I submit that the Clean Environment
17 Commission has a very important role to address
18 and resolve this "injustice of humanity" that now
19 prevails; "The Charter of Rights" will be your
20 foundation.

21 Informative information regarding
22 health and air emissions can also be retrieved
23 from the National Agriculture Safety Data.

24 "Protect Manitoba's water and save
25 money", advertisement in the Brandon Sun,

1 March 10, 2007. This message from the Manitoba
2 Conservation Department concerns holding tanks for
3 wastewater to help protect the environment. At
4 first, I couldn't believe what I had read, for I
5 find it ambiguous and contradictory, which I will
6 attempt to explain.

7 Admittedly, the Conservation
8 Department is concerned about wastewater, and have
9 recognized that holding tanks would be a solution
10 to protect the environment. But, on the other
11 hand, Conservation will approve and condone the
12 "digging" of a huge hole, which I will call a
13 cesspool, and allow it to be filled with millions
14 of gallons of hog feces, urine and water. Then,
15 at an appropriate time, it will be pumped out and
16 spread or injected on fields as raw, untreated
17 liquid slurry.

18 And while the issue of wastewater
19 needs to be addressed, the bigger problem now is
20 the hundreds of hog cesspools that are scattered
21 throughout the province and "their impact" on the
22 environment.

23 I make reference to the Brandon Sun
24 Newspaper, 22nd September, 2005, with headlines:
25 "Water experts find more tainted wells."

1 "After a three-year battle, getting
2 the test results on groundwater
3 monitoring wells, Science Professor,
4 biologist Dr. Bill Paton, and
5 environmentalist Glen Koroluk, have
6 found evidence of what they believe is
7 seepage from liquid manure ponds and
8 poses a threat to drinking water."

9 Manitoba Co-operator Newspaper, 27th April, 2006.

10 Article by Ron Friesen:

11 "Ante Olywest meeting focuses on
12 economics, welfare, environment."

13 The following is an excerpt from that
14 report:

15 "Karl Kynoch, Manitoba Pork Council
16 Chairman, acknowledged some city
17 residents fear Olywest will pollute
18 air and water in its vicinity. But he
19 said that people are confusing
20 processing plants with hog barns."

21 Is this not credible evidence by the Pork Council
22 Chairman, as he implies, although indirectly, that
23 hog barns pollute air and water in rural
24 communities? That is what the rural folks have
25 been concerned with and saying for years.

1 Recently, while preparing my 2006
2 personal income tax return, I came upon something
3 quite different in the Manitoba Tax Credit. It
4 was a tax credit allowance for "odour control".
5 So while the Manitoba Pork Council can claim that
6 the odour control problem is overstated, it is
7 obvious that our Provincial Government has
8 recognized that there is a problem, and assistance
9 will be provided to control odours in the form of
10 credits. Of course, as always, this cost will be
11 borne by the taxpayers of Manitoba.

12 For example: Straw cannons, sewage
13 lagoon covers and seals, biofiltering units,
14 storage tanks or containers, spraying equipment
15 for aerobic or anaerobic treatment of organic
16 waste, soil injectors attached to a manure
17 spreader.

18 I would like to get a drink of water.

19 THE CHAIRMAN: Mr. Fefchak, how much
20 longer do you think you will be? You had been
21 assigned 20 minutes, and we are right at 20
22 minutes.

23 MR. FEFCHAK: Well, it's up to you,
24 then, I guess. You know, I've got lots to say.
25 If you want to hear it, that's fine. If you

1 don't, that's fine.

2 THE CHAIRMAN: Well, could you cut it
3 back a bit from 15 minutes? We have a full
4 afternoon ahead of us.

5 MR. FEFCHAK: I would like to go over
6 this. When governments fail to enforce their own
7 laws, there are consequences and the public pays.
8 I should have taken more time.

9 Over the past few years, and in
10 attempting to communicate to resolve indifferences
11 with local and Provincial Government officials,
12 along with the bureaucrats, I have come to the
13 only conclusion and realization possible: There
14 are two sets of laws in this province. One for
15 the developer, which can be ignored, and one for
16 everyone else, which must be obeyed.

17 It is my experience that when the
18 average Manitoba citizen attempts to confront and
19 address an irresponsible action, or the
20 government's disregard and lack of concern for
21 regulation enforcement, with the authoritative
22 body, the citizen's efforts will most often result
23 in exasperated failure.

24 Justice Horace Krever, the presiding
25 Judge during the "tainted blood scandal inquiry,"

1 expresses the following as a solemn warning:

2 "The relationship between a regulator
3 and the regulated must never become
4 one in which the "regulator" loses
5 sight of the principle that it
6 "regulates only" in the public
7 interest and "not" in the interest of
8 the regulated."

9 That memory is still with us, and for some, the
10 rest of our lives. How many minutes left? I will
11 go to the end.

12 THE CHAIRMAN: I will give you another
13 five or so.

14 MR. FEFCHAK: You'll have the rest of
15 it in your report. In view of why this Clean
16 Environment Commission has been assembled, I
17 consider the following as most appropriate in
18 concluding my presentation.

19 Taken from the book titled:

20 "Water: The fate of our most precious
21 resource",

22 by Marc De Villiers, and I quote:

23 "Water is not a renewable resource.
24 It only seems renewable because it
25 keeps falling from the sky. But that

1 is an ecologically primitive way of
2 looking at things. It may be common
3 sense, but, as so often happens,
4 common sense can be so uncommonly
5 ignorant.

6 Renewable resources can reproduce
7 themselves; that is, living things
8 such as trees, cows and people. Water
9 cannot reproduce itself.

10 Water is recycled by means after
11 hydrological cycle; evaporation plus
12 transpiration by plants, to cloud
13 formations, to rain and snow, back to
14 plants, rivers and groundwater, to the
15 oceans and cycling around again by
16 means of evaporation and transpiration
17 and precipitation.

18 The hydrological cycle is an ecosystem
19 service; a self-support system for all
20 living things, including humans.

21 By removing water from one basin to
22 the next, the basin being the
23 hydrological cycles recycling unit;
24 you are tampering with this life
25 supporting system, with uncertain

1 consequences.

2 Humans consume water, discard it,
3 poison it and waste it, heedless to
4 the change to the hydrological cycles;
5 indifferent to the consequences.

6 There are not one, but two overlapping
7 water crises. The crisis of supply
8 and the crisis of quality. Or put
9 another way, there is a sufficiency of
10 water on the planet if we manage the
11 resources correctly. The real problem
12 is providing consumers with water that
13 is fit to drink. The solution we use
14 is to divert the water from another
15 place and steal the water from someone
16 else.

17 Water is an issue that no one
18 municipality, no one province, or even
19 one country, can solve in isolation.
20 The issues with water has to be solved
21 transnationally. We have to build
22 institutions that transcend national
23 governments."

24 And "transcend" means:
25 "to go beyond the limits and powers

1 of".

2 And "transnational" means:

3 "to extend beyond the national
4 borders."

5 Diversion and stealing of water, my comments:

6 Oil recovery, lake water receding.

7 Ethanol production in Manitoba,

8 trillions of gallons to sustain Little

9 Saskatchewan River system.

10 Potato growers, irrigation impacts in
11 Carberry area.

12 Transfers of water: Sandilands area,
13 on hold, further study.

14 Huge consumers of water: Industry,
15 intensive livestock and hog operations, some who
16 have to rely on water piped and delivered from
17 other areas.

18 With a reported Manitoba inventory of
19 nearly nine million hogs, their daily water needs
20 will be the equivalent of 72 Pan Am pools. To
21 fill the Pan Am Pool in the City of Winnipeg
22 requires one million gallons of water.

23 72 million-gallons every day!

24 Eventually, and even now, especially
25 in Alberta, the consequences of hydrocycling are

1 beginning to be recognized.

2 Will things change for the better? I
3 doubt it? Once Lake Winnipeg collapses; again, as
4 now, there will be a lot of "finger pointing" and
5 accusations. But that is too late! It is only
6 during times of crises and up heave al that
7 "people" are willing to change their habits.
8 Otherwise, don't expect people to alter their
9 ways. The lake will be the final judge.

10 We are all downstream of someone, and
11 someone is downstream of us. How ironic and
12 foolish our civilization has become. In today's
13 modern technology, our creeks and rivers have
14 become nothing more than convenient sources to
15 carry away pollution. Waste created by industry,
16 municipalities and agri-businesses, all to arrive
17 at the appropriate destination: The lakes.

18 Each town and city en route, who have
19 a need to utilize the river for their own potable
20 water requirements, will build huge treatment
21 plants at great costs and, in turn, make their own
22 contribution to the already polluted water,
23 flowing further on to the next communities, who,
24 in turn, will add their portion, and so it
25 continues.

1 The Province of Manitoba has been
2 blessed and recognized for having many, many
3 lakes. 100,000 lakes is advertised on vehicle
4 license plates of years ago.

5 We know how to pollute them. We just
6 don't know how to take care of them. And that is
7 the most insulting contribution of "economic
8 development".

9 In the 1970s, while living in Eastern
10 Ontario, I recall seeing a televised commercial
11 advertising how: The stewardship of civilized
12 society of today is mistreating and discarding
13 their waste, neglectfully, into the once clean and
14 pure water sources. The scene showed a First
15 Nation's Chief, sad and with tears streaming down
16 his face, indicating that: "the creator" did not
17 want this to happen. It was a very powerful
18 message, simple and so true.

19 Throughout the years, I have tried to
20 retrieve this film so I that could share it with
21 others. To now, I have had no success, and can
22 only speculate that industry and business
23 corporations were opposed to the commercial and
24 with their influence, made it disappear.

25 An appropriate ending: By Chief

1 Seattle:

2 "The earth does not belong to man.

3 Man belongs to the earth.

4 All things are connected, like the
5 blood that unites us all.

6 Man did not weave the web of life, he
7 is but a strand in it.

8 Whatever he does to the web, he does
9 to himself."

10 Thank you.

11 THE CHAIRMAN: Mr. Fefchak, you
12 mentioned a number of things in your comments. An
13 article, I believe, it was March 15th or
14 February 15th of this year, a newspaper article?

15 MR. FEFCHAK: Yes, I have given you
16 all of that.

17 THE CHAIRMAN: That will be included
18 in this package?

19 MR. FEFCHAK: Yes, you have all of
20 that, yes.

21 THE CHAIRMAN: And you also referred
22 to the Federal Environment position?

23 MR. FEFCHAK: Yes, it's all there.
24 And if you don't have it, the reference is there
25 to obtain it.

1 THE CHAIRMAN: Good, that's exactly
2 what I wanted.

3 MR. FEFCHAK: Yes.

4 THE CHAIRMAN: Edwin, any questions?

5 MR. YEE: No.

6 THE CHAIRMAN: Okay. Wayne?

7 MR. MOTHERAL: No.

8 THE CHAIRMAN: Well, Mr. Fefchak,
9 before you leave, if you have any -- one of the
10 other speakers from this afternoon has offered to
11 give up a bit of time so that you could continue.
12 If you have any areas that you would like to
13 highlight in about the next four or five minutes,
14 I will --

15 MR. FEFCHAK: The portion about the
16 government would be interesting.

17 THE CHAIRMAN: Okay. Well, perhaps we
18 could hear that.

19 MR. FEFCHAK: And I would be pleased
20 to hang around.

21 THE CHAIRMAN: Go ahead, if you would
22 like to do that.

23 MR. FEFCHAK: Oh, now?

24 THE CHAIRMAN: Yes.

25 MR. FEFCHAK: Oh, okay.

1 THE CHAIRMAN: We will just back up
2 the agenda slightly. It is not going to affect us
3 that much.

4 MR. MOTHERAL: I was going to make one
5 comment here, if I may. And you were talking
6 about the -- I think you were talking about the
7 millions of gallons or something.

8 MR. FEFCHAK: Of water?

9 MR. MOTHERAL: Yes. This is just a
10 comment.

11 MR. FEFCHAK: Okay.

12 MR. MOTHERAL: And it may have nothing
13 to do with it. It was just an interesting point
14 that I noted. I just came from a cruise about two
15 weeks ago.

16 MR. FEFCHAK: Okay.

17 MR. MOTHERAL: And we were down at the
18 Panama Canal. And it takes 50 million gallons of
19 fresh water for every time the locks are used.

20 MR. FEFCHAK: 50 million?

21 MR. MOTHERAL: 50 million.

22 THE CHAIRMAN: Yes. But they are not
23 lost. They are just moved from one lock to
24 another.

25 MR. MOTHERAL: Oh, no, this is fresh

1 water lost to the sea.

2 THE CHAIRMAN: Oh, okay.

3 MR. MOTHERAL: So it is lost, yes.

4 MR. FEFCHAK: The Pan Am Pool, for
5 your information, I did call, and this is what
6 they told me. Their pool holds one million
7 gallons. That's the biggest one in the Pan Am
8 Centre.

9 MR. MOTHERAL: I am just giving you
10 another comparison.

11 MR. FEFCHAK: Yes, right. It is a
12 hell of a lot of water.

13 MR. MOTHERAL: It's a lot of water.

14 MS. FEFCHAK: Yes, wow. I'm sorry,
15 Mr. Chair, it would take me ten minutes to do
16 this.

17 THE CHAIRMAN: Well, if you could do
18 it in a quick ten, say, eight, then that's just
19 fine.

20 MR. FEFCHAK: The Planning Act and
21 Conditional Use Orders. And I have all of the
22 evidence in Exhibit A, and I have given all of
23 this to Joyce.

24 THE CHAIRMAN: Yes.

25 MR. FEFCHAK: The R.M. of Wallace

1 Council approved a new hog barn for a developer in
2 the Kola area, 26th of February, 2003. Developer
3 says: conditions that Council imposed could drive
4 future development to other R.M.s.

5 After a dormant two-year period, which
6 included the one-year extension, I wrote a letter
7 to the R.M. of Wallace Council, 29th April, 2005,
8 briefly pointing out that, as no permits had been
9 requested or issued, development opportunities had
10 now expired. Any development now would contravene
11 and transgress the Planning Act. I asked Council
12 to inform all parties accordingly.

13 On May 2, 2005, I visited Travis
14 Parsons of Conservation, in Brandon. I asked
15 questions about permits and my general concerns.
16 This was passed on to Terry Pearce of IAT,
17 Intergovernmental Affairs and Trade. And in the
18 context of his answer, he indicated that John
19 Fefchak was in a position to take "legal action".
20 My question: Why should I, or any other citizens,
21 have to resort to legal action to prevent a
22 possible violation?

23 Council responded to my letter,
24 stating that they did not share my views that I
25 had presented.

1 Once again, I responded to council,
2 and you have all of this in your package. On the
3 7th of June, in a more detailed letter explaining
4 once more that Council has the responsibility to
5 stand by the laws, as enacted by Legislation and
6 their own Conditional Use Permits.

7 On November 3, 2005, a letter from
8 Council. Council does not totally agree with my
9 position. They will monitor the issue and site
10 development to determine where the proposed
11 development is going. Council, it seemed, was
12 prepared to abandon their responsibilities to the
13 Planning Act and their Conditional Use Permit.

14 On the 16th of November, 2005, I
15 compiled all of my correspondence and, with a
16 covering letter, forwarded it to three Government
17 Ministers: The Governmental Minister of Affairs
18 and Trade, Conservation and the Minister of
19 Justice and Attorney General. All three Ministers
20 acknowledged receipt of my report. I recognized
21 that the Government, Intergovernmental Affairs and
22 Trade Minister, seemed to have the mandate to
23 address the concerns that I was expressing: The
24 Planning Act and the enforcement of the Act.

25 Correspondence continued back and

1 forth, with a great deal of rhetoric and
2 stonewalling on the government side. But they
3 would not step up to the plate and back up my
4 concerns and observations to the events that were
5 unfolding. A typical response being:

6 "As I have previously indicated to
7 you, the Planning Act provides
8 Planning Districts and Municipalities
9 with the tools to regulate development
10 within the area under their
11 jurisdiction and the authority to
12 enforce any by-laws, permits or
13 approvals made under the Act."

14 THE CHAIRMAN: Mr. Fefchak, could you
15 just slow down a touch. The reporter is having a
16 bit of trouble keeping up.

17 MR. FEFCHAK: Oh, I'm sorry.

18 THE CHAIRMAN: Instead of speeding
19 through the ten minutes, just chop out a minute or
20 two.

21 MR. FEFCHAK: This continued for 12
22 more months, when, on the 15th of November, 2006,
23 21 months after the Conditional Use Permit had
24 technically expired, a letter from the Minister of
25 Intergovernmental Affairs and Trade informed me

1 that development may not take place.

2 From the beginning, my concern was
3 that the R.M. of Wallace, possibly in ignorance,
4 and having advised me in their correspondence that
5 they will monitor the issue and site development,
6 was that seemingly innocent statement, could lead
7 top influencing a contravention of the Planning
8 Act, if work development was, in fact, carried
9 out.

10 All along, I was attempting to avoid
11 Council getting in trouble with inappropriate
12 proceedings. It has been resolved, but what a
13 hassle! It should never have happened. Who is
14 responsible?

15 Sometimes I wonder, why do we have
16 regulations for intensive hog operations and those
17 operations that are regulated under municipal
18 zoning by-laws when there are operators who just
19 do not bother paying attention to them? Why is it
20 that when the regulations are discarded, that no
21 one, it seems, wants to take or initiate action
22 regarding the violation to the appropriate
23 authority for follow-up investigation that could
24 prevent future occurrences?

25 Such were the two reported items

1 before the R.M. of Wallace Council, on the 18th of
2 November, 2003. Both items concerned the
3 spreading of liquid hog manure on frozen land and,
4 in one case, after the regulated cut-off date.
5 Council was made aware of one case reported in a
6 letter, by the letter from the R.M. The resident
7 complained about liquid manure being spread on
8 frozen ground and the associative offensive odour
9 that she was experiencing, making her stay inside,
10 a prisoner in her own home.

11 It was during this discussion that
12 council was also made aware of another operation
13 where liquid manure spreading, also on frozen
14 ground, had been carried out. In both
15 occurrences, the conditional use orders were
16 disregarded.

17 The Manitoba Environment Act may have
18 been breached in one occurrence. Minutes of a
19 meeting, R.M. of Wallace, 18th November, 2003
20 refers -- adopted this on the 9th of December,
21 2003:

22 "The 72-hour advance notice was not
23 given to residents living within one
24 mile of the spread site. Reporting to
25 the R.M. within 24 hours of becoming

1 aware of health and environmental
2 situations was not carried out.
3 Liquid manure spreading was not
4 allowed. Only injection into the soil
5 was allowed and permitted. The manure
6 application was not permitted after
7 the 10th of November to the 10th of
8 April the following year. In extreme
9 cases, the Conservation Director may
10 authorize spreading."

11 Note: Conservation Livestock Program, manager, Al
12 Beck, in a news release stated:

13 "No offence had occurred, and the
14 complaint of the late manure spreading
15 was not justified. The hog operation
16 that was permitted for 1,200 sows,
17 farrow to weanlings, is not considered
18 an intensive operation, as it is under
19 the 400 animal units, at that time,
20 and this accounts for only 375 units."

21 On the 24th of February, 2004, the Conservation
22 representative advised me that his office had not
23 been contacted or made aware of the events that I
24 had presented, nor had he been requested to look
25 into the matter as an investigation.

1 On the 22nd of March, 2004, the same
2 officer told me there was nothing more he was able
3 to do when I raised the concern about the manure
4 pollution dangers, as the warm weather and
5 melting, causing water run-off, would eventually
6 find its way into the ditches and streams ending
7 into Boss Hill Creek.

8 Considering the statement provided by
9 Mr. Al Beck:

10 "There is no restriction on timing of
11 manure application for operators not
12 classified in the ILO category",
13 I initiated correspondence with the Conservation
14 Minister. Again, I outlined my concerns about
15 manure pollution and made a recommendation that
16 any time the ground is frozen, or near frozen,
17 then the mandatory set-back distances are to be
18 applied. It is not uncommon in Manitoba to have
19 hard frost situations in October, or as early as
20 in the latter part of September.

21 Our correspondence continued until
22 October 2004. My attempts to have the Livestock
23 Manure and Mortalities Regulations amended to
24 include mandatory set-backs at times, other than
25 just the 10th of November to the 10th of April of

1 the following year, were not successful. And it
2 was regrettable, for I consider the biggest loser
3 during all of this was the water sources and the
4 environment. Spreading manure on frozen ground
5 and going through sloughs, minutes of the meeting,
6 is not an example of being a good and caring
7 steward.

8 Farm Practices Board.

9 THE CHAIRMAN: Could you wind it up,
10 please?

11 MR. FEFCHAK: This will be it.

12 THE CHAIRMAN: Okay.

13 MR. FEFCHAK: Farm Practices Board.
14 I met and spoke with the resident who initially
15 lodged her complaint to the R.M. council. When
16 asked, she was not aware of the Farm Practices
17 Board and all the requirements of initiating an
18 odour complaint. I suggested that 95 percent of
19 rural Manitobans aren't either. And as for the
20 few who are knowledgeable of the routine and
21 procedure to register a formal complaint, don't
22 expect an investigator to be there within two or
23 three days.

24 I called the office that looks into
25 odour complaints, and the person there told me

1 five to seven working days to respond. As I spoke
2 with him, I was reminded of the Maytag repairman
3 who used to be on the T.V. commercials. He had
4 nothing to do.

5 Why couldn't rural Manitoba people --
6 rural people in Manitoba have a quick, available
7 number to call when there is an odour situation
8 that they wish to report? There are controls for
9 stubble burning and enforcement because of health
10 and air emissions concerns. Why not for odours?
11 Also, the number I propose is 4357. And you were
12 going to ask why?

13 THE CHAIRMAN: I was just about to.

14 MR. FEFCHAK: Help. Help. That's all
15 it says.

16 THE CHAIRMAN: Thank you very much,
17 Mr. Fefchak. And thank you also for taking the
18 time to put together all of this material for us
19 and to come out here this afternoon and present
20 some of it. And we will look at the entire
21 package.

22 MR. FEFCHAK: Okay. There are two
23 more good ones left.

24 THE CHAIRMAN: Thank you very much.
25 And Kim Shepherd is here now, I believe. Please

1 state your names for the record?

2 MRS. SHEPHERD: Kim Shepherd.

3 MR. SHEPHERD: John Shepherd.

4 KIM SHEPHERD and JOHN SHEPHERD, having been sworn,
5 present as follows:

6 THE CHAIRMAN: Go ahead, please.

7 MRS. SHEPHERD: My name is Kim
8 Shepherd. And with my husband, we operate a mixed
9 farm in the R.M. of Wallace with our family.

10 We would like to thank the CEC for
11 hearing our family's concerns, but wonder why it
12 has taken so long for the Manitoba Government to
13 wake up to this?

14 Six years ago, our family went into
15 Winnipeg with two 13 year old boys to the Manitoba
16 Legislature over this same issue. Our oldest son,
17 at that time, was one of those 13 year old boys.
18 Premier Doer couldn't, or wouldn't, even take five
19 minutes out of his busy schedule to at least meet
20 the next generation, who would like to have a
21 clean environment to live in, and perhaps raise a
22 family. Instead, they met with agriculture
23 Minister Wowchuk, who talked down to the boys,
24 instead of talking to them. She, along with two
25 other ministers, signed a document stating, and I

1 quote:

2

3 "The Manitoba Government has a
4 responsibility to guide this
5 development and ensure that industry
6 growth does not occur at the expense
7 of the environment or our quality of
8 life".

9 This was taken from the Livestock Stewardship 2000
10 booklet.

11 We kind of wondered whether maybe she
12 meant her quality of life. When the boys
13 questioned her about the signed paper, and that
14 these factory style hog operations were, indeed,
15 being allowed to ruin people's environment and
16 quality of life, her response was that: She was
17 late for another meeting and had better get going.
18 So the next generation's environment didn't seem
19 too important to her, either. Personally, these
20 factory hog operations have taken both our
21 family's clean environment and quality of life
22 away.

23 By the way, we live about one-half
24 mile within eight weanlings barns which equals, in
25 total, 20,000 weanling pigs we have for

1 neighbours.

2 Under the health concerns, there are a
3 number of points we would like to address.

4 1. Our daughter has environmental and
5 food allergies, and goes to a reflexologist on a
6 fairly regular basis to deal with this. Two years
7 ago, she tested for having H2S and methane in her
8 system from these factory hog barns.

9 2. When we have to work in the fields
10 next to these factory hog operations, there are
11 days when our eyes start to burn inside a closed
12 tractor cab from the intense odour.

13 3. The stress of worrying about our
14 drinking water well getting contaminated, as it is
15 only one-half mile away from these operations.
16 Our well is a shallow well, with sand right at the
17 surface. In the spring, the water is usually two
18 to four feet from the top of the ground.

19 4. The flies that are breeding in
20 these open pit lagoons, what pathogens or disease
21 are they carrying to our farm yard one-half mile
22 away? We used to have flies, but nothing compared
23 to now.

24 5. When we open the windows at night
25 to cool the house off so that we can sleep, the

1 stink wakes us up at two in the morning. What
2 does that do to our bodies when we can't even get
3 a good night's sleep on a fairly regular basis?
4 And this happens quite often.

5 6. The anger and frustration that we
6 feel when we can't go out and enjoy our own
7 property because of the stink from these factory
8 barns. If we lived in the city and did something
9 in our yard that infringed half as bad on the
10 neighbourhood as these factory barns do to us, we
11 would be fined, thrown in jail, or both, but we
12 would be made to stop.

13 The Technical Review Committee stated
14 that there was no need to worry about our water
15 well because, with the lay of the land, everything
16 runs from northwest to southeast anyway. Quite a
17 statement to make from a government body that is
18 supposed to be siting these operations properly.

19 Also, on one Technical Review of a
20 factory hog operation next to us, it was stated
21 that the soil tests indicated:

22 "The soil is marginally acceptable for
23 an earthen manure storage."

24 Operation approved.

25 The last four barns to be built next

1 to us, according to the papers we received, the
2 Technical Review was done on the wrong section all
3 together. When time came to vote on approving
4 this operation, the proponents walked into the
5 R.M. of Wallace council chambers with the
6 Technical Review Committee at their side. One man
7 from the Technical Review Committee said that it
8 was a typing error. Operation approved. To us,
9 it seems that the people on this Technical Review
10 Committee, made up from different government
11 departments, must be getting a second paycheque
12 from the pork industry.

13 The proponents never had to prove
14 anything different to the R.M. council. But when
15 the question about our water getting contaminated
16 by these barns arose, we were told to: Prove it,
17 prove it, prove it. It's been almost nine years
18 that we have been asking questions and raising our
19 concerns to our local R.M. council, and yet we are
20 still waiting to get them answered.

21 Council also puts conditions on these
22 operations. But when conditions are broke,
23 nothing seems to get done about it. Two years
24 ago, one operation was dumping liquid manure onto
25 snow that was blowing across the frozen ground,

1 and we have photos to prove it.

2 Potholes and runways that are usually
3 dry enough to plant, but run and hold water in the
4 early part of the spring, are being injected with
5 liquid waste. To us, it seems that Manitoba
6 Conservation and these local R.M. council's
7 attitude is that: If we ignore it, then maybe it
8 will go away. Well, it's not going away, but
9 instead it's getting worse. Our lakes and rivers
10 are telling us this. But because of the greed for
11 the almighty dollar, we still seem to deny it.

12 One condition put in place by the R.M.
13 of Wallace Council was that three rows of trees
14 had to be planted. The proponents complained that
15 three rows of trees would only invite birds to
16 nest and bring disease to their pigs. It was
17 changed to two rows. The trees don't work,
18 anyway, for the reason that by the time they are
19 big enough to do any good, the barns will be old
20 and de-commissioned. And a friend of ours said
21 that the planting of trees really does work
22 because he couldn't smell the barns once he gets
23 ten miles away. Kind of a sad joke, don't you
24 think?

25 Who do you go to that isn't controlled

1 by the governments or the proponents of these
2 large scale ILOs? These factory-style operations
3 are not sustainable. All you hear is how the pork
4 industry is doing everything properly. Treat them
5 as such, then, and rezone and reassess them as
6 industrial, so that they have to abide by
7 industrial laws and be taxed accordingly, instead
8 of hiding behind the word "farm."

9 There are only guidelines for these
10 ILOs, which basically means that they have no laws
11 or regulations to adhere to. Therefore,
12 guidelines are a joke. The petroleum industry is
13 heavily regulated, so why isn't the intensive
14 livestock industry? If you take a pail of water
15 and put some oil in it, the oil floats to the top.
16 Do you think that if you did the same thing with
17 liquid hog manure, that it would separate from the
18 water and float to the top? Not likely.

19 Maybe Manitoba should be like Iowa and
20 pass legislation that, in order to build an ILO,
21 the owner has to live in the same yard and work so
22 many hours a week in that operation. If the
23 owners of these factory-style barns had to live
24 and raise their children in that environment, and
25 hear their own children complain that they don't

1 feel good, or don't want to go outside and play on
2 a beautiful day because of the flies and the
3 stink, then maybe things might change.

4 We used to help an old gentleman,
5 whose house burned down in the early 1980s. When
6 he bought a mobile home, he wanted to put in a
7 small lagoon for his own household waste, but was
8 told that this was against the law, and that he
9 couldn't. Today, it is okay to dig a big hole in
10 the ground and fill it with waste from thousands
11 of pigs.

12 These ILOs, and the problems we and
13 many other people are dealing with, are much more
14 than a nuisance. We all have a right to good
15 health, which includes clean air, clean drinking
16 water, which for us means untreated, and healthy
17 soil to grow our food in. Everyone today lives
18 with enough worry and stress. This type of stress
19 is not necessary if we all respect the
20 environment.

21 We are not claiming to be
22 environmental saints, but we are also not out
23 there bulldozing trees and draining sloughs and
24 potholes because we need the acres to inject on,
25 either. We do not believe that our family are

1 affecting our neighbour's environment or their
2 quality of life.

3 There needs to be laws put in place,
4 and people to enforce them, to protect our water,
5 soil and air. Before this moratorium ends, laws
6 need to be put in place to protect the environment
7 around the people whose backyards these operations
8 are put in. If proper action is not taken, then
9 there will be nothing left. What are we leaving
10 for the future generations?

11 Thank you.

12 THE CHAIRMAN: Thank you. You seem to
13 imply that nothing happens when an operation
14 breaches regulations or municipal by-law. Do you
15 have substantive evidence of this or does it
16 happen often?

17 MR. SHEPHERD: We have never been
18 notified --

19 THE CHAIRMAN: Could you speak into
20 the microphone?

21 MR. SHEPHERD: We never get notified
22 of what gets done, if anything does get done.

23 MRS. SHEPHERD: When we speak about
24 this, we are talking about numerous letters that
25 we have sent to the R.M. of Wallace Council.

1 There have been various things that have happened.
2 Some of the conditional uses that we have, that
3 are supposed to be to protect us somewhat, is
4 testing of our water. It gets done, but we had
5 to -- it is to be done every spring. It is to be
6 tested every spring to make sure that our water
7 isn't changing. We had waited and waited for
8 someone to come and test the water.

9 It was, I believe, September when we
10 finally sent a letter to the R.M. of Wallace
11 Council, stating that we would send the water
12 sample in. And we would bill the R.M. of Wallace
13 Council for it because the water was not tested
14 so, therefore, this conditional use has been
15 broken. When we went to the R.M. of Wallace
16 council about it, they stated that they would have
17 to hear the other side of the story. The water
18 did get tested, but it was tested months later
19 than it was supposed to be. That's one
20 conditional use that's been broken.

21 Manure was not to be injected or
22 spread on the quarter closest to our well. It was
23 to be left out.

24 THE CHAIRMAN: That's a conditional
25 use?

1 MRS. SHEPHERD: Yes. And a few years
2 ago, there was manure spread on that quarter.
3 Again, we had approached the R.M. of Wallace
4 Council about it. And we never did receive an
5 answer as to what happened.

6 MR. SHEPHERD: Or why.

7 MRS. SHEPHERD: Or why it happened.
8 All we would really like is just to know that
9 someone is actually taking these conditional uses
10 seriously, and that they are to be --

11 MR. SHEPHERD: Enforced.

12 MRS. SHEPHERD: -- enforced, yes.

13 THE CHAIRMAN: Have you registered
14 complaints with Manitoba Conservation about these
15 same issues?

16 MRS. SHEPHERD: No.

17 THE CHAIRMAN: Just with the
18 municipality?

19 MRS. SHEPHERD: Yes. It was the R.M.
20 of Wallace Council that originally set up these
21 conditional uses.

22 THE CHAIRMAN: Okay. Edwin?

23 MR. YEE: Yes. Ms. Shepherd, you
24 mentioned potholes and runways. Can you explain
25 to me -- I am not familiar what a "runway" is.

1 You are saying liquid waste is being injected into
2 them?

3 MR. SHEPHERD: The runways are just
4 your little runs, kind of. They are not big
5 creeks, but they run water.

6 MR. YEE: And manure is being directly
7 injected into these?

8 MR. SHEPHERD: They were for a couple
9 of years, yeah.

10 MR. YEE: I gather, from your
11 comments, that you have some concerns over the
12 Technical Review Committees and the Conditional
13 Land Use process. Is there specific things that
14 you would like to see done to improve that
15 process?

16 MR. SHEPHERD: I would like to see
17 them actually come out to the site and inspect the
18 sites before they are allowed, that way by looking
19 at it, and not just by looking at a map. Because
20 that one Technical Review that come out on the
21 wrong section, it wasn't even done on the right
22 section. They can come back later and say that it
23 was a typing error, but how do we know that it
24 was?

25 MRS. SHEPHERD: We felt, in that

1 particular case, that they really should have
2 started over again. And we had asked the council
3 what was going to happen. And they -- at that
4 time, the Reeve said that he thought that probably
5 would be the process. And that was on a Thursday
6 or Friday. The following Monday, the operation
7 was approved. So we would just like to see them,
8 you know, make sure they are doing things right.
9 You know, "marginally acceptable" is kind of a
10 scary statement to me when our water well is at
11 stake.

12 MR. SHEPHERD: Yes, and it's that
13 close.

14 MR. YEE: And do you feel that the
15 representatives on the Technical Review Committee
16 have the appropriate knowledge and background
17 information to make the assessments?

18 MRS. SHEPHERD: We definitely question
19 that.

20 MR. SHEPHERD: Yes.

21 MR. YEE: Thank you.

22 MR. MOTHERAL: Yes, thank you,
23 Mr. Chairman. It is a bit of a personal thing,
24 but do you have -- is most of your communication
25 with this operation through the Technical Review

1 Committee, or through council, rather than -- do
2 you have a talking relationship with these -- with
3 the operators of that --

4 MR. SHEPHERD: Not really, no.

5 MRS. SHEPHERD: Well, we have talked
6 to them a few times. Basically, before the last
7 four barns were built, we pretty much pleaded with
8 them not to build them there, but it still went
9 ahead. I can honestly say that our relationship
10 hasn't been great with the proponents. Because
11 when it came to the issues of basically being
12 prisoner inside our own home, because we can't
13 open the windows, and that type of thing, they
14 offered an air-conditioning system for us. And
15 one of the proponents did admit later on that that
16 is only a band aid solution, which is exactly what
17 it is.

18 MR. MOTHERAL: I kind of gather, just
19 because of you mentioning it, that most of the
20 times you went to council or most of your
21 communication was through them.

22 Back to the injection now. The hog
23 manure is injected through -- to most areas of the
24 land through potholes and through runways, as you
25 say. And I know -- I'm a farmer, I know what you

1 mean by "runways". Do you still feel as though
2 this would still cause pollution in some way, some
3 run-off through that?

4 MR. SHEPHERD: Like, if it's running
5 off, which was a couple of springs ago, there was
6 lots of water in it and it did run-off.

7 MR. MOTHERAL: Yes, I realize that.
8 But I am just wondering if you feel as though a
9 lot of the phosphorous and nitrogen is going with
10 that, and it is not being held into the soil? I
11 guess it would take technical analysis to find
12 that out.

13 MR. SHEPHERD: Yes. And I didn't go
14 to university to become a scientist, so I couldn't
15 tell you.

16 MR. MOTHERAL: No, I know. It is
17 visually. You see that the water visually is
18 running off?

19 MR. SHEPHERD: Yes. You see, that
20 year you seen them sloughs, they were green.

21 MR. MOTHERAL: I don't think I have
22 anything more, just offhand, here. If I do, I
23 will see you later.

24 MR. SHEPHERD: Okay.

25 MRS. SHEPHERD: Sure.

1 THE CHAIRMAN: Thank you very much for
2 coming out and preparing this report.

3 MR. SHEPHERD: Thank you.

4 MRS. SHEPHERD: Thank you.

5 THE CHAIRMAN: Norma Fefchak. Please
6 state your name for the record?

7 MR. FEFCHAK: My name is Norma
8 Tibbits-Fefchak, although you have me listed as
9 Ms. Fefchak.

10 NORMA TIBBITS-FEFCHAK, having been sworn, presents
11 as follows:

12 MS. FEFCHAK: Mr. Chairman, members of
13 the Clean Environment Commission, and ladies and
14 gentlemen. I will be reading this material on
15 behalf of Mrs. Barbara Barkley, who is unable to
16 attend this proceeding. Mrs. Barkley and her
17 husband are retired farmers.

18 Reference: Current Hearings -
19 Sustainability of the Hog Production Industry in
20 Manitoba.

21 Before any new hog production is
22 scheduled for the rural areas, could we please
23 clean up the present mess we have?

24 It is really hard to think clean
25 environment when, with my own eyes, I see so many

1 controversial scenes.

2 We live in Archie Municipality, which
3 is 14 miles wide and 18 miles long, with
4 boundaries on the west by the Saskatchewan border,
5 and four and a half miles on the east by the
6 Assiniboine River, and 13 and a half miles on
7 Miniota and Wallace Municipalities.

8 As I write this letter, all of the
9 major creeks and, even the little streams that
10 don't always run, are flowing full tilt east to
11 the river. In one creek, in particular, the water
12 is pouring through one six foot and one four foot
13 culverts from west to east. And on the east side,
14 in the swirl, the foam is three feet to four feet
15 thick and deep, and the water is pure brown.
16 Remember, all this is going five more miles
17 directly into the Assiniboine River. And all of
18 this water pouring in from the west is draining
19 from the large farming areas, feedlots and
20 concentrated cattle country of eastern
21 Saskatchewan.

22 Five years ago, when Hytek came into
23 our municipality and wanted to set up 36 hog
24 barns, the people rose up in protest. We have
25 gone through some terrible times in our

1 municipality. It has split our community. We
2 might say it was the demise of our small town of
3 McAuley, as well as neighbours, relatives,
4 families and friends. We had a very desirable
5 town and area to live in, but not anymore. I
6 don't know what would have happened if the
7 development had taken place.

8 The protest was, in part, because we
9 have two barns in our community. And over the
10 years, we have seen many rules and regulations
11 broken and misused. By this, I mean dead animals
12 piled up outside in the winter. I believe this
13 has been rectified. And every fall manure is
14 spread illegally through the creekbeds and
15 sloughs.

16 This year, the manure was spread just
17 before November 15, 2006. The ground was frozen
18 solid before this, but the manure was spread
19 anyways, and the same thing has happened. The
20 run-off from the fields is now taking all of this
21 manure, as well as all of the chemical and
22 fertilizer residue, right into the creeks and
23 streams.

24 And as you are aware, most of the
25 large feedlots and cattle and hog operations seem

1 to exist close to creeks and streams. The two
2 barns I speak of are four miles from town. And on
3 many days throughout the year, the odour is very
4 offensive.

5 All of this is taking place without
6 any monitoring for compliance. When questioned,
7 the government departments say that they don't
8 have enough manpower or time to follow up. It
9 looks to me like they think, because it is out in
10 the rural area and not in the urban area, it
11 doesn't matter. No one is being held accountable
12 for their actions, and no one seems to care.

13 I think the government is on the right
14 track with the legislation being introduced, such
15 as the protection of the riparian areas, and the
16 Water Council which is, to quote the Water
17 Stewardship Minister, Christine Melnick:

18 "Supposed to work directly with
19 Manitobans on how best to preserve the
20 health of our waterways."

21 But if there is no follow-up or monitoring, and no
22 one is being held accountable for such action,
23 what's the use?

24 I am not against development. But if
25 it isn't going to be done right for the

1 environment and monitored, and compliance assured,
2 then don't do it.

3 Thank you for your time, and for
4 allowing me to read this for Mrs. Barkley.

5 THE CHAIRMAN: Thank you. You
6 probably can't answer too many questions because
7 you were speaking on behalf of somebody else. But
8 the 36 barns proposed by Hytek, they were never
9 built?

10 MR. SENFF: That's correct.

11 THE CHAIRMAN: Okay, thank you. Okay.
12 Well, thank you for coming out, and thank
13 Mrs. Barkley for writing this.

14 MS. FEFCHAK: Thank you.

15 THE CHAIRMAN: Okay. We will take a
16 break now for about 15 minutes.

17 (PROCEEDINGS RECESSED AT 3:00 P.M.

18 AND RECONVENED AT 3:13 P.M.)

19 THE CHAIRMAN: Can we come back to
20 order, please? First up, or next up, is Joe
21 Dolecki. Please introduce yourself for the
22 record?

23 MR. DOLECKI: Yes, my name is Joe
24 Dolecki.

25

1 JOE DOLECKI, having been sworn, presents as
2 follows:

3 THE CHAIRMAN: Go ahead, sir.

4 MR. DOLECKI: My name is Joe Dolecki.
5 And I'm an Associate Professor and Chairman of the
6 Economics Department of Brandon University. My
7 areas of specialization and interest include
8 economic development, resource economics, benefit
9 cost analysis, environmental economics,
10 environmental law, economic history and, most
11 importantly, the history of economic thought.

12 MS. JOHNSON: Excuse me. Mr. Dolecki,
13 could you slow down just a bit? It is hard for us
14 to keep up here.

15 MR. DOLECKI: The other thing that I
16 have to add is that I reside in the Rural
17 Municipality of Daly. And I reside on a mixed
18 farm with my spouse and my daughter.

19 The other thing is that I would like
20 to thank the Clean Environment Commission for
21 allowing me this opportunity to offer you a
22 submission for your consideration. I have to
23 apologize that the submission is not complete.
24 There are a bunch of calculations that have to be
25 finished up, and I haven't had time to do it.

1 At any rate, my submission, which is
2 now a work in progress, is divided into a couple
3 of parts. In the first part, I would like to
4 discuss with you economics and sustainability
5 within the context of this review. And then I
6 would like to consider the questions of the -- the
7 questions of -- the inter-related questions of the
8 industry's economic viability and its
9 environmental sustainability, with a particular
10 emphasis on the issue of subsidization.

11 And I will just advise you that I will
12 be sending the completed documents to you, along
13 with a supplementary written submission. The
14 census for 2006 for agriculture which will not be
15 out until June, I think, or May. And there is
16 some information in there that I think would be
17 useful to put before the submission. So,
18 hopefully, after -- I know that your deadline for
19 submissions is coming up relatively shortly. I
20 would hope that you would accept stuff based on
21 the census for agriculture.

22 THE CHAIRMAN: As long as we get it
23 before the end of June, yes.

24 MR. DOLECKI: Okay. Because I think
25 it is coming out the 15th or something like that.

1 THE CHAIRMAN: I'm not certain.

2 MR. DOLECKI: Now, before I proceed to
3 the main discussion, I would like to express
4 concern about some evidence that was put before
5 you in Winnipeg. And it was received -- it takes
6 the form of a letter that was received by one of
7 the speakers here today, John Fefchak. He
8 received a letter from the Minister of
9 Conservation, Stan Struthers. Evidently, the
10 Minister considers the purpose of the Clean
11 Environment Commission Review is to be:

12 "To restore public confidence in the
13 industry and in the government's
14 regulation of the industry."

15 I would note, for the record, that no reference
16 whatsoever to such a purpose is specified in, or
17 can be inferred from, the language of the
18 Environment Act, under which the CEC is
19 constituted. In and of itself, the fact that the
20 Minister has no statutory authority whatsoever to
21 impose this purpose upon you, while it is of
22 interest perhaps in some other forum, that need
23 not keep us here or detain us here.

24 What is of the moment, I would submit,
25 is the clear suggestion by the Minister that he

1 will consider and accept only those CEC
2 recommendations that are compatible with that
3 purpose. If this is, indeed, his intention and,
4 sadly, I have seen no evidence to the contrary, I
5 submit that the Minister's statement to Mr.
6 Fefchak has the objective effect, if not the
7 subjective intent, of tainting not only this
8 review, but also the CEC itself.

9 People in Manitoba, and especially
10 people in rural Manitoba, which is ground zero for
11 the next round of swine intensive livestock
12 operation expansion, have the legitimate
13 expectation that you will conduct an
14 intellectually honest, objective and politically
15 unfettered assessment of the hog industry, based
16 on complete and accurate information.

17 As well, they expect that these same
18 characteristics will ground the recommendations
19 that you present to the Minister. And the scoping
20 document that you've got, while it is not perfect,
21 because you didn't listen to me and didn't include
22 the benefit cost analysis, is sufficient to
23 enable, I think, the expectations of people out
24 here to be realized, that is if you execute it
25 properly. And it is my sincere hope that you can

1 overcome this constraint that the Minister is, by
2 his words, seeking to place upon you and your
3 work.

4 It is in this context that I offer the
5 following submission. Let us begin at the
6 beginning. The Clean Environment Committee has
7 been asked to undertake a review of the
8 environmental sustainability of the hog industry
9 in Manitoba. Obviously, the meaning of
10 "sustainability" in general, and environmental
11 sustainability, in particular, is critical to the
12 outcome of this exercise.

13 In an earlier submission on scoping, I
14 indicated to you that Manitoba's Sustainable
15 Development Act provides the appropriate and
16 legislatively anchored conceptual base for this
17 review. In this Act, sustainable development
18 means:

19 "Meeting the needs of the present,
20 without compromising the ability of
21 future generations to meet their own
22 needs."

23 Now, this definition, and the concept of
24 sustainability that's contained within it,
25 originates with the report of the Brevlin

1 Commission.

2 As with any statement that is produced
3 by a committee, and particularly by one issued by
4 a U.N. Commission, the initial question is: What
5 the heck does that mean concretely? And it turns
6 out that many years ago I was asked that question
7 during the course of a presentation that I gave at
8 the World 90 Environment and Energy Conference
9 held in Winnipeg. My response then, speaking from
10 the perspective of contemporary economics, was
11 that:

12 "Sustainable development means that we
13 can continue, as we have in the past,
14 to rape, pillage and plunder the
15 environment. We just call it
16 something nice so that we can feel
17 good about what we're doing."

18 Be that as it may, right, when regarded most
19 generally, the concept of sustainable development
20 implies the integration of economics and ecology.
21 For contemporary economics, and for contemporary
22 economists, such an integration presents a real
23 challenge.

24 The fact is that economics and
25 ecology, if you look at them or consider them as

1 two separate fields of academic inquiry, are
2 completely antithetical to one other. They have
3 diametrically opposed methods of logical
4 frameworks and analytics, incompatible systems of
5 valuation and values, and mutually exclusive
6 analytical and practical priorities.

7 Consequently, attempts to integrate
8 these two disciplines, at least at an analytical
9 level, have, thus far, met with about as much
10 success as one would expect from an arranged
11 marriage between Margaret Thatcher and Tommy
12 Douglas. So, in other words, there is no success
13 at all.

14 In this context, there are three
15 problematic areas of contemporary economics to
16 which I would like to call your specific
17 attention, and ask you to keep in mind during the
18 course of your work.

19 First, economists tend to be
20 preoccupied, some would say obsessed, with
21 economic growth; with GDP growth, in particular.
22 Indeed, for many economists and, I would add, most
23 politicians, GDP growth is the main objective, the
24 grand end of economic society. And as the
25 ecologists in this world correctly point out, from

1 this growth for growth's sake perspective, all
2 other objectives, for example, species
3 preservation, are considered to be secondary,
4 indeed, expendable.

5 One reason for this is that GDP is
6 generally, although improperly, considered to be
7 an index of social well-being or what economists
8 call welfare. Here, so long as GDP growth exceeds
9 the growth of population, average or per capita
10 well-being of the people will, with mathematically
11 certainty, increase.

12 The problem is that GDP simply can't
13 be used as an indicator of well-being. And this
14 is because this statistic itself only gives us an
15 estimate of the market value of final goods and
16 services, in commodity form, that are produced for
17 exchange markets within a year. Not only does it
18 exclude a substantial amount of central economic
19 activity that doesn't pass through markets, it
20 says nothing about the distribution of outputs,
21 and it makes no distinction about the mix of
22 outputs that are produced for exchange.

23 Thus, in GDP accounting, \$1 million
24 worth of daycare expenditures is considered, in
25 terms of contributing to social -- to society's

1 well-being, to be the equivalent of \$1 million of
2 expenditure on pornography.

3 Moreover, and more to the point, here
4 today, the GDP statistic is perverse when it comes
5 to the environment. There is no category in GDP
6 accounts that identifies, let alone values,
7 environmental degradation, the depletion of what
8 economists call "natural capital". However, when
9 degradation does occur, expenditures made for
10 mitigation -- that's with an "M", because the
11 transcripts generally put in "litigation" for
12 "mitigation" -- expenditures made for mitigation
13 are accounted as additions to, rather than
14 deductions from, GDP.

15 The reason this is important, is
16 because it means that attempts to anchor
17 sustainability discussions, in terms of GDP, is
18 problematic. Yet, this is precisely what the
19 Manitoba Pork Council, in its submission to the
20 Commission, and the Department of Conservation
21 does in its report, "An Examination of the
22 Environmental Sustainability of the Hog Industry
23 in Manitoba", attempt to do. The implicit
24 definition of "sustainability" used here, by them,
25 is narrowed to involve the question of sustaining

1 the economic viability of the hog industry, not
2 the environment.

3 The second difficulty with the
4 economist lies in what you can call a technology
5 fetish. Here, any problems, particularly problems
6 of environmental degradation that arise in the
7 course of production, and which are mitigable with
8 known technology, are assumed to have been solved,
9 whether or not the technology is actually been
10 used.

11 For other environmental problems and,
12 in particular, those that are not mitigable with
13 current technology, it is assumed that the
14 technological solution will eventually be
15 forthcoming. And, again, regardless of whether or
16 not these solutions are actually deployed, they
17 will be forthcoming. And, hence, the problem will
18 be solved, so long as sufficient resources are
19 allocated for the research and development
20 activities.

21 The assertion that there is, at least
22 potentially, a "technological fix for every
23 problem," is an example of what is commonly
24 referred to in the discipline as a can opener
25 assumption, named after an old joke about economic

1 methodology, which goes something like: How does
2 an economist open a can of beans? Well, he
3 assumes he has a can opener.

4 The idea is that a can opener
5 assumption is an assumption that is routinely
6 made, in order to produce a logically correct, but
7 empirically false, conclusion. The importance of
8 this is that can opener assumptions relating to
9 technology appear all over the place in the
10 industry's materials and in government materials,
11 and including in submissions to the CEC.

12 This is particularly true when you are
13 dealing with the industry's attempt to address the
14 problem of nutrient pollution. As well, in the
15 submission before you by Conservation that I
16 referred to earlier, there is an explicit
17 reference at page 3 to the:

18 "Millions of dollars being allocated
19 to research efforts relating to the
20 production and environmental problems
21 ingredient in the industry."

22 The point is that a technological solution that is
23 being sought or, if found, is not deployed, say
24 for reasons of cost, that that kind of "solution"
25 is, in fact, no solution at all.

1 Finally, the last thing I would like
2 you to consider is that since about 1890, when the
3 foundations of contemporary economics was
4 established, the discipline has actually had no
5 theory of production, let alone one that can be
6 integrated with ecology. In particular, what is
7 absent in economics, is analysis of the process of
8 production or, to be more accurate, the
9 multiplicity of different or interrelated policies
10 that are related in production considered as a
11 whole.

12 Most important among these are those
13 environmental and ecological processes that
14 provide the necessary conditions that allow us to
15 engage in any economic activity at all. These
16 processes provide us with life support. They
17 provide us with production inputs, including
18 energy. And it provides us with waste sinks. And
19 they also provide us with the operational limits
20 to our productive activity.

21 If, for example, a given production
22 process utilizes inputs produced by environmental
23 processes at a rate that is in excess of
24 replenishment, or if waste from production
25 activity is generated at a rate that is greater

1 than the absorptive capacity of the environment,
2 then the production activity in question will
3 eventually be compromised.

4 On the other hand, if a production
5 process operates in a manner that is compatible
6 with, and within the limits set down by
7 environmental and ecological processes, then it
8 is -- then it can theoretically continue
9 indefinitely.

10 Manitoba's Sustainable Development Act
11 calls this:

12 "sustainability", by which is meant:
13 "the capacity of a thing, an action,
14 activity or process to be maintained
15 indefinitely."

16 It turns out that historically, at least, there
17 have been two systems of human production that
18 have been sustainable in this sense. They are the
19 hunting and gathering societies and the peasant
20 economies. These social formations existed for
21 centuries, if not millennia. They are
22 pre-capitalist economic formations, North American
23 remnants of which can be found in indigenous
24 populations and agricultural, as opposed to
25 industrial farming communities. People of these

1 pre-capitalist economic formations were able to
2 achieve sustainability only because they clearly
3 understood, and were guided by, the imperative
4 that their activities must be compatible with the
5 environmental and ecological processes within
6 which they existed.

7 The difference between this and
8 industrial forms of production, particularly
9 intensive livestock production, and particularly
10 intensive livestock production in hogs, are as
11 obvious as they are disconcerting.

12 As Bill Weida, a resource economist
13 from Colorado, and one of the foremost authorities
14 on ILOs in North America notes, I have a couple of
15 papers for you by him:

16 "Contrary to the image that the Pork
17 Council projects, Intensive Livestock
18 Operations are "industries", not
19 "agriculture". They create industrial
20 sized pollution and waste problems.
21 They masquerade as agriculture because
22 pollution monitoring and pollution
23 regulation are weaker in the
24 agriculture sector."

25 Hence, the necessity to identify and specify a set

1 of principles of sustainability, and to enshrine
2 them legislatively, in order to attempt to deal
3 with a non-sustainable production force.

4 In Manitoba, these principles and
5 guidelines are set out in Schedule A and B of the
6 Sustainable Development Act. And for my purpose
7 today, I would draw your attention, your specific
8 attention, to Clause 1 of Appendix B of the Act
9 entitled: "Efficient use of resources." Of
10 particular importance is Clause 1(B), which
11 requires full cost accounting in determining
12 whether or not an activity, here Intensive
13 Livestock Operations in hogs, is efficient within
14 the meaning of the Act.

15 Clearly, the concept of efficiency
16 enshrined in this Act is much broader than the
17 popular concept, which is anchored in the notion
18 of profitability, of economies of scale and so on.
19 What the Act directs us to examine is whether or
20 not an activity is efficient when the true costs
21 of production are taken into account. This
22 question is fundamental, since the desirability
23 and wisdom of having resources allocated to this
24 industry and, indeed, the desirability of the
25 industry itself, depends on that answer. And the

1 remainder of my submission will be -- will
2 consider this question.

3 It's my submission that the hog
4 industry in Manitoba represents a classic example
5 of what I have elsewhere called the:

6 "Socialization of costs and the
7 privatization of benefit approach to
8 economic development."

9 As such, it is neither economically viable, nor
10 environmentally sustainable.

11 In my view, the industry's
12 profitability, which is -- you know, varies, has
13 varied over the last number of years, industry's
14 profitability is not the result of ILO production
15 efficiencies; but, rather, is the product of
16 extensive social, financial, regulatory and
17 environmental subsidization. In the absence of
18 this subsidization, I contend, the industry is
19 simply not economically viable.

20 Moreover, I submit, the alleged
21 economies of scale that are claimed by the
22 industry are actually a mirage generated through
23 the mechanism of cost avoidance and costs dictated
24 to the public. Therefore, rather than focusing on
25 ways to facilitate the further expansion of swine

1 ILO production in Manitoba, I recommend -- I would
2 be recommending to you, in the strongest possible
3 terms, that you should recommend to the Minister
4 that the moratorium on intensive livestock
5 operation expansion of swine be permanently
6 instituted, and that you should focus your efforts
7 and your attention on considering and recommending
8 to the Government exit strategies that will
9 provide for an efficient and orderly downsizing
10 and de-commissioning of the industry.

11 I would like to consider these matters
12 in more detail. I want to take a look first at --
13 I want to draw your attention first to a document
14 called "Pork in Manitoba", produced by the
15 Manitoba Government, posted on the website of
16 Manitoba Agriculture, Food and Rural Initiatives.
17 It states that:

18 "The government and industry continue
19 to work together to ensure the success
20 of the pork industry in Manitoba."

21 I submit that the result of this collaboration has
22 been the regulatory subsidization of the industry.
23 The extent of this subsidization is significant.
24 One area where there is particularly important
25 involves government intervention into the

1 decision-making process in respect of the swine
2 Intensive Livestock Operations at the Municipal
3 Government level, either directly or indirectly,
4 through the mechanism of Technical Review
5 Committees.

6 And I would like to offer you the
7 following evidence from my personal experience.
8 And I've got a package of stuff from the files in
9 support of this claim.

10 One of the most remarkable
11 interventions made by the Provincial Government to
12 date occurred in my municipality, the R.M. of
13 Daly. In December of 2001, rumours began to
14 circulate regarding the possibility of a swine ILO
15 being developed in our municipality. In response,
16 a small group of ratepayers began meeting in
17 private homes to discuss the implications of such
18 a development, and to take a look at things like
19 the Daly Conditional Use By-law, as well as
20 by-laws from adjacent municipalities.

21 In January, 2002, this group, by then
22 calling themselves the Concerned Daly Ratepayers,
23 called a public meetings in Rivers. By this time,
24 it had been confirmed that a corporation, KPA,
25 Keystone Pig Advancement, based in Oakdale, was

1 attempting to develop an 800 sow, farrow to
2 finish, operation in our municipality. Over 125
3 ratepayers, that's 26 percent of the estimated
4 ratepayer population in Daly, attended that
5 meeting on a night when the temperature was 30
6 below.

7 During this meeting, a survey was
8 taken. I've got a copy of it here for you. And
9 the results showed overwhelming support,
10 93 percent, for a moratorium on new hog barn
11 development in the municipality, pending a
12 revision and strengthening of Daly's Conditional
13 Use By-laws governing Intensive Livestock
14 Operations, By-law 97-9, I think it was.

15 Subsequently, the Concerned Daly
16 Ratepayers circulated a petition calling for a
17 moratorium and by-law revision amongst all of the
18 adult residents and land owners in the
19 municipality that they could find. In eight days,
20 approximately 93 percent of the total population
21 of about 475 were contacted. And of these,
22 91 percent, or 403, signed the petition.

23 In response to this petition, and
24 after a great deal of how you would charitably
25 describe it as free and frank discussion in the

1 council chamber, in response to this petition, our
2 Municipal Council instituted a moratorium on the
3 consideration of ILO conditional use applications
4 pending the development of a new by-law that would
5 adequately address the community's expressed
6 concerns.

7 Within 30 days, as per the resolution,
8 resolution 6, which instituted the moratorium, a
9 package of 35 amendments to the existing intensive
10 livestock operation by-law, the Conditional Use
11 By-law, was submitted to council. The people of
12 Daly, all right, the people of Daly, had put this
13 together through a grassroots democratic process
14 that involved an extensive series of open,
15 broad-based community meetings, in which over 150
16 ratepayers participated, they developed this
17 package.

18 The way it worked was that they rented
19 out a hall. They were brought in. They asked
20 everybody to show up. 150 showed up, broke into
21 small discussion groups, and focused on those
22 areas of interest and concern that each individual
23 or each person had. Nobody was assigned anything.
24 People just went to the areas of interest. They
25 came up with suggestions for by-laws, and it was

1 brought back to the general assembly after the
2 first couple of meetings. And then it was farmed
3 out for being written up in legal language, again,
4 by volunteers from the community.

5 The basic principle underlying the
6 package that was produced was that an intensive
7 livestock operation developer ought to be
8 responsible for the full cost of the development.
9 And, in particular, those who caused damage,
10 rather than the ratepayers of Daly who suffer it,
11 ought to be responsible for the costs associated
12 with rectifying such damage. It was also based on
13 the principle that a conditional use is a
14 privilege in the municipality, not a right. And a
15 conditional use application, or the conditional
16 use provisions of the Planning Act, make it very
17 clear that apres array, something that requires a
18 conditional use permit is, on the face of it,
19 incompatible with the existing pattern met of
20 municipal land use.

21 And the purpose of the conditional use
22 process is to assess, excuse me, through the
23 gathering of all kinds of information, through a
24 public hearing, to gather information to determine
25 whether or not it would be possible, through the

1 imposition of conditions, to make the conditional
2 use proposal, the proposed conditional use,
3 compatible with the existing pattern of municipal
4 land use that exists within the municipality,
5 right? If it can't, then it does not get
6 approved. If it can, then you pass conditions
7 that are designed, or hopefully designed, to
8 enshrine that.

9 What we did, what the community in
10 Daly did with the by-laws, was to set up a number
11 of conditions precedent. As I said, there was 35
12 or 37 of them, which -- to which, a proponent and
13 an ILO developer, be they cattle or sheep --
14 although that's difficult to imagine, nor is it
15 desirable to imagine -- hogs or anything, would
16 have to agree to meet, as a condition precedent
17 for a conditional use application being accepted
18 and a hearing being called.

19 At any rate, Daly Council gave first
20 reading to the community's Intensive Livestock
21 Operation By-law Proposal, and scheduled a public
22 hearing for May 7, 2002. Prior to the hearing,
23 the Provincial Government sent three bureaucrats,
24 three of its bureaucrats. A guy by the name of
25 Ron Tompkins, from Community Planning Services; a

1 woman by the name of Christine Kabernac, from
2 Manitoba Agriculture; and Brian Cotton, from
3 Manitoba Agriculture, were sent out to meet with
4 Daly Council privately, in secret.

5 Mr. Tompkins was, at that time, a
6 member of the Technical Review Committee which
7 was, actually, assessing the KPA proposal, and was
8 on record as having been highly critical of the
9 community's by-law amendments. We got a letter, a
10 piece of correspondence, between him and the CEO
11 of the day, sent after the first reading was given
12 and before the second read -- before this private
13 meeting.

14 Mr. Cotton authored the Technical
15 Review Committee's report on the KPA proposal.
16 They, these people, met with Daly Council in
17 secret, along with Daly Council's lawyer. The
18 product of this meeting was an alternative set of
19 by-law amendments that were the opposite of what
20 the community had proposed. Daly Council released
21 this to the public five days before the public
22 hearing on the community's by-law package.

23 The meeting or the public hearing went
24 on May 7, 2002, and it lasted seven hours. Public
25 support for the community's by-laws was

1 overwhelming. Only 6 out of the 81
2 representations that were made contained
3 objections to the community's by-law. Three of
4 these were from representatives of the Manitoba
5 Pork Council, including Peter Mah. And two were
6 from the same government officials, Tompkins and
7 Kabernac, who had met privately with the Daly
8 Council. These two officials dutifully repeated
9 the Manitoba Pork Council's objections to the
10 community's by-laws. One of these officials went
11 so far as to raise the false possibility of legal
12 action against the R.M. of Daly by a hog barn, to
13 be taken by a hog barn developer.

14 The other official, it was discovered
15 through an access to information request, back in
16 the days when you could still get information from
17 an access for information request in a timely
18 fashion, had reviewed the Pork Council's
19 submission on the community's by-laws well in
20 advance of the hearing.

21 I made formal complaints against the
22 activities of these officials to the Minister of
23 Agriculture, and was informed by Minister Wowchuk
24 that they were: "following departmental policy."
25 What is instructive about the government's

1 intervention here is the reasoning behind the
2 objections to the community's by-laws. For
3 example, at page 5 of the letter that I referred
4 to earlier from Mr. Tompkins to Mr. McLellan, the
5 CEO at the time, he writes:

6 "Collectively, the various provisions
7 of the proposed by-law will probably
8 be viewed as a significant deterrent
9 to development of livestock
10 confinement facilities as a
11 conditional use."

12 Ms. Kabernac, in her submission at the hearing,
13 fleshed out this view by focusing the attention of
14 the cost to developers that these by-laws would
15 involve. We had requirements for them to do all
16 kinds of soil and water testing, to have
17 above-ground storage, to put money into a
18 performance bond, to have a de-commissioning plan,
19 and a money set aside to implement that, should
20 they walk away from the municipality. Because the
21 idea is if an operation walks away from a
22 municipality, the land reverts back to the
23 municipality for taxes and then the people, the
24 ratepayers of the municipality, pick up the bill
25 for clean-up. And people wanted to avoid that,

1 right?

2 She indicated, in her submission,
3 that:

4 "If the full cost principle was
5 applied comprehensively to Intensive
6 Livestock Operations in the R.M. of
7 Daly, developers would find it cost
8 prohibitive to locate there."

9 The clear suggestion is that, from the perspective
10 of the government, the necessity of regulatory
11 subsidization at the municipal level is a
12 condition of swine ILO viability. It is also
13 clear that the government was not beneath spending
14 significant public resources to subvert democratic
15 processes in order to facilitate ILO expansion in
16 our R.M.

17 In the end, Daly Council rejected the
18 community's by-law amendment proposal.

19 Subsequently, following a conditional use hearing
20 on the KPA project, a hearing that lasted for two
21 solid days, the proposal of the application was
22 rejected by a vote of 4-3.

23 I would like to turn now to the second
24 component of this discussion about the regulatory
25 subsidization through intervention, indirectly

1 now, through Technical Review Committees.

2 At page 20 of this report on "An
3 Examination of the Sustainability of the Hog
4 Industry in Manitoba", there is a description of
5 the Technical Review Committee's role, the
6 T.R.C.'s role, in the conditional use process. It
7 says:

8 "The role of the T.R.C. is to provide
9 support to a municipality holding a
10 conditional use hearing on a new or
11 expanding livestock operation by
12 providing preliminary technical
13 information, assessment and
14 recommendations on the proposed
15 development."

16 And it goes on to talk about the kind
17 of categories of things that they look at:
18 Whether or not, you know, there is a conflict with
19 the existing by-laws, whether or not you have got
20 sufficient spread acres, and all of that stuff,
21 right?

22 In practice, my experience has been
23 that T.R.C. reports are written in a manner that
24 has the objective effect of encouraging R.M.s to
25 approve every ILO proposal that comes before it.

1 Indeed, I am aware, and I may be wrong, but I am
2 aware of only one instance, since 1994, when a
3 T.R.C. has recommended against approval of an ILO
4 development in an area.

5 And, in my view, the basic problem is
6 that members of the Technical Review Committees
7 are civil servants from departments such as
8 Manitoba Agriculture and Intergovernmental
9 Affairs, departments that are promoters of the
10 industry.

11 This leads to a tendency by Technical
12 Review Committees to minimize, gloss over, and
13 sometimes ignore serious problems in project
14 proposals when they write their reports for
15 councils. I can offer you a brief example. I
16 have a number, but I will just give you one, just
17 a brief example to illustrate the point. At page
18 2 of the -- of a Technical Review Committee Report
19 on a Premium Pork Western Swine proposal that was
20 made for the R.M. of Strathclair. There is an
21 assessment that was -- of the project
22 specifications that are identified in relation to
23 the R.M. of Strathclair's zoning by-laws. The
24 idea is that these people go through the by-laws.
25 And then they check to see if the proposal will

1 fit within them. The report reads:

2 "The amendment to the zoning
3 by-law"...

4 which is the amended version of the by-law they
5 are looking at.

6 "...requires that a proposed livestock
7 operation (buildings and manure
8 storage) shall not be located within
9 328 feet of a water body or domestic
10 water supply. It appears that this
11 operation meets this requirement."

12 So that's given to council, who don't spend a
13 whole lot of time, as you probably know,
14 Mr. Motheral, reading by-laws. Now, what the
15 zoning by-law in the R.M. of Strathclair's
16 amendment actually says is that these types of
17 operations:

18 "Must have a minimum set-back distance
19 of 328 feet from any surface water
20 body, groundwater or domestic water
21 supply."

22 The T.R.C. omitted the reference to "groundwater".
23 Because, in order for the proposal to fly with the
24 by-law, it must have been -- it must be sited 328
25 feet above the groundwater supply. And the

1 specific ILO proposal would, in fact, not meet
2 this requirement.

3 It has been my experience that
4 Technical Review Committees rely exclusively on
5 non-verified information supplied by project
6 proponents. They rarely do site visitations.
7 When the public at hearings -- at public hearings,
8 the public who attend public hearings to make
9 representations, expose errors in Technical Review
10 reports, Technical Review Committees do not
11 revisit their reports or recommendations. And,
12 occasionally, as in an instance recently in the
13 R.M. of Daly, Technical Review Committees will
14 even refuse to execute their statutory duties
15 under the Planning Act.

16 In the R.M. of Daly there was an
17 application for an intensive livestock operation
18 in swine, an expansion of one. And the question
19 was -- or in cattle, rather. And the question was
20 about -- the question was raised about the spread
21 land acreage. And the Council of the R.M. of Daly
22 ended up getting notified of an expansion of the
23 number of spread land acres. They passed a
24 resolution asking the Technical Review Committee
25 to examine these spread acres, in light of the --

1 in light of their submission, because the amount
2 of spread acres that was in the original proposal
3 wasn't enough, as a result of the information from
4 the public hearing, and the Technical Review
5 Committee said: No. That happened twice. In my
6 view, that was contrary to their statutory duties
7 under the Planning Act.

8 The next or second aspect of
9 regulatory subsidization involves the question of
10 enforcement, that I would like to talk about. My
11 experience has been that Conservation, as a
12 department, and Conservation officials, lack both
13 the resources and the inclination to investigate
14 and prosecute regulatory breaches. I am aware of
15 a number of complaints relating to improper winter
16 spreading that have been filed by members of the
17 public in our municipality, myself included. But
18 the turn-around time between complaint filing and
19 investigation always seems to be sufficiently long
20 to prevent the adequate gathering of evidence, so
21 nothing is done. We are told that enforcement is
22 a complaint-driven process. And people make
23 complaints, and there is no enforcement, at least
24 that's my experience.

25 There is a couple of other things

1 about that, about the enforcement issue here, that
2 have to be looked at. One is that the traditional
3 way to supply evidence in support of a complaint,
4 particularly if you are dealing with pollution, is
5 to go and secure soil and water samples from an
6 ILO property. However, the government has
7 recently increased the fines for trespassing,
8 which would be into play if you went and collected
9 soil and water samples from ILO properties. And
10 they have increased the fines from, I think, \$50
11 to \$5,000, right, at the request -- I am told, but
12 I do not know for sure -- of the industry. That
13 seriously compromises, right, the complaint-driven
14 aspect of the enforcement mechanism.

15 As well, right, the Ministry itself
16 does not seem to be too keen on enforcement
17 provisions of the -- provisions, for example, of
18 the Planning Act. Under the Planning Act, right,
19 if you give a conditional use permit to do an
20 Intensive Livestock Operation, you are not
21 permitted to construct anything at all in relation
22 to it until you get all of the other necessary
23 permits. In our municipality, there is an
24 Intensive Livestock Operation which received a
25 Conditional Use Permit, but has not even applied

1 for water licences, and other required licences,
2 and the barn that is involved is almost built,
3 almost finished!

4 Advances to the government that have
5 been made, by numerous people, have gotten no
6 response at all in relation to enforcement. My
7 point is that enforcement avoidance is a
8 regulatory subsidy. I would also note, for the
9 record, that if fines are levied and collected,
10 the industry's infraction enforcement costs are
11 also, surprisingly, publicly subsidized. This is
12 as a result of a Supreme Court decision that was
13 rendered in 1999. I have a copy. And I will
14 supply you with a copy of the decision. I have
15 got the reference for you here in this. The
16 reference is Supreme Court of Canada decision
17 (65302 British Columbia, Ltd. v. Canada), S.C.C.
18 file number 26-35-2.

19 The case involved a B.C. egg producer,
20 who was fined for selling over quota. The egg
21 producer entered the fine as a business expense on
22 his income tax, which was an entry that was
23 disallowed by Revenue Canada. He went to court on
24 it. And the matter ended up in the Supreme Court,
25 which ruled in favour of the producer, the egg

1 producer.

2 In the judgment, Mr. Justice
3 Iaccabucci found that all fines levied against
4 enterprises for breaches of federal, provincial
5 and municipal regulations, except for provisions
6 relating to the bribery of foreign officials and
7 tax evasion, right, were found to be legitimate
8 tax deductible business expenses. The reason for
9 that was that the law mentions bribery of foreign
10 officials, it mentions fines under the Income Tax
11 Act, as specifically as not being tax deductible,
12 but doesn't mention everything else, anything
13 else.

14 And so the intention of Parliament,
15 whether it was or not, can only be interpreted by
16 the court as being: Well, everything goes, or
17 everything else goes. And as a result, well,
18 the implications are pretty clear, fines are, and
19 have always been, an integral part of any
20 regulatory regime. But with this judgment, the
21 deterrent value of fines has been completely
22 compromised.

23 I would like to talk, and I will just
24 list this out very briefly, for this part of --
25 for this section of it, part of the work in

1 progress. I would like to identify other forms of
2 direct government subsidization that can -- that
3 applies to this industry. There is a great deal
4 of discussion in "An Examination of Environmental
5 Sustainability of the Hog Industry in Manitoba",
6 and in other documents, about publicly funded
7 research and development for specific purposes,
8 projects and problems of the industry that is a
9 subsidization. The increases that are experienced
10 in municipal infrastructure expenditures on such
11 things as roads, which are necessitated by the
12 development of Intensive Livestock Operations, the
13 increase is a subsidy.

14 The other one, which is probably the
15 most significant, from the point of view of
16 assessing the amount of viability of the industry,
17 has to do with CASE, the CASE program, which my
18 neighbour calls the chartered accountant's income
19 security program. And, apparently, it has been
20 explicitly tailored to meet the requirements of
21 Intensive Livestock Operations, at least that's
22 what I was told when a person in the Department of
23 Agriculture gave a lecture on it in one of my
24 classes. And the limit on these payouts was
25 raised through negotiation between the Federal and

1 Provincial Government to \$3 million per barn.
2 This is potentially the largest direct subsidy
3 program around. The difficulty that they have is
4 attempting, in terms of the assessing how much, is
5 to get any information on the payouts that have
6 been made to various commodity groups, including
7 hog producers.

8 I would like to list now, or talk a
9 bit next, about what you would call social
10 subsidization. There are two forms that can be
11 identified immediately here. One of them involves
12 increased health treatment costs, and increased
13 health treatment activities, due to the increases
14 in incidence of respiratory illnesses, for
15 example, asthma, among both hog barn workers, in
16 amongst people, especially children, living in
17 areas in close proximity to hog barns.

18 Iowa, the Government of Iowa -- the
19 Governor of Iowa, I believe, has commissioned a --
20 a committee of scientists to examine, review, et
21 cetera, the refereed journal literature on this --
22 on this type of stuff. And they also were
23 apprised of, and it's available through the Iowa
24 Government, a bunch of studies that were done by
25 medical practitioners and the incidence of

1 respiratory illness. And they found significant
2 increases in that incidence, and that is a cost of
3 production that's borne by the public, both in
4 real terms, in terms of the deterioration of
5 health, and the way in which people have to manage
6 that, and also in health costs. And I have copies
7 of those. I don't have them with me. But I do
8 have copies of them, and I will make them
9 available to you.

10 The point here is that, while it may
11 be true that the rates of incidence cannot be
12 immediately transferred from the Iowa numbers to
13 the Manitoba ones, based on the characteristics,
14 it is equally true that medical health records in
15 this province would reveal the extent of that, of
16 this increased incidence, as well as the costs
17 associated with it.

18 The second thing that is an aspect of
19 social subsidization involves the notion of
20 residential property value decreases. Ample
21 evidence of a significant decline in property
22 values of residences locating in proximity to hog
23 barns has been found in a variety of
24 jurisdictions. There is a bunch of material from
25 Bill Weida that's included in the stuff that I'm

1 giving you today. There is a couple of journal
2 articles, at least one journal article that I
3 have, that I will make available to you. And
4 there is some stuff from the Province of Alberta,
5 in terms of decisions about altering property
6 assessments in relation to the distances from
7 Intensive Livestock Operations.

8 The Pork Council claims that property
9 values in Manitoba have, actually, gone up in
10 close proximity to hog barns. That's based on a
11 study by Royal LePage. I am familiar with the
12 circumstances of one of the cases that they
13 included in that study as evidence, and that's the
14 Dutch barn in Woodworth Municipality north of us.
15 Here the increased value of a residence near a
16 barn was as a result of a court action
17 forestalling buy-out. In other words, the
18 evidence or the claim that property values,
19 particularly in residential areas, amongst
20 residences, is not supported by the Royal LePage
21 study. And they more or less admit that at the
22 beginning of their -- at the beginning of that
23 study.

24 The last area that I would like to
25 talk about, and I've got about ten minutes, so

1 this will be just enough time, is the -- is one
2 which is important for the purpose of the Clean
3 Environment Commission. And that is the subsidy
4 that is most connected with environmental
5 sustainability, and that subsidy is the pollution
6 subsidy that the industry receives, and has
7 received on an ongoing basis, which is a cost that
8 is absorbed by the environment in terms of its
9 capacities for reproduction, and by the people who
10 utilize that environment in Manitoba.

11 And this matters arises out of the
12 very nature of swine Intensive Livestock Operation
13 production itself, and is one of the features that
14 distinguishes Intensive Livestock Operations from
15 agricultural operations. And it is also one that
16 unambiguously -- that unambiguously defines an
17 Intensive Livestock Operation, the Intensive
18 Livestock Operations in swine, as being
19 non-sustainable environmentally.

20 The matter is succinctly defined in
21 the following way: All livestock production units
22 generate manure. In agriculture, as opposed to
23 industry, all animal waste is generated and
24 applied generally at agronomic rates, rates that
25 are consistent with what crops use. Indeed, for a

1 traditional peasant family, or peasant family
2 forum, the problem is not having enough, given the
3 land base that is being utilized for growing
4 crops, and so on.

5 Here in that setting, manure is a soil
6 amendment, right? However, in Intensive Livestock
7 Operations, manure presents a waste disposal
8 problem. The land base economically available for
9 spreading is small. This means that manure is
10 overapplied relative to crop requirements, and is
11 available for transport to surface waterways
12 without deleterious consequences -- or with
13 deleterious consequences on those waterways. And
14 the whole issue of transport into rivers and into
15 Lake Winnipeg hinges on that or centers on that,
16 right?

17 Now, there is a regulation under the
18 Livestock Manure Management Program, the LMNR.
19 The regulation, it is given re-numbered in the
20 stuff that you have. But I believe it is now
21 re-numbered as 11. I have it as 12 in my copy of
22 it, anyways. And it says:

23 "No person shall handle, use or
24 dispose of store livestock manure in
25 an agricultural operation in such a

1 manner that it is discharged or
2 otherwise released into surface water,
3 the surface water course or
4 groundwater.

5 An operator shall ensure that
6 livestock manure that is handled,
7 used, disposed of, or stored in an
8 agricultural operation, is not
9 discharged or otherwise released into
10 surface water, a surface water course
11 or groundwater."

12 And that's the regulation.

13 Last year, at the end of the year,
14 right before Christmas, the Manitoba Pork Council
15 called a press conference in Winnipeg to announce
16 to the world, right, that the hog industry, as a
17 whole, had violated this regulation, had broken
18 the law, and no enforcement action was taken. But
19 that this was okay because the hog industry, they
20 claimed, accounted for only one percent of the
21 nutrient loading to Lake Winnipeg. They broke the
22 law, right? At any rate, the intention of that
23 kind of -- of that approach, at that press
24 conference, it seems to me, anyways, was to
25 deflect attention from their activities, the

1 fundamental Achilles heel of the intensive
2 livestock producers, which is manure, right, and
3 to just focus attention on other people's
4 activities.

5 Incidentally, there is a can opener
6 assumption in this argument that they have made.
7 The can opener assumption that they used was that
8 synthetic fertilizer in the manure are transported
9 at equal rates off of fields and into waterways,
10 which substantially reduces the amount that is
11 attributable mathematically, anyways, to Intensive
12 Livestock Operations. And that their calculations
13 are a mathematical impossibility, well, in the
14 absence of that assumption.

15 Subsequently, and a little later on,
16 the Pork Council did a press release on a study
17 conducted through the University of Manitoba,
18 which purported to estimate the cost of industry
19 compliance with the new phosphorous regulation.
20 That regulation is perhaps one of the most
21 ludicrous that has been -- that has been
22 promulgated in the Province of Manitoba, or any
23 jurisdiction that I've seen. It permits 838
24 pounds of phosphorous per acre to be placed on
25 soil, right, where crop utilization rates are

1 substantially lower than that.

2 Anyways, the cost estimates that
3 they -- for compliance, vary from \$17.9 million to
4 \$27.86 million, or 18 to 28 percent of net returns
5 for the year, I think, for 2005, as they have
6 them. The fact is that this is a low estimate.
7 This is an estimate, a low estimate, of the amount
8 of environmental subsidization in waste disposal
9 handling, waste disposal handling, waste handling,
10 that is conveyed upon the industry. And they have
11 admitted this, right?

12 It is also a low estimate because
13 there is a can opener assumption that is used in
14 that report. The can opener assumption is that it
15 assumes that every Intensive Livestock Operation
16 in the province uses phytase in feed, which is
17 supposed to reduce the amount of phosphorous
18 generated, and is required to be carried away, by
19 30 percent to 40 percent. But there is no
20 information on the distribution of phytase use.
21 There is one piece that I saw that show only a
22 minority of one type of Intensive Livestock
23 Operations in Manitoba uses phytase. So that
24 means that the costs are underestimated
25 substantially, likely between 30 percent and 40

1 percent.

2 The government also provides us with
3 another estimate of the cost of the benefit
4 conveyed through this environmental subsidy to
5 Intensive Livestock Operators. They have just
6 announced that there is a new program, a loan
7 program available for Intensive Livestock
8 Operators. They will pay them \$150,000 to help
9 deal with manure movement problems or up to
10 another \$150,000 to deal with storage or with
11 lagoons that need re-vamping, right? This is
12 making available capital funds, publicly
13 sponsored, which is, in effect, rewarding people,
14 rewarding livestock operations for destroying
15 surface waters.

16 The other area of cost that's
17 important is groundwater contamination. Lagoon
18 seepage is something that is well recognized. In
19 fact, my understanding is that engineers built in
20 the seepage rate into their -- into their -- into
21 their designs.

22 In Kansas, there was a study published
23 a number of years ago that showed that they did a
24 de-commissioning, and they did core samples, that
25 seepage occurs at a rate of about 18-inches a

1 year. There is also seepage of unknown rates
2 below, in the unregulated manure storages, that
3 are temporary under barns, right? The implication
4 is that groundwater contamination is only a matter
5 of time. And as we have seen, there is, again,
6 through an access to information request that was
7 put out of a group of people in Winnipeg, that
8 something around the order of 40 percent of the
9 lagoons that had monitoring wells showed seepage.

10 The notion is that this all involves
11 mitigation costs. This all involves costs of
12 living with this stuff. Mitigation costs for
13 water supplies, for example, includes building
14 infrastructure to bring pipe to -- to pipe the
15 water, to treat the water, and that sort of thing
16 for rural residents, and to upgrade water
17 treatment -- existing water treatments facilities
18 and pipelines. Those costs are costs that are
19 avoided, or shifted, rather, to the public as a
20 direct consequence of the operation of Intensive
21 Livestock Operations.

22 Consequently, these have to be
23 included in the estimates for the -- in relation
24 to the question of whether or not this stuff is
25 economically viable, and how much it is not.

1 So I will conclude now, very briefly,
2 by saying that I would like to reiterate the
3 recommendations that I made to you earlier. That
4 rather than focusing on ways to facilitate further
5 expansion of swine ILO production into Manitoba, I
6 would recommend that -- I strongly recommend, in
7 the strongest terms possible, that the Clean
8 Environment Commission should recommend a
9 permanent moratorium on Intensive Livestock
10 Operation expansion and should seriously be
11 considering and recommending to the government
12 exit strategies that will provide for an efficient
13 and orderly downsizing and de-commissioning of the
14 industry.

15 The fact of the matter is,
16 notwithstanding the assurances and the genuine
17 beliefs of the people in rural Manitoba, in my
18 opinion, ILOs cannot be done right.

19 Thank you.

20 THE CHAIRMAN: Thank you very much,
21 Mr. Dolecki. Now, I understand that you will be
22 submitting a fair bit of stuff.

23 MR. DOLECKI: Yes.

24 THE CHAIRMAN: This presentation this
25 afternoon, plus some calculations based on the

1 census. And you mentioned some journal articles
2 as well?

3 MR. DOLECKI: Yes. I have for you
4 here a package of some material, which I was able
5 to photocopy without, how would you say it, before
6 my tape ran out.

7 THE CHAIRMAN: Okay, good.

8 MR. DOLECKI: It includes in there all
9 of the documentation, including the letters and
10 everything on the Daly episodes and by-laws. It
11 contains a couple of submissions that I have made
12 in respect of conditional use hearings in a couple
13 of municipalities. And it includes a couple of
14 papers by Bill Weida. One is on the rationales of
15 factory farming and impact calculations for
16 concentrated animal feeding operations on hogs.
17 There are a couple of calculations that are based
18 on American data from the 1990s and 2000 that are
19 contained in there, in Weida's work, that try to
20 address the question of costs of manure transport
21 by distance, the number of spread land acreage per
22 nutrients of nitrogen and phosphorous, and that
23 kind of stuff, which may be of interest and may be
24 of use to you.

25 THE CHAIRMAN: Okay. Thank you very

1 much. And we will certainly read through this
2 stuff that you are giving us here today, and the
3 stuff that you send to us in the near future. And
4 if we have any need for clarification, we will be
5 in touch.

6 MR. DOLECKI: Thank you.

7 THE CHAIRMAN: So thank you very much
8 for coming out here this afternoon.

9 MR. DOLECKI: Thank you for your
10 patience.

11 THE CHAIRMAN: Zack Penner. Please
12 state your name for the record?

13 MR. PENNER: My name is Zack Penner.
14 I'm with Amber D Farms.

15 ZACK PENNER, having been sworn, presents as
16 follows:

17 MR. PENNER: Good afternoon,
18 Mr. Chairman, members of the Commission Review
19 Panel, ladies and gentlemen. Thank you for the
20 opportunity to speak at this important hearing
21 regarding the hog industry in Manitoba. We have
22 reviewed the guide prepared by the Clean
23 Environment Commission and, in response, have
24 composed a presentation for our family farm
25 operations.

1 Our family operates a mixed grain and
2 hog farming operation near the small village of
3 Kola, Manitoba. Our land base straddles the
4 Manitoba/Saskatchewan border, approximately
5 20 miles west of Virden. Four generations of the
6 family have been farming in the area for almost 50
7 years, and the fifth is following close behind.
8 We certainly hope that they will be able to
9 continue farming if they choose to do so in the
10 future.

11 Our farm has been through dramatic
12 changes during the past 50 years. One of the most
13 significant of our generation was the decision to
14 diversify our grain farm and begin livestock
15 production in the mid-nineties, when prairie
16 farmers were facing abolishment of the Crow
17 Freight Benefit. Given our geographic location,
18 loss of the freight subsidy, and the increased
19 cost of transporting low value grains to distant
20 markets and ports for export, would surely reduce
21 returns on grains, which were already marginal, at
22 best. We were concerned for our ability to
23 compete with highly subsidized, low-value grain on
24 the world markets. It would be risky to continue
25 to rely solely on grain production, and we were

1 searching for options to sustain viability by
2 adding value to our production and diversifying
3 operations. In doing so, we were also hoping to
4 provide an opportunity for the next generation to
5 remain on the farm, if they chose to do so.

6 Livestock production appeared to
7 provide many of the answers we were looking for,
8 and would benefit existing farm operations by
9 utilizing the grain production, reduce input costs
10 with the use of the nutrient by-products, as well
11 as provide an opportunity for year-round full-time
12 jobs and other economic benefits for the community
13 at large.

14 We started our first hog operation in
15 1994, which has since grown to 6,000 sows on
16 multiple sites. Approximately 50 percent of our
17 production is marketed within Manitoba, both as
18 market hogs, and to other producers who grow them
19 to market weight. The other 50 percent are
20 exported to the U.S.

21 The development of this industry
22 required huge capital investment, which stimulated
23 economic activity and growth in our community. In
24 addition to the jobs and other benefits during the
25 development and construction phase, our farms now

1 provide full-time employment for more than 30
2 employees, with an average salary exceeding
3 \$34,000, an annual payroll of more than
4 \$1 million, and our purchases of feed and other
5 local supplies, exceed \$5 million.

6 Practically all of our input costs are
7 local Manitoba products and services, and there
8 are tremendous spin-off benefits:

9 The local feed mill has increased its
10 operations and employment, and currently provides
11 20 full-time jobs, and a local marketing option
12 for over one million bushels of grain per year.

13 Other local producers have access to
14 our feeder pig supply for diversifying their own
15 operations.

16 The local hog operations add more than
17 \$100,000 annually to municipal property and
18 education taxes, and have recently participated
19 with substantial additional funding towards a
20 tremendous new municipal water system.

21 In a small community of only 100, in a
22 region where population continues to decline,
23 every one of these jobs is tremendously important.
24 We see growth within our community, most
25 noticeably in the school, which was previously

1 threatened with closure and has since had two
2 expansions in recent years.

3 The hog industry is very important to
4 our farm, our community, and the Province of
5 Manitoba, in general. All of the jobs and
6 spin-off benefits add to our quality of life and
7 well-being. We are most concerned that the
8 industry will proceed in a sustainable manner, and
9 all of us have to make every effort to ensure that
10 it does.

11 Since first becoming involved in the
12 industry, we have seen many changes and
13 improvements. Management techniques, economics
14 and ever-increasing regulations have changed the
15 way the industry operates today. From initial
16 design of the facilities, through to the
17 development and operation, we follow a strict set
18 of guidelines and regulations, which we understand
19 are among the strictest anywhere.

20 The safety and health of staff are of
21 prime importance, and the well-being, handling and
22 management of the livestock are taken into
23 consideration in all of our management and
24 operational decisions. The hogs are housed in
25 well-ventilated, climate-controlled facilities,

1 for the comfort of both staff and livestock.

2 Following are our comments,
3 experiences and opinions of the topics that the
4 Clean Environment Commission is particularly
5 interested in.

6 We acknowledge and value the support
7 of scientific evidence and all of the expertise
8 that is available, and we realize that research
9 continues.

10 Nutrient Management. Our farm
11 currently utilizes professional swine nutrient
12 services. The nutritionists design feed using
13 ingredients which will best stimulate health and
14 growth in all stages of the pig's growth.

15 Since phosphorous has been identified
16 as a potential increasing problem to the
17 environment, we have included "phytase", which is
18 a product added to the feed to assist in the
19 breakdown of phosphorous, which, in turn, leads to
20 a lower phosphorous level in the animal's waste.

21 Manure management. The majority of
22 the content inside manure storage is water. We
23 prefer to have the manure in liquid form, in order
24 to handle it properly and to ensure the contents
25 of the manure storage is being injected into the

1 spread fields in a controlled fashion.

2 The hog industry is leading the way in
3 methods of recycling manure. We have taken a
4 product that was perceived to have no value, and
5 have turned it into a cost-saving, rich nutrient.
6 With spring application in our often dry area, we
7 have found to have increased the germination of
8 our crops due to the extra moisture applied
9 through injection which, in turn, helps to obtain
10 higher crop fields in the fall. Most of what we
11 take out of the ground is returned to the soil,
12 and the process continues.

13 Our farm abides by the Manitoba
14 Provincial Manure and Mortalities Regulations. We
15 utilize professional manure management services to
16 assist us in filing of our Manure Management Plan.

17 The Manure Management Plan is designed
18 and regulated by the Province, in order to
19 properly monitor manure application. The plan
20 includes many regulations, such as setbacks from
21 water bodies and water courses, maximum
22 application rates for a specific crop that is
23 intended to be grown, and a summary of total
24 product applied and its economic benefit to the
25 farmer.

1 To properly complete a Manure
2 Management Plan, we must first perform soil tests
3 on all land where manure is intended to be
4 applied. We must submit multiple manure analysis
5 tests showing nitrogen and phosphorous levels.
6 These tests are utilized, in order to determine an
7 application rate suitable for the land and plant
8 use. Our manure management and application costs
9 exceed \$273,000 annually.

10 Soil quality. Our farm has been doing
11 soil tests for over 25 years, in order to apply
12 soil nutrients at proper levels. Through these
13 tests, we have found our land to be phosphorous
14 deficient. We consistently need to apply nitrogen
15 and phosphorous at controlled rates in order to
16 grow a suitable crop.

17 Through soil testing, we have also
18 discovered other benefit of applying manure to the
19 land. Much of our land has a low organic matter.
20 On land where we have applied manure for a number
21 of years, we have seen increases to organic matter
22 levels which, in turn, leads to increased
23 productivity. Not only is it rich in nitrogen and
24 phosphorous, but also contains vital nutrients,
25 such as potassium, sodium and calcium. All of

1 these nutrients are required for producing a high
2 grade crop.

3 The use of manure eliminates the use
4 of synthetic fertilizers which, in turn, saves our
5 grain operation thousands of dollars in
6 fertilizing costs. We own a majority of the land
7 on which we apply manure and do not want to
8 jeopardize it in any way. When applying the
9 manure to the spread fields, we use a GPS guidance
10 system to minimize overlap and to maintain
11 consistency in application.

12 Quality of water and supply. One of
13 our greatest concerns is water. We take every
14 precaution to ensure that there is no
15 contamination of surface and groundwater. We
16 prefer to use manure as fertilizer because of its
17 ability to adhere with the soil.

18 We believe that regulations applied by
19 the government to the hog industry ensure that
20 every possible measure is taken to protect our
21 ground and surface water quality. We further
22 believe that the Manitoba government should be as
23 concerned with the practices of waste disposal
24 from our cities, and other large populations which
25 reside near waterways, to ensure our lakes and

1 waterways are not being polluted.

2 The Manitoba hog industry is only one
3 of the many sources contributing to the
4 phosphorous levels in Lake Winnipeg. We have come
5 to understand that the hog industry is responsible
6 for only 1 percent to 1.5 percent of the
7 phosphorous loading in Lake Winnipeg, but is the
8 only industry that the government has targeted.
9 This is unfair, and it is hurting farmers and
10 other agri-businesses.

11 The public now has the perception that
12 the hog industry is the main contributing factor;
13 when, in fact, there are many large and small
14 offenders, and no action appears to be taken
15 against them this. That perception was confirmed
16 in a recent issue of a popular farm paper, in the
17 opinion section, and the quote stated:

18 "We do have a problem in Manitoba.
19 Otherwise, why would we have a
20 moratorium on further construction of
21 factory hog facilities?"

22 Odour. The hog industry is not much different
23 than any other livestock industry when it comes to
24 odour issues. There are times when the odour from
25 one type of operation may be stronger than

1 another, but at all times we are aware of this and
2 attempt to be good neighbours. During the winter
3 months, the manure storage is frozen over, which
4 greatly reduces odour. And in order to decrease
5 odour during the summer months, we cover the
6 manure storage with a layer of straw. In
7 addition, we plant a shelterbelt of trees around
8 our barn sites. At all times, we follow the
9 Conditional Use Permit requirements. The industry
10 continues to research this issue, and we are
11 confident that odour will be reduced in the
12 future.

13 Bio-security and disease transmission.
14 Our hog operation follows exceedingly strict
15 guidelines when it comes to protecting against
16 disease in our animals. Our veterinarians closely
17 monitor the health status of our animals, and we
18 apply any recommendations that they might have.
19 And we ensure, when hauling our own pigs, that the
20 transport equipment gets a complete daily wash to
21 help prevent the possible transfer of bio-hazards.

22 All of our farm sites follow the
23 C.Q.A., which is the Canadian Quality Assurance
24 Program. This is an on-farm food safety program,
25 based on an internationally-recognized, effective

1 food safety control system known as HACCP, which
2 stands for Hazard Analysis Critical Control Point.
3 C.Q.A. has been developed and maintained by the
4 Canadian Pork Council, and is formally recognized
5 by the Canadian Food Inspection Agency, CFIA, as a
6 technically sound food safety program.

7 Climate change. Global warming is a
8 problem that involves everyone, not just pig
9 farmers. We are concerned about the effects of
10 global warming and attempt to take the steps
11 necessary and able to minimize pollution.

12 Conclusion. The industry is extremely
13 important to us and our community. As residents
14 of Manitoba, we rely on our government to make
15 decisions based on scientific facts and common
16 sense. In our opinion, to put a "pause" on an
17 entire industry in order to gather information is
18 clearly not common sense. It appears that there
19 may be a larger underlying problem that is being
20 blamed on the hog industry. The spin-off effects
21 of implementing a moratorium on the industry is
22 clearly negative. The public is being misled on
23 how the industry operates.

24 The application process for permitting
25 a facility must change. Municipal Councils can

1 now turn down a proposal without giving valid
2 reasons, and the proponent has no chance of an
3 appeal. An appeal process should be available to
4 hear a case at a higher level and allow Municipal
5 Councils relief to not have to be both judge and
6 jury and often have to "pick sides" for or against
7 a neighbour. Municipal Councils are often not
8 experts, and do not have the expertise, or the
9 desire, to properly make these sometimes very
10 difficult situations.

11 Manitoba livestock regulations are
12 among the strictest in North America. Regulations
13 change so often, that it is hard to measure the
14 progress of any regulations that are currently in
15 place. And the more regulations that are
16 introduced, the higher the cost. And as a result,
17 the operations must become larger in order to be a
18 success.

19 Thank you for your time. And we wish
20 you the best in your difficult task.

21 THE CHAIRMAN: Thank you very much,
22 Mr. Penner. You said you have 6,000 sows. Is
23 this a farrow operation?

24 MR. PENNER: That would be our total.
25 Like, that's our total sows.

1 MR. L. PENNER: Total sow base, they
2 are on different sites, but there is 6,000 sows.

3 THE CHAIRMAN: Are these all farrow
4 sows or finishing?

5 MR. L. PENNER: No, the sows are
6 farrowing.

7 THE CHAIRMAN: So you have 6,000
8 farrowing sows?

9 MR. L. PENNER: Yes. And then we will
10 finish half of that production to market.

11 THE CHAIRMAN: And so how many pigs,
12 then, goes through your operation in an average
13 year?

14 MR. L. PENNER: 140,000.

15 THE CHAIRMAN: 140,000?

16 MR. L. PENNER: Yes.

17 THE CHAIRMAN: Okay. Thank you. And
18 are there many other -- how many sites do you
19 have?

20 MR. L. PENNER: Six.

21 THE CHAIRMAN: Six sites, for the
22 record. And are there other hog farmers in the
23 area of your community?

24 MR. PENNER: Yes.

25 THE CHAIRMAN: How many, more or less?

1 Are they big operations?

2 MR. OSTROMAN: There is two other than
3 us, you know, the Hutterites.

4 THE CHAIRMAN: What I am looking at is
5 you talked about the benefits to your community.
6 So you are not the only ones that are benefitting
7 your community?

8 MR. PENNER: Yes.

9 THE CHAIRMAN: Edwin?

10 MR. YEE: Yes. Just a few questions,
11 Mr. Penner. You mentioned the size of your
12 operation. And how much spread field size do you
13 have? Do you have sufficient spread fields on
14 your farm?

15 MR. PENNER: I will direct that
16 question to Lawrence.

17 MR. L. PENNER: According to the
18 regulations, we have sufficient spread acres.
19 Some of it is neighbouring farmers that have
20 signed on to a manure agreement.

21 THE CHAIRMAN: Okay. Are you getting
22 that?

23 MR. YEE: And so you have sufficient
24 spread fields, for the record. And some of those
25 spread fields are on other farms that you have

1 agreements with?

2 MR. L. PENNER: Right.

3 MR. YEE: In terms of manure
4 application, you mentioned that you were injecting
5 the manure. Do you do it yourself or do you have
6 a professional?

7 MR. PENNER: We hire a professional
8 outside firm to do it.

9 MR. YEE: And do they utilize GPS and
10 new technologies and those sorts of things?

11 MR. PENNER: Yes.

12 MR. YEE: And just for clarification,
13 again, you mentioned that you performed soil
14 testing. How frequently do you perform the soil
15 testing?

16 MR. L. PENNER: Twice a year.

17 THE CHAIRMAN: Twice a year?

18 MR. PENNER: Twice a year.

19 MR. YEE: And you mentioned, in terms
20 of meeting all of the requirements, you also meet
21 the requirements of your Conditional Use Permit.
22 Is there a lot of onerous requirements, in terms
23 of the conditional use, or do you find them
24 onerous, or what's your comment on the Conditional
25 Use Permit?

1 THE CHAIRMAN: Could you come to the
2 microphone, please.

3 MR. L. PENNER: There are conditional
4 use sections that are sometimes difficult to deal
5 with. But as a rule, no, we can abide by them
6 quite easily.

7 THE CHAIRMAN: What, in particular,
8 would be the more difficult ones?

9 MR. L. PENNER: Well, when we have to
10 control the odour, that is probably the most
11 difficult to control.

12 MR. YEE: Thank you.

13 THE CHAIRMAN: Wayne?

14 MR. MOTHERAL: Thank you,
15 Mr. Chairman. Sometimes my mind wanders, and it's
16 scary.

17 When I hear your presentation, and the
18 one previous, it reminds me of one time I sang at
19 a music festival, and it was contrasting numbers.
20 And I sang Ava Maria and then I yodeled. And I
21 feel as those these two presentations are similar
22 to that.

23 When you said an appeal process, of
24 course, in the new Planning Act, municipalities
25 don't have to be answerable. They can say no,

1 even if everything is complied with. Do you feel
2 as though -- do you feel strongly, at all, that
3 that should not be the case? And if they didn't
4 have -- if you had an appeal process, should it be
5 by another body?

6 MR. PENNER: I think it should be by
7 an outside body. Like, because what it's doing is
8 it is pitting one neighbour against the other,
9 like.

10 MR. MOTHERAL: Well, I realize that.
11 I know that.

12 MR. PENNER: Yes.

13 MR. MOTHERAL: That's why your
14 councillors get paid the big dollars.

15 MR. PENNER: Right.

16 MR. MOTHERAL: What municipality is
17 that, Pipestone or Wallace?

18 MR. PENNER: Wallace.

19 MR. MOTHERAL: It's Wallace.

20 MR. PENNER: And Pipestone, I guess,
21 as well.

22 MR. MOTHERAL: You've got barns in
23 both?

24 MR. PENNER: Yes.

25 MR. MOTHERAL: Okay. And then there

1 is another question for me. For the development
2 plans -- for your development permit, in the
3 different municipalities, was one more -- were
4 they in compliance with each other? Was it more
5 difficult in one municipality than it was in the
6 other to get your development permit?

7 MR. L. PENNER: Yes. In Wallace it
8 was more difficult because they had -- they have a
9 form of conditional use or a form of planning.
10 And in Pipestone, the planning district was not
11 assembled, and they were easier to get a
12 development permit.

13 MR. MOTHERAL: And was there -- what
14 about was there any concerns in the neighbouring
15 province?

16 MR. L. PENNER: In the neighbouring
17 province?

18 MR. MOTHERAL: In Saskatchewan?

19 THE CHAIRMAN: You said your land was
20 very close to the border.

21 MR. L. PENNER: Oh, I am not aware of
22 any concerns in their province.

23 THE CHAIRMAN: Do you have any hog
24 operations on the Saskatchewan side?

25 MR. L. PENNER: No, we don't.

1 THE CHAIRMAN: Okay. Just one final
2 question. You described it as a family farm. Is
3 the whole operation owned by members of your
4 family?

5 MR. L. PENNER: Yes, it is.

6 THE CHAIRMAN: Thank you very much.
7 Thank you for your presentation today.

8 Irene Cousins. Could you please state
9 your name for the record?

10 MS. COUSINS: Irene Cousins.

11 IRENE COUSINS, having been sworn, presents as
12 follows:

13 MS. COUSINS: Mr. Chairman, fellow
14 Manitobans. I commend and applaud all of the work
15 that has been done in documenting reports, filing
16 statistics and recommendations, in response to the
17 many concerns of Manitobans regarding the present
18 and future impact of intensive hog operations on
19 our communities and on our future.

20 I appreciate the opportunity to voice
21 my concern today.

22 My name is Irene Cousins. I live in
23 the municipality of Wallace, on the northwest
24 quarter of 28-11-29; which, unfortunately, is
25 situated between two large hog operations.

1 I have not come to dispute or debate,
2 but as a concerned grandmother and
3 great-grandmother, to implore the stakeholders of
4 the hog industry to carefully consider their
5 decisions regarding building and maintaining huge
6 intensive operations. Those decisions may hinge
7 on profit-making versus irreparable damage to our
8 water supply.

9 When confronted with a decision that
10 may have an impact on another, I try to put myself
11 in his shoes, and look at from his point of view,
12 which led to an incident that I would like to
13 relate.

14 A number of summers ago, we were
15 looking forward to visitors from the industrial
16 City of Huddersfield, England, and were anxious
17 that they should have a few weeks of relaxation on
18 our farm in "Friendly Manitoba".

19 My husband and I had spent mega hours
20 getting the yard and garden looking its best. We
21 were just finishing up when, all of a sudden, this
22 horrible, indescribable smell invaded us, carried
23 along by the northwest wind.

24 I thought about the kind of reception
25 that our visitors were going to encounter. So I

1 decided that I would go to the colony and ask in
2 the "person in charge" to come to our place and
3 experience the intensity of the odour in our yard.
4 I got in the truck and drove there, and was
5 directed to a man's home, where he met me on the
6 doorstep.

7 I remember that I politely asked him
8 if he would please come over to our place to
9 understand what we were experiencing. He said
10 that he didn't need to come. He knew what it was
11 like. And he added:

12 "The ditches are full and the sloughs
13 are full and you are the only one that
14 complains."

15 That was it, that was the end of the discussion.
16 There was no attempt, on his part, to either
17 listen or to explain. And it was a fact that the
18 roadside ditches were full of liquid manure, but I
19 never went and looked at the sloughs.

20 I was upset by his attitude, and
21 disappointed that it would now be impossible to
22 give our visitors a royal Manitoba welcome because
23 of the circumstances.

24 Odour from the hog barns still
25 interferes with our planned summer activities.

1 Barbecues sometimes have to be cancelled.
2 Evenings are not as pleasant as they once were.
3 If the wind blows from the northwest, it affects
4 us, and a south wind blows the smell from Boundary
5 Lane Hog Enterprise. And, by the way, there is
6 bluffs in between us. The trees don't make any
7 difference. It is impossible to enjoy the
8 outdoors because of the odour. And often, at
9 night, we are forced to sleep with the windows
10 closed. It is annoying, especially if the day has
11 been hot and sultry, and you are looking forward
12 to a cool night breeze coming in the window, and
13 suddenly the aroma of pigs fills the air.

14 It's times like this that I get up,
15 close all the windows and realize that I cannot do
16 a thing about it, so I might as well accept it the
17 way it is, and that is the reality!

18 Is there a reason why intensive hog
19 operations are not being located and developed on
20 some of the marginal land in Manitoba where there
21 are no residences? I realize that transportation
22 and accessibility to market might pose a problem,
23 but I'm sure that the difficulties could be
24 overcome.

25 From past observation, I've noticed

1 that where there is a will, a way can be found.

2 Prior to the establishment of the hog
3 barn on 16-11-29, the builders were forewarned by
4 neighbours that there was a severe shortage of
5 water in the area. The barn proceeded to be built
6 and then filled with pigs, and water was hauled
7 from the Village of Elkhorn. And when -- this is
8 not on my presentation. But when the roads came
9 up today, I thought of our road and what goes on
10 because of all of the trucks that are hauling
11 water.

12 It is my humble opinion that
13 forward-looking management practices could
14 alleviate some of the controversy that now exists
15 regarding intensive hog operations. And as an
16 example, I will refer to an incident which
17 occurred November 7, 2003, when liquid manure was
18 spread on section 3-12-29, after the ground was
19 frozen.

20 Now, as a farmer, I can understand the
21 dilemma. The manure was in the pit, and the field
22 hadn't been spread yet. The decision was made to
23 go ahead and spread the manure, despite the rule
24 that stated no spreading of liquid manure after
25 the ground was frozen. And, as I said, I

1 understand the dilemma, but I don't condone the
2 decision. Could better management have avoided
3 the resulting conflict?

4 The chart on page 37 of, "An
5 Examination of the Environmental Sustainability of
6 the Hog Industry in Manitoba," shows the
7 prosecutions, warnings and orders of enforcements.
8 There seems to have been a large number of
9 warnings. And I ask you these three questions:
10 Do these warnings often go unheeded? What is the
11 incidence of repeat offenders? And is there
12 evidence of a disregard for the rules?

13 I believe that it's everybody's right
14 to a decent living, unless it is at the expense of
15 others. And can the hog industry survive and
16 thrive in Manitoba without having a negative
17 impact on our environment and the health and
18 opportunities of future generations? There is
19 technology available to help safeguard a workable
20 solution. And the decisions that are made now
21 will impact not only on those of us living here at
22 the present time, but even more on the lives of
23 future generations who choose Manitoba as their
24 home.

25 And it seems to me that the conflict

1 over the hog barn issue is not so much different
2 than the conflict that exists all over the world
3 when people, who are interested in power and
4 control, forget to love their neighbour.

5 Is it a realistic expectation to hope
6 that those interested primarily in making money
7 are either going to recognize or take into
8 consideration the adverse effect an intensive hog
9 operation can have on the health and well-being of
10 a community? Thank you.

11 THE CHAIRMAN: Thank you, Ms. Cousins.
12 Wayne?

13 MR. MOTHERAL: I did have one
14 question. Oh, yeah. Ms. Cousins, when you talked
15 about the operation with the water being hauled
16 from the Village of Elkhorn, is that still being
17 done?

18 MS. COUSINS: Just until recently. I
19 think that they have got a new system of water
20 coming from the Assiniboine. Pete Watt could tell
21 you more about that than I can.

22 MR. MOTHERAL: That is fine if it's no
23 longer happening, the hauling of water?

24 MS. COUSINS: No. It did for many
25 years. And those of us in the district knew that

1 there was no water supply there.

2 MR. MOTHERAL: I think that's the only
3 question that I had. There are other things I
4 could comment on, and I could speak to you
5 afterwards about, but nothing from this report
6 right now.

7 MS. COUSINS: Anybody else?

8 MR. YEE: Yes. I just had a couple of
9 points, Ms. Cousins. I guess, with the water -- I
10 will just ask you the question, I realize it may
11 not be happening right now, but when they were
12 hauling water, was there a large amount of water
13 up and down those roads?

14 MS. COUSINS: Yes, they hauled water
15 many times a day. And, you know, I tried not to
16 get upset about these kinds of things. I didn't
17 keep track of it. But, no, they were going and
18 coming all the time. You see, we have two
19 colonies. And both Plain View and Border Lane
20 were hauling water from Elkhorn. Like, Elkhorn
21 used to have a water tank for the train. And they
22 have got a really good source of water. And the
23 water was being continually hauled. Well, that
24 has been remedied.

25 MR. YEE: And did you notice

1 significant damage to the roads as a result of the
2 hauling?

3 MS. COUSINS: Oh, definitely, oh,
4 yeah.

5 MR. MOTHERAL: Was that a common
6 practice with everybody at that time?

7 MS. COUSINS: Hauling water?

8 MR. MOTHERAL: They were hauling
9 water?

10 MS. COUSINS: A great many did haul
11 water. We spent many years trying to find a good
12 water source. And, finally, going back, we found
13 an old log from 1911 that indicated that there
14 might be water in a place, and then we finally
15 found water. I mean, it is an area that it is
16 difficult.

17 MR. MOTHERAL: There are several areas
18 in Manitoba that are that way.

19 MS. COUSINS: Yes. Well, it is
20 surprising because, just to the east, it isn't
21 like that, you know.

22 THE CHAIRMAN: Thank you very much.

23 MS. COUSINS: Thank you.

24 THE CHAIRMAN: Okay. Next is Dean
25 Gurney. Would you state your name for the record,

1 please?

2 MR. GURNEY: Dean Gurney.

3 DEAN GURNEY, having been sworn, presents as
4 follows:

5 THE CHAIRMAN: Go ahead, please.

6 MR. GURNEY: Good afternoon. My name
7 is Dean Gurney. I am the Environmental Manager
8 for The Puratone Corporation. My position
9 requires me to inspect, monitor, audit and report
10 on Puratone's Environmental Management System,
11 which we call EMS. During my presentation, I will
12 outline some of the procedures and programs that
13 the Puratone Corporation has taken to monitor
14 their environmental sustainability. But first I
15 would like to give you a bit of a background of
16 the Puratone Corporation.

17 Puratone was established in 1973 as
18 Niverville Feed and Farm Supply Ltd., and began
19 contracting pig production in 1982. We began
20 partnership farming in the early 1990s, and today
21 we produce over one million pigs annually.

22 The 360 employees are based in
23 communities in and around southern Manitoba. Our
24 corporate office is located in Niverville,
25 Manitoba. We have farms in 18 rural

1 municipalities around the province and are proud
2 to help fund projects in those communities to
3 benefit the local residents. Our feed mills are
4 located in Niverville, Winkler, Arborg and
5 Bassano, Alberta, and produce high quality
6 commercial swine and poultry feed.

7 The backbone of our Environmental
8 Management System is our ISO 14001 certification.
9 ISO, which is The International Organization for
10 Standardization, based in Geneva, Switzerland, is
11 a worldwide federation of national standards
12 institutes of some 157 countries. To obtain ISO
13 certification, a company must meet a thorough and
14 broad set of requirements and criteria developed
15 by more than 2,000 experts worldwide. The
16 certification process is conducted by an
17 accredited third-party auditor and ensures that
18 anyone receiving certification has mechanisms in
19 place to ensure environmental stewardship. The
20 Puratone Corporation is externally audited by the
21 Canadian General Standards Board. The Canadian
22 General Standards Board is one of the largest
23 standards development and conformity assessment
24 organizations in Canada. The Canadian General
25 Standards Board is accredited by the Standards

1 Council of Canada to assess and register
2 environmental management systems for conformance
3 to the ISO commitment of sustainable development.
4 Since sustainable development itself is a
5 social-economic-technical dynamic, rather than a
6 scientific blueprint, environmental health and ISO
7 14001 standard is inherently about ecosystem
8 integrity, environmental health and social
9 assurance. An ISO designation attests that an
10 operation complies with regulatory requirements,
11 has appropriate management systems in place to
12 prevent pollution, and has demonstrated a
13 management commitment to continuous improvement,
14 and to open communication.

15 Although the size and needs of two ISO
16 14001 registered organizations could be quite
17 different, their EMS would contain seven common
18 elements.

19 1. Process to define, communicate,
20 and modify an environmental policy.

21 2. A formal planning, implementation
22 and review process to determine environmental
23 aspects, to set environmental goals and to
24 initiate programs.

25 3. Systems of operational control to

1 ensure compliance with all legal, regulatory and
2 corporate requirements, assess the progress and
3 results of environmental programs, and take
4 corrective action.

5 4. An appropriate training and
6 evaluation system to ensure that staff is aware of
7 the environmental policy of the organization,
8 understands the environmental impact of their
9 activities and trained in procedures, processes
10 and equipment that minimize environmental risks.

11 5. A system to prepare for and
12 respond to foreseeable emergencies.

13 6. A system for internal and external
14 communication.

15 7. A system to document the
16 performance and audit the effectiveness of the
17 EMS.

18 And the first common element of our
19 Environmental Management System is:

20 Process to define, communicate, and
21 modify an environmental policy.

22 The Puratone Corporation defined an
23 Environmental Policy in 2003.

24 On an annual basis, the Environmental
25 Manager, Executive Management Committee and the

1 Board of Directors will review the Environmental
2 Policy for its suitability, and scope, and will
3 change the policy if it is deemed necessary.

4 The Puratone Corporation's
5 Environmental Policy is explained and communicated
6 to all employees via the monthly new employee
7 orientation. The Policy is also located in the
8 EMS and posted in company and facility lunch
9 rooms. TPC's Environmental Policy is also
10 available on our company website at
11 www.puratone.com.

12 And I would like to read off the five
13 key points of TPC's Environmental Policy.

14 Specifically, The Puratone Corporation
15 will:

16 1. Comply with all environmental
17 legislation and regulation and other requirements
18 to which the organization subscribes which relates
19 to its environmental aspects.

20 2. Work to continuously improve its
21 facilities and management practice with respect to
22 pollution prevention and community relations.

23 3. Address honestly and respectfully
24 the concerns of our workers, neighbours and the
25 wider community as to the environmental impact of

1 our operations.

2 4. Review the environmental outcomes
3 and progress towards environmental goals on a
4 monthly basis and, once a year; formally adopt an
5 enviromental management plan.

6 5. Communicate to all persons working
7 for, or on behalf of the organization, outcomes
8 and goals to all employees and to the wider
9 community.

10 The second common element is:
11 A formal planning, implementation, and review
12 process to determine environmental aspects to set
13 environmental goals and to initiate programs.

14 Environmental Aspects - are elements
15 of an operation which interacts with the natural
16 or human environment. TPC's aspects have been
17 identified using the definitions of "pollutant"
18 and "waste" as defined the Manitoba Environment
19 Act. TPC's aspects are listed, along with their
20 potential impact, in the EMS. The significant
21 aspects can also be seen on our website.

22 On a bi-annual basis, the
23 Environmental Manager, Executive Management
24 Committee, Farm Managers, Office Managers and Mill
25 Managers assess the overall TPC environmental

1 aspects as well as the site specific aspects,
2 environmental programs and goals to determine if
3 changes/additions/deletions need to be made.

4 I would like to briefly overview four
5 of the environmental programs that TPC has
6 adopted.

7 Manure Management. Manure Management
8 Plans are completed by Professional Agrologists,
9 in accordance with provincial regulation and
10 registered with Manitoba Conservation. And our
11 goals are to maximize the use of manure as a
12 nutrient source for crops and to minimize the risk
13 of soil, ground and surface water pollution.

14 Odour Management. Our pits are pulled
15 Monday to Friday. Our manure storage are covered
16 with barley straw. Our mortalities are promptly
17 disposed of and/or cooling. Our manure application
18 is injected to crop fields where feasible.

19 Manure Removal Procedure. We have a
20 procedure to ensure that manure removal is
21 accomplished while maintaining the structural and
22 environmental integrity of the manure storage.

23 Manure Applicator Training. All
24 manure application crews must attend a training
25 session to discuss environmentally sustainable

1 manure removal and application procedures.

2 The third common element is:

3 Systems of operational control to ensure
4 compliance with all legal, regulatory and
5 corporate requirements, assess the progress and
6 results of environmental programs, and take
7 corrective action.

8 On a monthly basis, all farm managers
9 complete and submit a four page environmental
10 checklist to the Environmental Manager to ensure
11 compliance with regulations and corporate
12 requirements.

13 Checklists are thoroughly reviewed.
14 And any non-conformances that are identified are
15 required to be corrected immediately.

16 Failure to comply with timely
17 submission of the monthly checklist will result in
18 termination of employment.

19 On a monthly basis, an Environment
20 Report is prepared by the Environmental Manager
21 that compiles all of the monthly farm reports,
22 current environmental issues, manure application,
23 and ISO/EMS information, and it is submitted to
24 each Executive Management Committee member for
25 their review and comments. The report is then

1 addressed at the next Executive Management
2 Committee meeting. On a quarterly basis, the
3 Environmental Manager provides the EMC with
4 site-specific corrective and preventative actions
5 for review.

6 The fourth common element is:
7 An appropriate training and evaluation system to
8 ensure that staff is aware of the environmental
9 policy of the organization, understands the
10 environmental impact of their activities and
11 trained in procedures, processes and equipment
12 that minimize environmental risks.

13 The third Wednesday of every month, a
14 training orientation is provided for all new staff
15 or a variety of issues. During that orientation,
16 the Environmental Manager delivers the EMS
17 training, making new staff aware of the role that
18 they play in ensuring the environmental standards
19 of TPC are upheld. The EMS goes through constant
20 revisions and staff is kept up to date on all
21 changes that occur through a variety of media.
22 On-site staff undergo training and follow a set of
23 standard operating procedures which provide the
24 training necessary to properly and safely handle
25 and use the equipment.

1 The fifth common element is:
2 A system to prepare for and respond to foreseeable
3 emergencies. Emergency response plans have been
4 established and are in use at our operations.
5 Response plans for fire chemical spill and manure
6 spill have been posted at strategic locations
7 throughout our facilities. These emergency
8 response plans are also detailed in our EMS.

9 The sixth common element is:
10 A system for internal and external communication.

11 All environmental calls that are
12 received are forwarded to the Environmental
13 Manager.

14 External complaints that are received
15 by on-farm employees must be forwarded to the
16 Environmental Manager in order to be addressed.

17 External communication on the EMS is
18 done primarily through TPC's website.

19 Internal communication uses numerous
20 media sources, including e-mail, site visits,
21 newsletters, calendars, skits and meetings.

22 And the seventh and final common
23 element is:
24 A system to document the performance and audit the
25 effectiveness of the EMS.

1 Along with the monthly environmental
2 checks that are performed by the farm managers,
3 annual internal audits are conducted of each site
4 to determine the effectiveness of the EMS.

5 A document/record matrix has been
6 established to determine the responsibility,
7 location and retention time for all of the EMS
8 related documentation.

9 And an annual external audit of the
10 entire EMS system is performed by the Canadian
11 General Standards Board.

12 The scope of the ISO 14001 EMS for TPC
13 includes wholly owned hog operations, feed mills,
14 a truck wash and offices. Yet the protocols,
15 procedures and documentation are mandatory at all
16 of our managed facilities.

17 Puratone gladly accepts our role as an
18 environmental steward and the accountability that
19 comes along with it. We believe in being
20 proactive and are committed to ensuring that we do
21 all we can to protect the valuable natural
22 resources that this province treasures.

23 And so for some more information about
24 The Puratone Corporation, visit our website at
25 www.puratone.com. And for more information about

1 the ISO 14001, visit www.iso.org. And for more
2 information about the Canadian General Standards
3 Board, visit their website at
4 www.pwgsc.gc.ca/cgsb/home/index-e.html.

5 And thank you for allowing The
6 Puratone Corporation this opportunity to make this
7 presentation to you.

8 THE CHAIRMAN: Thank you, Mr. Gurney.
9 Edwin, do you have any questions?

10 MR. YEE: Yes, just a few questions
11 for clarification. For all of the different farms
12 that you work with, in regards to their manure and
13 nutrient needs, do you look at all the different
14 tests that comes from those farms and what the
15 numbers are saying?

16 MR. GURNEY: Yes, we scrutinize all of
17 the soil testing, the manure application rates, et
18 cetera, at the end of every year to assess how
19 each area of the province, in each one of our
20 farms, are doing.

21 MR. YEE: Do you find a lot of
22 variance in terms of -- because realizing where
23 these operations are located, some of these
24 operations have different soil variations. And do
25 you find it harder for some farms to meet

1 compliance than in others?

2 MR. GURNEY: There are some areas that
3 are a little more of a challenge, definitely. But
4 overall, we're doing all right.

5 MR. YEE: And I've also noticed under
6 your Environmental Policy, statement number 3:

7 "Address honestly and respectfully the
8 concerns of our workers, neighbours in
9 the wider community."

10 Have you had many complaints from any of your
11 operations from neighbours, as we've heard earlier
12 on this afternoon?

13 MR. GURNEY: We've had a few. Not
14 many, but there have been a few, and they are
15 mainly odour issues.

16 MR. YEE: And how does Puratone
17 address the odour issues?

18 MR. GURNEY: Well, we hope to solve it
19 and get a communication going between the land
20 owner. If it's an odour issue coming from the
21 manure storage, we can look at covering the manure
22 storage with straw. We're currently working with
23 a company called AGCERT dealing with climate
24 change and greenhouse gas emissions. And we're
25 working with them and potentially looking at

1 putting covers on some of our lagoons, synthetic
2 covers on some of our lagoons, so we are looking
3 at those issues as well.

4 MR. YEE: And, I guess, I am really
5 looking at the perspective that it's important,
6 especially for the industries, really how they are
7 observed by the general public. If you respond
8 right away to complaints, it's important to do
9 that. And I am just wondering how it was done, so
10 I am glad to hear that if you get a complaint you
11 respond.

12 MR. GURNEY: Generally we do it as
13 soon as we can. And because, you know, we are
14 spaced out quite a bit in the province, if I get a
15 complaint, I can honestly say that I do try to
16 make it out there that today, if it's a serious
17 complaint from a neighbour.

18 MR. YEE: Thank you.

19 THE CHAIRMAN: Wayne?

20 MR. MOTHERAL: Yes. I have just got
21 one question, Mr. Gurney. In your one million
22 hogs that you have in the province, and obviously
23 I can see the majority are in eastern Manitoba,
24 when I look at the municipalities, I see Pembina,
25 Louise, Turtle Mountain. Those are the only three

1 that I can think that are leaning towards the
2 west.

3 MR. GURNEY: Yes.

4 MR. MOTHERAL: And is there any
5 future -- is your emphasis going to be in western
6 Manitoba?

7 MR. GURNEY: I don't think I could
8 answer that.

9 MR. MOTHERAL: Okay.

10 MR. GURNEY: But not that I'm aware
11 of.

12 MR. MOTHERAL: I am just saying that
13 because of the concentration in the east and
14 possibly a company looking at more opportunities
15 in the west.

16 MR. GURNEY: Yes.

17 THE CHAIRMAN: And what is this other
18 document that you gave us?

19 MR. GURNEY: Sorry, I provided you
20 with the environmental management system, the
21 entire document, which is what I was speaking of
22 today.

23 THE CHAIRMAN: Thank you very much for
24 coming out here today.

25 MR. GURNEY: Thank you.

1 THE CHAIRMAN: And that brings us to
2 the end of the afternoon sessions, so we will
3 break now. We will resume at 7:00. And so far,
4 we have one person who has indicated that he wants
5 to make a presentation after supper. We will be
6 back here at 7:00.

7 (PROCEEDING RECESSED AT 5:15 P.M. AND RECONVENED
8 AT 7:05 P.M.)

9 THE CHAIRMAN: Okay. We will come
10 back to order. We have one presenter registered
11 for this evening. Mr. Heaman. Could you
12 introduce yourself for the record and then the
13 secretary will administer the oath?

14 MR. HEAMAN: My name is Vince Heaman.
15 I farm in the area, and I'm the Reeve for the R.M.
16 of Wallace.

17 VINCE HEAMAN, having been sworn, presents as
18 follows:

19 THE CHAIRMAN: Go ahead, sir.

20 MR. HEAMAN: Okay. Thank you very
21 much for the opportunity to speak to you. I won't
22 be very long.

23 For an agriculture and a rural
24 community to prosper and survive, we have to
25 diversify and add value to our products. And you

1 may also, as a farmer, have to intensify.

2 I myself am a cattle producer, and do
3 not want to see what happened to the cattle
4 industry happen to the hog industry. We do not
5 want to chase the slaughterhouse businesses away
6 from this province, because if we do, they will
7 not come back. There would be a major cost to
8 rural Manitoba if we did. And, ultimately, this
9 would injure urban communities financially, as
10 well.

11 The hog industry brings jobs, more tax
12 dollars, more investors and brings us many new
13 businesses.

14 In our local community, the hog
15 industry has done all of these things, plus it has
16 brought to our community a younger group of
17 people, with young families and more kids in the
18 schools. And it has increased the population of
19 our community and has helped support local urban
20 centers as well.

21 For example, in this -- statistically,
22 in the area of Kola, they used to have 22 students
23 in the school. Because of this population
24 increase, we now have 60 some students in that
25 school as a result of the pork industry. And the

1 problem they have is that we don't have enough
2 housing, so these people have left our community
3 and gone elsewhere. And so there has actually
4 been a larger growth than that.

5 As a local politician, I am totally
6 confused by this moratorium that the government
7 has placed on the pork industry. We are told that
8 Intensive Livestock Operations do not
9 distinguish -- or that Intensive Livestock
10 Operations do not distinguish between animal
11 species, and yet the government selects the hog
12 industry with a difference.

13 The hog industry has abided by the
14 government rules and regulations in our area, and
15 we have done this through conditional uses in the
16 industry. If the conditional uses have located on
17 qualifying land, they have stayed away from
18 streams. They have injected and incorporated
19 their manure properly. And they have located, as
20 well as possible, away from residential status.
21 This has all been guided by the Manitoba Farm
22 Practice Guidelines for both setbacks from streams
23 and residences, as well as proper manure
24 applications on Manitoba soils.

25 Through direction from the government,

1 we are setting up new development plans in our
2 planning districts to deal with zoning and
3 requirements of intensive livestock. And my
4 question, knowing that we are doing that, is: Why
5 is there a moratorium? The rules and regulations
6 that are in place are doing a very good job. What
7 do we need more rules and regulations for? And
8 why is the government playing games with their own
9 rules?

10 Agriculture producers operate
11 responsibly, as stewards of the land and of the
12 water. We hear stories of human disposal in our
13 river systems. What is being done to stop this,
14 that is the question we have to ask.

15 The government of this province should
16 be dealing with the facts and not fears, beliefs
17 or perceptions. And where I come from with that
18 is that when we are dealing with conditional uses,
19 we have a lot of presenters, yeah and nay for
20 these projects. And we hear a lot of stories:
21 Well, I read in the paper this story and read in
22 that story, and to us that's not fact. And, I
23 guess, I encourage you people to do the same and
24 not deal with the fears and perceptions that are
25 out there.

1 People can say anything, but where are
2 the truthful facts behind it? Perhaps what the
3 government of this province should be doing is
4 promoting the hog industry, instead of creating a
5 pause. They could be educating the consumer,
6 instead of accepting the fears, beliefs and
7 perceptions. The government should be a leader in
8 educating the public.

9 Well, that is my presentation, and I
10 thank you for the time.

11 THE CHAIRMAN: Thank you, sir. You're
12 the Reeve of Wallace?

13 MR. HEAMAN: Yes, I am.

14 THE CHAIRMAN: And there aren't a lot
15 of hog operations in Wallace, but there are some,
16 are there?

17 MR. HEAMAN: We have either eight or
18 ten. I can't remember exactly. I think we have
19 eight.

20 THE CHAIRMAN: And most of them are
21 located around Kola?

22 MR. HEAMAN: All of them, except --
23 well, basically, they are. There are two a little
24 further north than Kola, but I will say yes to
25 that.

1 THE CHAIRMAN: And when you talk about
2 the benefits to the community, are you referring
3 to the Rural Municipalities of Kola or Wallace, in
4 general, or Virden?

5 MR. HEAMAN: I'm referring to
6 Maryfield, Elkhorn, Virden, the R.M. of Wallace,
7 Cramer.

8 THE CHAIRMAN: All of them?

9 MR. HEAMAN: All of those.

10 THE CHAIRMAN: And so all of these
11 communities have benefited from the increased
12 growth in the hog industry or from all
13 agriculture?

14 MR. HEAMAN: From the hog industry,
15 simply because there has been an influx of younger
16 people bringing families in, you know, encouraging
17 the population in the school, which brings grants
18 into our community through the education system.
19 You know, these people, as they create wages, you
20 know, buy cars, you know, groceries, all of those.
21 So a major center that would prosper there would
22 be Virden.

23 THE CHAIRMAN: And then has there been
24 a significant growth in the oil industry in recent
25 years? Has any of that affected the population

1 growth?

2 MR. HEAMAN: Starting two years ago,
3 yes. The area of Sinclair has had an area
4 explosion. But we have seen this growth prior to
5 that.

6 THE CHAIRMAN: Okay, thank you.
7 Edwin?

8 MR. YEE: Yes. Mr. Heaman, you
9 mentioned the need to diversify and add value to
10 your products. You also state:

11 "We may also have to intensify."
12 Can you elaborate more on what you mean by
13 "intensify"?

14 MR. HEAMAN: Okay. Well, I, myself,
15 am a farmer. And what I mean by "intensify" is I
16 have to, in my mind, create the cheapest value for
17 my product. For example, I worked as a chemical
18 rep at one time, and I was involved very heavily
19 with the green trade. And we have organic farmers
20 out there that will say: You know, this is the
21 way we want to go, because we don't believe in
22 chemicals. But at the end of the day, you know,
23 by spending \$20 and doubling your yield, and
24 taking the cost of that bushel of grain and seeing
25 a \$3.50 break-even cost, versus a \$5 break-even

1 cost, it is necessary to intensify to get that
2 lower cost of production.

3 And when I say that for the livestock
4 industry, it's the same thing. You know, we have
5 to produce larger units. Because when you sell
6 through auction marts or slaughterhouses, you sell
7 by truck loads now, not one animal at a time.

8 MR. YEE: And in terms of your
9 conditional use hearings, you mentioned, you know,
10 that you get people that are on both sides of
11 the -- you know, in opposition, as well as the
12 proponent. Is there anything you see in your
13 mind, in terms of improving that process, that
14 should be done? And I guess it also includes
15 dealing with the Technical Review Committees. Is
16 there any way of improving that?

17 MR. HEAMAN: I'm not sure if it would
18 be related to the process itself. I do see a need
19 for policing and enforcement. I don't see
20 anything wrong with the rules that are in place.
21 You know, as a salesman, I have travelled in a lot
22 of countries. I have been in a lot of yards where
23 there is hog operations. And, you know, we here
24 have odour, but I don't see it in all operations.
25 So, therefore, that's not a pig problem, that's a

1 management issue. And for that reason, I believe
2 that we should be involved in policing and
3 enforcement to try to control that.

4 I also believe that we should be
5 promoting research. And this is where the
6 government could come in with research to try and
7 make things, you know, better all the time. And
8 with that, you know, we should be accepting new
9 technology. And I also believe that, through the
10 conditional use that, as time goes by, even though
11 you have set a condition, that you should be
12 accepting of new technology at a later date, as
13 well.

14 MR. YEE: Does your municipality add a
15 lot of conditions to the use permit with respect
16 to the hog industry?

17 MR. HEAMAN: We follow the guidelines
18 of the province as much as possible. And, you
19 know, we do listen to the concerns of the people.
20 And, of course, if we have some concerns, yes, we
21 will go beyond that duty, from the guidelines and
22 the principles of the province. But as far as
23 setting a lot of conditions, we don't in excess,
24 no.

25 MR. YEE: And does the municipality

1 police the compliance with the conditions?

2 MR. HEAMAN: We have hired an officer
3 in charge of policing in the last two years. And
4 we haven't had a lot of incidents, but we have
5 sent him out to deal with it. We have sent out --
6 you know, since I have been Reeve, in the last
7 four and a half years, we have dealt with one
8 incident where we gave them the choice of either:
9 You fix the problem or we will shut you down. We
10 are willing to go there.

11 MR. YEE: Thank you, Mr. Heaman.

12 THE CHAIRMAN: Do you, as a
13 municipality, have the authority to shut down the
14 hog operation?

15 MR. HEAMAN: If the conditional use
16 says so, and you don't comply with the conditional
17 use, yes, I think we do.

18 THE CHAIRMAN: Thank you. Wayne?

19 MR. MOTHERAL: Thank you. Most of my
20 concerns have been answered. Edwin asked a lot of
21 the things that I was going to.

22 Just a question to you about the new
23 Municipal Act, or in the Planning Act, the
24 municipalities still have the final say as to
25 whether any development is allowed, I mean any hog

1 development. We are hearing both sides of that.
2 And some areas say that, you know, if you set your
3 conditions and all of that, in your development
4 plan, that you should be allowing them. But yet
5 the municipalities have the right to say no and
6 don't even have to be accountable for it. Do you
7 think that is good?

8 MR. HEAMAN: Well, I guess, as far as
9 a local council body goes, I would think that we
10 would be closer to the situation than what someone
11 else would be not living here. You know, we also
12 have to live in the community with the people that
13 are in the area of conditional use. And so, you
14 know, you try to do your best, within reason, to
15 satisfy the needs of everyone. And so, therefore,
16 I believe that the local jurisdiction should have
17 the most say, you know. And that would be -- you
18 know, I think -- I have no problem with the
19 provincial regulations, the standards, we follow
20 those as a minimum. But as a provincial body,
21 there is nothing stopping us from increasing them,
22 if need be, depending on, you know, the
23 presentations that we hear at these conditional
24 uses.

25 MR. MOTHERAL: Do you, as a

1 municipality -- in the new Planning Act, also
2 municipalities have to come up with a livestock
3 operation policy. Is there any changes that you
4 can see would be made as a result of that,
5 especially with the new phosphorous regulations
6 that have come in? I am just curious with your --
7 what your views are of coming up with this
8 livestock operation policy? I'll let you answer
9 this, and then I will come up with another
10 question.

11 MR. HEAMAN: I am not sure that I am
12 fully prepared to answer this one.

13 MR. MOTHERAL: The reason why I am
14 saying this that is a lot of municipalities are
15 reluctant to do anything because of this
16 particular review that's on right now because
17 things may change.

18 MR. HEAMAN: And we are presently
19 involved in developing a development plan. And,
20 you know, we were hoping to have it done last
21 fall, but we have had some delays. So, as a
22 result, yes, we will be influenced by these
23 hearings. We are fully aware of some of the
24 provincial guidelines that have been coming out,
25 and are prepared to go there through our

1 development plan, because we are not in the final
2 stages at this point in time. So I guess,
3 basically, to answer your question: Yes, we are
4 aware of that, and yes, we are willing to deal
5 with that.

6 MR. MOTHERAL: And just one more
7 comment. I know there is a lot of people that get
8 information from papers. It's safe to say that
9 our review will not be based on information coming
10 from the newspapers.

11 MR. HEAMAN: I am very glad to hear
12 that.

13 THE CHAIRMAN: Anything else?

14 MR. HEAMAN: I guess this is a little
15 off topic, but when I was a chemical rep, and you
16 deal with perceptions, we had a meeting to tell
17 people, you know, about the benefits of the
18 chemistry versus the negatives. And we invited
19 people out to a meal one time. And there was a
20 zero visibility storm, and so we provided booze at
21 that meeting. And we had an individual come to
22 that meeting that ate as much as he could, chain
23 smoked in one hand and had a beer in the other
24 hand. And he drove in that zero visibility storm.
25 And he told us chemicals are killing the world.

1 And when you ask the insurance
2 companies about what are the highest risks in the
3 world: Eating, cigarettes, travelling in a car
4 during a storm, and booze are the four leading
5 killers on a percentage basis. And so that just
6 comes down to people's perception. And so I do
7 hope that you listen to the facts in this round of
8 hearings.

9 THE CHAIRMAN: Anything else?

10 MR. MOTHERAL: No, that's all, thank
11 you.

12 THE CHAIRMAN: Thank you very much,
13 Mr. Heaman.

14 MR. HEAMAN: Thank you very much for
15 this opportunity.

16 THE CHAIRMAN: Anybody else? Well,
17 just about everybody else in the room has already
18 made a presentation. No other presenters this
19 evening?

20 Well, thank you all very much. Those
21 of you who were here this afternoon who made
22 presentations, thank you for doing that. And
23 thank you for coming out to hear us.

24 And we are resuming again tomorrow
25 afternoon at 1:00 in Hamiota. And on Wednesday

1 and Thursday morning in Brandon. Thank you very
2 much. Good evening.

3 (PROCEEDINGS ADJOURNED AT 7:25)

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CERTIFICATE

I, LISA REID, Court Reporter, in the Province of
Manitoba, do hereby certify the foregoing pages
are a true and correct transcript of my Stenotype
notes as taken by me at the time and place
hereinbefore stated.

Lisa Reid

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