

Notes from Public Consultation re. Fur Industry Regulations, Draft 2

Carleton Fire Hall, Feb. 23/12

Meetings ran from 1:00 to 3:30 P.M.

Presenter was Vimy Glass, Legislation Coordinator, assisted by Bonnie Rankin, Manager of Policy and Legislative Services, and accompanied by Linda MacDonald, Acting Executive Director of Policy and Planning for Agriculture NS, Minh Tan, Policy Analyst, and Brett Loney, Communications Director for the Department, all of Agriculture NS.

Chair was John Sollows. After outlining the game plan, The Chair suggested that the Department should have scheduled any meetings about a week **after** the document goes out, so people have time to digest adequately and comment, and aim to schedule meetings for evenings or weekends, so more people could attend.

This is likely to be the last public meeting before the regulations are enacted. Additional comments should be e-mailed to Agriculture NS by March 1 for consideration prior to enactment. That said, the regulations are adaptable, and suggestions as to future improvements are always welcome; they can be adjusted, as needed, from year to year.

The Act is expected to be proclaimed and the Regulations enacted this summer.

In what follows, comment from the department are in black; comments and questions from the floor are in blue. Recommendations and major points are in bold.

A: Regulations Specifics

Vimy presented the amendments to the regulations by Department of Agriculture staff, followed by questions and comments from the floor. Response to questions and clarifications about particular changes and:

- (a) Definition 2(h) (“fur farm” is much too restrictive. **Must include food storage facilities, killing and pelting facilities, and every other facility associated with the farm.** Noted.
- (b) Definition 2(k) Under land application plan, does this mean that every time compost is applied to land for growing crops that it must be analyzed to ensure the nutrients don’t exceed the needs for the crop?
- (c) Old 2(q): **Deletion of monitoring well in lieu of surface water monitoring needs re-insertion.** Need to utilize both especially as the fur farmers have no objection to well monitoring.
- (d) Definition 2(y) “watercourse” does not include constructed wetland.
- (e) Section 3A, “a fur farm in existence at the time of the coming into force of the Act is required to meet the standards where there has been a significant change to the farm. “ In addition, all farms must conform within three years of this date, but if any farm makes such changes, the farm must

conform more quickly.

- (f) 6(5): Why has “The Minister must...” been changed to “The Minister shall...?” – This is a legalism, and does not affect the meaning. “Must” is still the appropriate word.
- (g) 13(1): New building must be the closed style, largely for biosecurity reasons.
- (h) Under 13(2): existing farms with traditional housing must have an acceptable waste management plan.
- (i) 14(4) and 15(d): It appears that compost must be removed from the farm at least every three years, and manure removed from the rearing facilities to storage facilities at least every two months. Two months seems like a long time.
- (j) 15 (c) and (e) re. scheduling of collection of manure from deposit areas to storage system: Farmer will have to give a transport schedule and stick with it.
- (k) 15 (g) “animal housing buildings traditional style sheds to be considered as solid manure and subject to separation distances as set out in Table A” Means that they are treated same as manure storage facilities as far as separation distances are concerned.
- (l) 17(2) and 18(1) Disposal of waste feed and carcasses “at an approved disposal facility or on-farm in an approved manner.” **The “approved manners” need to be specified and should not cause problems for neighboring residents. Also “carcasses of fur-bearing animals which die on the fur farm” must include harvested animals.**
- (m) The former 22(3) (prohibition of burying) was prohibited. This clause was replaced by 18(2): “Dumping of carcasses in woods or in manure storage (solid or liquid) or septage lagoons is prohibited. **The Agriculture NS delegation agreed that “or burying” should be inserted after “dumping.”** The intention is to prohibit burying.
- (n) **18(2) Is better worded “Dumping of carcasses in any manner that is inconsistent with an approved disposal plan, and burying of carcasses, are prohibited.”**
- (o) 19(d) Surface water sampling schedule will be set by a designated professional and be farm-specific.
- (p) 20(2) “Where tests for any ... parameter indicate the results exceed the parameters in Table B, the operator must notify the Minister... within five business days...” this will spark an investigation.
- (q) Former 25(1)(a): “operators must keep books and records ,, health records of the fur-bearing animals collected annually;” Deleted; Covered by animal health and welfare and biosecurity regulations.
- (r) 21(1): “Operators must keep books and records on the farm. .. for a minimum period of 5 years ...” **Far too short a time. Records need to be kept much longer. Some effects take a long time**

to appear, and the relevant data and records need to be available. They need to be kept indefinitely.

- (s) Former and present Tables A: “Solid uncovered” and “solid covered “ manure storage have been consolidated, and the more stringent separation distances have been adopted.
- (t) Table A: **setback distances should be defined as horizontal.** “Distance from watercourse or well” should read “Distance from watercourse, ditch, natural wetland, or well.”
- (u) Table B: New total phosphorus level assures levels at or below mesotrophic level; Nitrate N is from Aquatic Life Guidelines, and ammonia, total suspended solids, and E coli are guidelines from Environment NS.
- (v) Comment on Table B: **Should include specific references , and review the guidelines regularly, in light of new information.** In particular, climate change and warming trends are likely to lower safe thresholds for many parameters.
- (w) Table B: Recommendations re. acceptable levels from the Suzuki foundation should be noted: **Total phosphorus should be less than 10 micrograms/l and E. coli should follow drinking water standards: below 10 CFU/100 ml.**
- (x) In closed style housing, solid manure deposit areas must have concrete pads to collect the droppings; liquid manure deposit areas must have gutters to carry the excrement to the storage facility . **Note: This isn’t explicit in the regs., and should be.**

B: Comments on the Current Process, with some Observations on Good Governance

It was at all not reasonable to send out the draft regs. one day and expect participants to give well-considered feedback the next.

- v Redrafting the regulations has been time-consuming and the schedule has been very tight. The Ag. Group had to meet farmers and us in the same trip. The feedback collected this time will be combined and sent to Justice for legal redrafting, then to Cabinet. After Cabinet approval, the Act can be proclaimed and the regulations will come into effect. Getting the draft regs. out by early summer is very urgent. Hence, the scheduling has not been ideal.

The nature of the process this time, the lack of consultation, and the weakening of the regulations have led to reduced trust on the part of participants. Participants feel scammed and the lack of time to study draft smells of deception.

Given the short notice, only one municipal councillor was able to attend, this time, and nobody from the town. Yarmouth County municipal governments have grave concerns on this issue, so the lack of attendance is no indicator of lack of interest.

Agriculture NS has a conflict between promotion and enforcement, so enforcement needs to be more arm’s length, with greater involvement and leadership by Environment NS. Different branches of the Department look after inspection and enforcement, as well as administering the Farmers’ Loan Board.

So the Department may want to recover loans from some farmers who need to be penalized or shut down. This puts the Minister in a position of conflict, and is another reason why **Environment NS should take the lead in enforcement, and have unrestricted powers to inspect, similar to that given Agriculture NS inspectors.**

With these regulations, the act will not protect the environment, and the draft writers appear to lack the basic ecological background to comprehend the implications of their decisions.

Many participants therefore have the impression that the Department is working for the industry, rather than for the welfare of the population at large. That would transgress a fundamental obligation of government. “Little guys” need government to protect them from larger, self-interested entities. Some municipalities are not so inclined, and those which are more inclined do not have the enforcement power enjoyed by the province.

Affected citizens must make enormous, sometimes barely affordable efforts to contend with environmental threats posed by well-endowed proponents. **The burden of proof needs to be shifted from concerned communities having to show the potential of harm, to proponents having to prove no harm.**

If things get messy, all too often, the proponents can abandon the operation, leaving the host community to deal with the mess and hence worse-off than before.

It is important that we understand precisely what these fur farms consist of and how they are constructed. **It is imperative that monitoring results and management plans should be easily-accessible public records, because these farms have the potential to affect our lives adversely.**

Preferably, management plans should be discussed at an open public meetings.

The Department needs to have an easily accessible, user-friendly way for ALL stakeholders to register complaints, concerns, comments, and recommendations, preferably on the Agriculture NS website. This could be very helpful for future modification of regulations.

There are various serious health concerns associated with mink farming. Ground water needs to be protected from contamination by coliform bacteria and other entities. Blue-green algal blooms have been associated various public health issues, some of which are long-term, insidious, and very serious.

The Department of Health has been unresponsive to requests to post signs when blooms appear. Agriculture NS needs to request Health NS to cooperate. Signs should be up for at least three weeks after blooms disappear, because algal toxins remain in the water this long after the blooms dissipate.

Noted. Should be doable.

Participants would like specific responses to their specific questions and concerns.

- v Noted, but after everything goes to cabinet, confidentiality issues will apply to the responses.

This level of confidentiality is unusual and should be remedied. It is excessive.

- v If municipal by-laws are more stringent than these regulations, the by-laws trump the regulations.

C: General comments on mink farming

Mink are serious nutrient-accumulators. Each year 1.5 million new mink get slaughtered, and the nutrients from their bodies, food, and excrement compound the current pollution problem. They are not a food source, but a luxury.

Clean water is not a luxury and to stay clean, cannot have high nutrient levels.

The Carleton, Sissiboo, and Metegan are not sewers, and **headwaters need to be protected**. Mink farms are in the wrong place. If they were “polluting” the oceans, they would be causing a lot less damage.

Stop allowing mink farming in upper watersheds, and near water courses, water bodies, and wetlands.

There should be a moratorium on new mink farms until the regulations are enacted, and the absence of same is deplored.

D: Surface vs. ground water testing

Rationale for switching to surface water?

Partially in response to concerns about the initial lack of testing for surface water; also, surface water will be affected by problems before ground water is.

Dropping testing requirements for ground water is completely unacceptable. There was never a suggestion to drop sampling of ground water; sampling of both surface and ground water are needed.

Otherwise, drinking water can be put at risk, and public health is jeopardized. Drinking water sources should have no *E. coli*.

Location and timing of surface water sampling location will be decided by a designated professional.

It’s still not completely clear how surface water benchmarks are going to be identified. Old section 23 (g) required operators to test water from wells in May and November. The new regulations don’t specify a schedule for water tests. Appropriate dates for sampling surface water may be impossible to set because they are likely weather-dependent, but there should be minimal sampling frequencies and locations specified.

E: Composting and Waste Disposal:

What does on-site composting mean? What sort of structure is needed?

- v Separate guidelines exist. Need a concrete pad, with no runoff, and an acceptable carbon:nitrogen ratio. The facility has to be approved by trained personnel. These regulations will make guidelines enforceable.

By-laws in some municipalities are very lax, and voluntary guidelines are too often ignored. Some carcasses and compost have been dumped on private property, in wetlands, or rendered in acid tanks and dumped in water bodies. The current inspection system doesn't work and is not trustworthy. **Dedicated inspection staff are needed, who can inspect on-site frequently enough and at any time, and enforce as needed.**

- v Enactment of regulations will allow the Act to be proclaimed and enforced. Farmers who don't follow guidelines can have their licences cancelled or suspended, face fines of up to \$1000/day, and be forced to clean up. However, this cannot be done till the act is proclaimed.

How can carcasses be disposed of on-site? Could we be contending with cremation or incineration? Those would not be acceptable methods.

Penalties need to be high enough to discourage violation; \$1000/day is better than a lump sum of \$600.

- v Need an approved management plan. Off-farm disposal and composting are two options.

On-site cremation or incineration should not be options.

Management plans need to be publicly available.

- v That can be considered. Some information may be proprietary and therefore confidential, but some need not be. In the meantime, FOIPOPping documents may work.

FOIPOPping is usually useless.

Better to compost off-site, to be fair to farmers. Also, a few composting sites are easier to inspect than many on-farm sites.

- v But farmers need options; some farms are too far from off-site composting locations to make this feasible.

What happens to compost?

- v Has to go off-site or be applied to land as per the needs of the crop.

How does it differ from uncomposted manure/feed/carcasses? How are viruses and bacteria killed? What happens to antibiotics and other undesirable chemicals?

- v Compost is more stable, with less nitrogen. The heat generated by composting will kill most undesirable organisms.

However, **the nutrients will still accumulate year by year, with successive generations of mink, so the nutrient problem will also accumulate.**

If an organic or vegetable farmer buys compost, who is liable?

- v Both selling and buying farmers should practice due diligence and get the stuff analysed. Agriculture NS already has composting guidelines, which the farmer should follow.

“On farm in an approved manner” is far too vague. **Permitted means of disposal must be specified and all others must be explicitly prohibited.** Otherwise, dangerous loopholes are opened.

Setbacks from watercourses, off-farm wells, ditches, natural wetlands, and land application of compost should be specified.

The farmers should be obliged to pay into a fund that allows for construction and operation of an “approved disposal facility.”

F: Anecdote:

One Digby County ranch uses lagoons to receive waste manure and waste feed. Seagulls and other waterfowl land in these lagoons and then land in adjacent trout ponds. The lagoons should be lined and covered, or eliminated, in favour of off-site disposal.

Neighbouring houses are on shallow dug wells and one has been polluted with *E. coli*, believed to come from this ranch. These lagoons were not lined with clay or anything, just the soil that was present on site when they were dug. This may not be enough to keep waste from seeping.

The public health implications of this story are very disturbing.

G: Mandates and enforcement:

There are already lots of rules and the Environment Act is good, but enforcement is insufficient. These regulations stipulate that Agriculture NS will enforce, but this puts the Department in a potential conflicting situation, since the Department is also charged with promoting mink farming.

For this reason, Environment NS should be involved in / take the lead on enforcement.

Frequent, unscheduled inspections are needed, and any officers should be able to inspect at any time, whether or not the farmer is present.

The Act empowers inspectors to inspect whether or not the farmer is present, but has to be proclaimed, first.

In case of flies, odor, or other nuisances, complaints can be lodged with Farm Practices Board, and report suspected violations of Environment Act to Environment NS.

H: Dealing with environmental hazards

Last time, **it was suggested that mink farmers post bonds or take out insurance to cover the costs of cleanup or remediation for the damage they may cause**, and no action has been taken in this regard. Water is polluted and neighboring properties are not protected. Property values have dropped and there are public health concerns. There is no requirement for farmers to clean up their messes or to

insure against such damage.

- v The Act needs to be amended, to assure that farmers cannot simply abandon a polluted site. Either the farmer or the industry must be liable to remediate such a situation. The Department is looking at options and will pursue an amendment, which should be in place within three years.
- v People are free to take offenders to court, although this is not palatable, nor affordable for most.
- v Complaints can also be lodged with Environment NS.

In the meantime, the Nova Scotia taxpayer is liable for cleanup.

Setbacks need to consider slope, soil type and absorptive capacity, vegetation, history of site, and other factors.

Who cleans up the mess? Mink farming boomed in the late '90's and Agriculture NS won the fight to promote it. **Agriculture NS should carry some liability for cleaning up the mess and not just dump it in the lap of Environment NS.**

- v Cleanup primarily remains the job of Environment NS

I: Fairness vis a vis Other Businesses

Other businesses (food industry, fuel merchants, etc.) are subject to inspection at any time and the results of such checks are freely available to the public. Some need test wells, and testing results are similarly available to the public. Most such businesses need substantial insurance to cover any clean-up costs or other liabilities.

The privileges enjoyed by mink farmers are non-sensical and grossly unfair. The public should not have to FOIPOP this information.

There is something seriously unfair when a cranberry farmer has to pay for a prohibitively expensive environmental assessment, while a mink farmer, whose operation carry potentially much more environmental risk, is excused.

Industrial level farms, including fur farms, need to be subject to environmental assessments, like other industries with potential for serious environmental effects.

J: Other

Would be interesting to compare and contrast treatment of mink and cattle manure.

- v The Department has manure management guidelines .

Need to consider other uses of manure, waste feed, and carcasses.

Settlement ponds may work for suspended solids, but not for nutrients, which are soluble. They will run

out, in case of overflow, perpetuating the pollution problem.

The problem is still getting worse, from year to year.

All should feel free to pass along any concerns to Zach.

Most participants appreciated the opportunity to air their questions and views with Agriculture NS staff, and realized that shooting the messenger was neither constructive nor fair. That said, **the Department needs take its responsibility to the general public much more seriously and make the current version of the regulations more stringent.**