



A leading voice for a healthy and environmentally sustainable community

Box 383 Lethbridge AB T1J 3E9

2 November 2012

Hon. Verlyn Olson QC
Minister, Alberta Agriculture and Rural Development (AARD)
228 Legislature Building
10800 - 97 Avenue
Edmonton, AB T5K 2B6

Dear Minister Olson:

Regulations under *Agricultural Operations Practices Act (AOPA)*, legislation dealing with livestock operations and manure management, will expire in 2014. It is our understanding that AARD is considering what changes may be needed to the regulations as well as to the *Act* itself. We are writing to encourage you to undertake a full review of *AOPA*. We also are providing suggestions for improvements we would like you to consider.

Environmental impacts of confined feeding operations has been an issue of concern for the Southern Alberta Group for the Environment (SAGE) since the mid 1990s when we first became aware that our region was in the process of developing the highest concentrations of feedlots in North America and that unacceptable levels of contamination of air and water were occurring. In 2002, when the Natural Resources Conservation Board (NRCB) assumed responsibility for regulating confined feeding operations under *AOPA*, we had high expectations of improvement in prevention and mitigation of environmental contamination. Some gains have been made however there is still need for improvement in regulation of confined feeding operations.

According to the *Oldman State of the Watershed Report (2010)*, there are over 500 confined feeding operations in the Oldman Watershed and the large majority of these are in the lower prairie portions of the watershed. Irrigated portions of the County of Lethbridge have the highest density of feedlots, pig barns, and poultry facilities. Water quality in the prairie subbasins of the Oldman Watershed is determined to be of poor to fair quality due to excess nitrogen, phosphorus, suspended solids and fecal coliforms. Our region also has a very high rate of water-borne enteric pathogens. There is little doubt that livestock operations are contributing to degradation of water quality and to human health problems. Air quality is also degraded due to odour and dust, particularly in areas of high concentration of confined feeding operations.

Key suggestions for improving the legislation that regulates livestock operations follow.

- Revise the purpose statement of *AOPA* to include a public interest mandate, with less focus on promoting growth of the livestock industry. There are many examples where growth of livestock operations has superseded or compromised human health and environmental considerations. This is not sustainable.

- Expand the definition of “affected person” or “directly affected party” under *AOPA* to include not only neighbours of the confined feeding operation, but also any person or group who has a legitimate interest, representation of which is necessary for a fair decision. This is particularly relevant to consideration of cumulative effects.
- Include a requirement to assess cumulative environmental effects in decisions about approval or expansion of confined feeding operations.
- Change *AOPA* to require that all confined feeding operations, including those constructed before 2002 when *AOPA* was first introduced, are required to meet *AOPA* requirements within a set time frame. Decommission operations that fail to meet requirements within the established time frame.
- Provide more clarity to the Natural Resources Conservation Board (NRCB), who is responsible for approval and compliance of livestock operations under *AOPA*. This includes ensuring measures that protect the environment are required and not discretionary.
- Require that manure application be limited not only by nitrate-nitrogen concentration but also by phosphorus concentration and salinity to control accumulation of phosphorous and salts in soil and runoff into surface water. There is ample scientific information to support this change.
- Improve requirements for operators to monitor effects of operations on water (surface and groundwater), air and soil and require that monitoring data collected under *AOPA* is independently verified and is public information. Operation-specific monitoring would complement improved monitoring by government to determine regional effects on air and water quality.
- Change *AOPA* to allow NRCB to issue fines and administrative penalties. This would allow more effective and timely enforcement action against violators of *AOPA*. Currently prosecutions done through the courts take months if not years and fines are not sufficient disincentive to ‘bad’ operators.
- Provide more effective requirements and tools under *AOPA* to suspend and decommission operations that are inappropriately sited or that fail to comply with enforcement orders.

We encourage you to undertake a full review of *AOPA* and would appreciate serious consideration of our suggestions for improving the legislation. Please keep us informed of your decisions and opportunities for input.

Yours sincerely



Braum Barber
Chair

Cc Hon. Diana McQueen, Minister, Alberta Environment and Sustainable Resource Development
Hon. Fred Horne, Minister, Alberta Health and Wellness