

**Energy Probe Research Foundation's Recommendations for Public Hearing #5:
Regulatory Issues for Specific Sources of Contaminants and Water Quantity
September 6-7, 2001**

Agricultural Contaminants

1. ***The provincial government should strictly regulate potentially harmful farming activities. It should remove exemptions or special treatment for farming activities from the Environmental Protection Act and other provincial legislation.*** Agricultural activities are a major source of harm to the environment and human health. Agricultural pollution should be treated no differently than any other form of pollution.
2. ***When regulating farming activities, the provincial government should not confuse normal practices – or even so-called best practices – with acceptable practices.*** Practices that damage the environment or human health should be deemed unacceptable.
3. ***The provincial government should require mandatory compliance with laws rather than voluntary conformance with guidelines.*** Voluntary conformance has not worked to prevent environmental contamination.
4. ***The provincial government should grant no farmer the right to pollute.*** No legislation should override the common-law rule that people should use their own property so as not to harm another's.
5. ***The provincial government should rescind the Farming and Food Production Protection Act.*** In farming, farmers should not have the right to harm their neighbours' property. Farmers' rights to use their property should not trump other rural residents' rights to be free of pollution.
6. ***The provincial government should require farmers to bear the costs of preventing pollution from their operations. It should phase out existing subsidies to farmers and should not introduce any new subsidy programs.*** As subsidies are phased out, farms that are not both economically and ecologically viable will cease operating, benefiting both the economy and the environment.

Municipal Sewage Effluent

1. ***The provincial government should strictly regulate sewage pollution.*** It should require mandatory compliance with laws and regulations prohibiting sewage pollution. Voluntary conformance has been thoroughly discredited.

2. ***The provincial government should restore the common law rights of those adversely affected by sewage pollution.*** It should remove legislative provisions that override the common law, and it should fully restore the tort liability of the owners and operators of sewage systems.
3. ***The provincial government should disband the Ontario Clean Water Agency.*** No provincial agency should operate sewage treatment facilities.
4. ***The provincial government should facilitate the privatization of municipal sewage utilities.*** Suitable forms of facilitation could include the creation and distribution of case studies, advice on the RFP process, model contracts, etc. Privatization will attract capital and expertise, and it will promote efficiency, innovation, and accountability. By reducing the conflicts of interest that now prevent the government from enforcing the law, privatization will facilitate strict regulation.
5. ***The provincial government should phase out subsidies to sewage utilities.*** Users should bear the full costs of the treatment and disposal of their wastes, including the costs of preventing bypasses and combined sewer overflows.

Water Quantity

1. ***Water should be priced to reflect its scarcity.*** Such pricing will internalize the costs of resource use, encouraging users to conserve.
2. ***The provincial government should establish an economic regulator for water and charge it with determining the appropriate prices for water.*** The regulator should oversee the pricing of all extractive uses of water, including municipal, industrial, and agricultural uses and bottling.
3. ***The provincial government should impose a ten-year moratorium on the consideration of bulk water exports.*** A minimum of ten years of operating in a market environment is required to develop confidence that the price of water reflects its value. Furthermore, within the next decade, changes in the United States – including new pricing regimes, experiments with water markets, diminished demand for irrigation water, and declining costs of desalination – will likely demonstrate that the US has no need for foreign sources of water, obviating the demand for Canadian water.
4. ***Should the demand for bulk water exports remain, the provincial government should conduct a thorough public consultation process before approving any exports. Furthermore, it should commit itself to opposing any exports that require subsidies, be they in the form of the underpricing of water, the granting of financial assistance, the approval of environmental harm, or the expropriation of the land or property rights of those living besides lakes and rivers.***