



February 4, 2019

Hon. Lawrence MacAulay
Minister, Agriculture and Agri-Food Canada
1341 Baseline Road
Tower 7
Ottawa, ON K1A 0C5

Dear Minister MacAulay:

We are writing to express our deep concern about the charges being laid by the Federal Department of Environment and Climate Change Canada against PEI farmers as a result of extreme weather that sometimes causes environmental damage such as fish kills. We are asking for your immediate assistance in ensuring your Department takes a leadership role alongside Industry in striking a Task Force that tackles this important issue with a clear set of objectives aimed at ensuring both sustainable aquatic life and sustainable farming operations.

We want to be 100% clear that we are strong supporters of soil conservation and other efforts made in the province of PEI to reduce the risk of environmental damage. However, we strongly oppose the use of the law and the legal system to cause excessive hardship to a farm family who have nothing but the best intentions to serve their industry, the environment and their community. In our view, using considerable public and private resources in the court system is an extremely ineffective way to address the unfortunate situation where environmental damage happens as a result of an extreme weather event.

We recognize that there may be cases of gross negligence by corporations and individuals in society in general, where financial or other gain motivate people to pre-meditate breaking the law and knowingly release a deleterious substance into a watercourse. However, in the most recent local case, a well respected farmer, "Brookfield Gardens", was charged, and the above is not what happened. In this case, the farm operation in question was conducting what would be considered "normal vegetable farming practices" when an untimely heavy rain storm occurred shortly after a carrot field had been sprayed.

It's our understanding that there is another local farm family now up on the same charges as Brookfield Gardens. In this case, a very intense and isolated storm dropped over 70 millimetres of rain in a very short window of time causing considerable damage to numerous properties, public roadways and ditches. The surge of water that came with a storm of that magnitude caused the very stream it entered to rise and blow well over its banks leaving fish stranded on the ground when the rain water receded a short time later. The UPEI Climatology lab determined this storm was a 1 in 100 or possibly a 1 in 200 year rain event. A storm of this enormity can only be described as an Act of God. This act resulted in 313 dead fish, some of which were found outside the stream, and now a farmer is facing the consequences with a personal fine to himself, a fine to his 28 year old son and a corporate fine as well. This week, the Crown requested he pay a

settlement of \$125,000 in order to avoid a trial. Such an excessive “settlement” could affect some farm operations to the point they would need to close their doors. To illustrate what can only be described as an imbalance, in a forecasted heavy rainfall event in August 2018, soil was washed from a sizable Provincial Government roadway construction into a nearby waterway despite some of the erosion mitigation structures that were in place. The farmer has been charged, while the road construction project has not.

We believe that in some situations, the risk of environmental damage could be reduced by doing more to reduce the negative effects of these extreme weather events. In some vulnerable locations it may involve slightly enhancing soil conservation structures that may already be in place or finding alternate pest control strategies among other measures. In some specific extra-vulnerable areas it may require taking much more extensive measures, possibly even taking some land out of production. Up until now, farmers have been adapting to Provincial buffer zone regulations to achieve due diligence requirements however, DFO seems to have their own checklist which to date is not public information. How can it be right that farmers be charged for violating a checklist that farmers and industry leaders have never been provided?

As we recognize that these weather events are becoming more common, the industry and watershed groups, in partnership with the Province and Federal Government, need time to increase our efforts, in this regard. Once again to provide a similar imbalanced urban example – it took several years to upgrade urban water treatment facilities in Charlottetown and Stratford to a point where regular shellfish closures as a result of sewage overflows are becoming less common occurrences. It is not our intent to criticize local governments for reacting slowly. We are simply acknowledging that it often takes careful planning and time to make the appropriate changes as circumstances change. Our climate is changing and so must the policy.

We feel strongly that this need to continue to adapt to climate change and accompanying extreme weather events is an issue that will require cooperation from land owners and the public at large. The press from farm related environmental damage is negative and strikes against the reputation our province and country has taken decades to build as producers of clean healthy food. It often projects a perception that mismanagement is responsible. What the public often fails to understand is that it’s our collective want for development plus the appetite of consumerism which in many ways is responsible for climate change. Thus the cost to implement improvements to our landscape to deal with the effects of climate change must be seen as our collective responsibility.

In closing we respectfully encourage you and your Department to support the following:

- Identify the appropriate senior level people within your Department, to participate on a task force with the Federation of Agriculture, PEI Potato Board, PEI Horticultural Council, PEI Watershed Alliance and the PEI government to come up with tangible improvements that can be implemented to reduce the negative effect of climate change (specifically relating to fish kills)
- Work with your Cabinet Colleagues Catherine McKenna (Environment and Climate Change Canada) and Jonathan Wilkinson (Fisheries and Oceans) to ensure they appoint senior level officials to a task force that will take on this issue
- Take immediate measures to stop the waste of many hundreds of thousands of dollars of public resources now being directed to the legal system to prosecute people for releasing a deleterious

substance into a watercourse when they have done nothing more than try to earn an honest living and were the victims of a severe weather event .

- Work with Province of PEI to allocate necessary funds that can be directed to programs and tangible projects that will help reduce environmental damage caused by climate change.

You are uniquely qualified to help ensure this task force is successful in your capacity as not only the Minister responsible for Prince Edward Island, but as the Minister of Agriculture and Agri-Food Canada. Your leadership is needed to bring this issue to the forefront and ensure that Island farmers no longer go unfairly prosecuted.

We appreciate your immediate attention to this matter and look forward to your favorable support.

Regards,



David Mol
President, PEIFA



Jason Hayden
Chairman, PEI Potato Board

Cc: Hon. Wade MacLauchlan, Premier of Prince Edward Island
Minister Catherine McKenna, Environment and Climate Change Canada
Minister Jonathan Wilkinson, Fisheries and Oceans Canada
Minister Robert Henderson, Minister of Agriculture and Fisheries, Prince Edward Island
Minister Richard Brown, Minister of Communities, Land and Environment, Prince Edward Island
Hon. Wayne Easter, MP Malpeque
Mr. Sean Casey, MP Charlottetown
Mr. Bobby Morrissey, MP Egmont