



National Farmers Union - NB
Union nationale des fermiers - N.-B.



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Monday, May 17, 2017

Re: Submission from the National Farmers Union in New Brunswick on the Proposed Changes to the Livestock Operations Act.

Dear Mr. English,

The National Farmers Union in New Brunswick (NFU-NB) welcomes the opportunity to provide feedback on the proposed changes to the *Livestock Operations Act*. The National Farmers Union is the only general farm organization that is incorporated through an Act of Parliament. At the provincial level, we are also an accredited general farm organization in the province of New Brunswick. Our members are farm families all across the province and we promote policies that work towards our vision of: *Thriving family farms contribute to sustainable rural development, support their communities and steward their land while providing good jobs and healthy food for the people of New Brunswick.*

We would like to begin by saying that the National Farmers Union in New Brunswick generally welcomes changes to the current Livestock Operations Act (LOA), and that we generally agree with the proposed changes and the approach the Department of Agriculture, Aquaculture and Fisheries has taken so far in seeking consultation and promoting awareness of the proposed changes. The NFU-NB would like to thank Rob English for meeting with representatives of the organization on Tuesday, May 2, 2017.

The NFU-NB has identified some areas of concern and we would suggest more consideration be given to these areas before proceeding with the proposed changes:

Beneficial Manure Management Practices (BMMP's)

The proposed changes seem to rely heavily on the proper storage and handling of manure, which will be guided by the BMMP's. To our knowledge the BMMP's do not exist in a completed state yet. This creates some issues in that farmers will need to be aware of the practices they should be following and time will need to be allocated for education and awareness. If BMMP's are implemented new entrants will need to also be educated and guided on their use. The NFU-NB would like to see the establishment of the BMMP's and a plan for consultation and education around these before proceeding with the proposed changes.

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Nutrient Management Plan (NMP)

Many farmers and new entrants would welcome not having to do the work and paperwork associated with a NMP as this can also be a costly process for both the farmer and the Department. That being considered, if a NMP was viewed in the same manner as a business plan, most would feel a bit more commitment to completing one. There are likely benefits to the NMP that should be considered:

- Most individuals requiring a NMP are either new entrants or expanding considerably. The NMP in these cases likely serves to educate the applicant on the limitations as well as capabilities of their farm.
- Larger operations (100's of 4 footed animals or thousands of birds) should most certainly need a NMP to ensure they have a complete plan for sale/ distribution or spreading of significant amounts of manure. The NMP may also ensure that manure is factored into larger operations as a source of fertilizer and nutrients as opposed to a by-product that needs to be disposed of.
- With current NMP requirements some protection to the industry would exist (by means of education and laws). If new entrants or larger operations were able to start-up with no requirement for a NMP and no understanding of the BMMP's, there could be potential for some negative fallout and publicity for both the Department and farmers in general.
- The NMP would provide environmental and financial benefits that may be difficult to quantify.

Understanding that NMP's take considerable effort on the part of the applicant and the Department. Maybe a program to assist new entrants and existing operations in the development of NMP's could be implemented (in the same way the Environmental Farm Plan is). This would ensure proper spreading and distribution of manure, while removing some of the burden from the farmer and the applicant.

All of this considered if the proposed BMMP's are developed, delivered and enforced with success the benefits from an NMP should still be achieved.

Building and Expansion Permits

This area of the proposed changes likely requires the most consideration of all. It makes sense that governing new livestock facilities and expansions are done at this level of government and during this phase, but at the current time it seems many Government services are being offloaded onto Regional Service Commissions, LSD's and Municipalities and this may not be the time to make the changes proposed here.

Some areas of concern would include:

- Inconsistent administration across the different Regional Service Commissions and Municipalities due to many possible reasons, but including unfamiliarity with livestock operations, regional budgets and staffing.
- It is currently proposed that when applying for a building permit (a few more questions will be added to the permit to identify the construction or modification of a livestock facility).



The permitting authority will then contact the DAAF for approval or not of the proposed facility. Depending on the questions asked during the application, it would seem as though this is some form of “licensing or approval” from DAAF to operate a livestock facility. The purpose of the proposed changes to the LOA were to reduce paperwork and burden, this aspect seems to be reallocating it. There is some concern in this aspect that it could create significant delays in the permitting process and once again may not be administered consistently across the province.

- What happens in the case of a individual constructing a structure for one purpose during the permitting process and then repurposing after construction and inspection is complete to a livestock facility? Currently many DAAF programs are tied to compliance with LOA which enables or restricts your access to funding.

Minimum Setback Distances (MSD)

The NFU-NB represents farmers of all size operations and MSD's may need to be implemented in a way that they are not a “one size fits all” application. It will likely be hard to reach any kind of a consensus around MSD's, but the current distances do not allow for much consideration of smaller operations. Though the set back distances are the same, 20 cows and 20 sheep do not produce the same amount of manure or the same amount of odour. It would also be good to account for some understanding that many operations will see their livestock numbers increase and decrease depending on the time of year, specifically sheep/lamb and pork producers where numbers will fluctuate drastically from spring to fall. Housing and pasture systems should also be considered with the time of year and number of animals. Typically, in the winter months many animals are housed in-doors or in confined areas (where they are piling up manure more), but there are less animals on site, whereas in the summer when more animals are present, they tend to more distributed on pasture. If the Department has to go with an overall “one size fits all” there should be room for special permitting for smaller operations, if they can meet a standard or set of criteria.

MSD's for spreading manure around sensitive areas is a step in the right direction for providing guidance and environmental consideration, but some identification of these areas and awareness should be included in the BMMP's.

Large Livestock Operations

NFU-NB agrees with that the registrar should hold the right to impose additional requirements on large operations. This would serve to protect the industry, communities and the environment. Some outline of what these additional requirements may be should be developed in an effort to ensure fair implementation across all size producers.



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Expected Outcomes

The NFU-NB is concerned one unexpected outcome of the proposed changes is that department staff may be less familiar dealing with livestock operations and potential issues when new applications are no longer required (less paperwork may mean less familiarity). This may pose challenges when a time arises that issues need to be dealt with (specifically issues relating to manure handling and storage).

The National Farmers Union in New Brunswick welcomes further discussions with the DAAF on the proposed changes to the LOA and hopes that these comments assist in developing friendlier, yet stronger, rules for farmers in New Brunswick.

Respectfully submitted,

The National Farmers Union in New Brunswick

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