



May 7, 2015

Glen Murray  
Minister of Environment and Climate Change  
Ferguson Block 11th Floor  
77 Wellesley Street West  
Toronto ON M7A2T5

Dear Minister Murray,

**RE: EBR #012-3733 – Regulatory Amendments to Ontario Regulation 63/09 under the Pesticides Act to Reduce the Use of Neonicotinoid Insecticides**

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Please find attached the Grain Farmers of Ontario's comments on the *Regulatory Amendments to Ontario Regulation 63/09 under the Pesticides Act to Reduce the Use of Neonicotinoid Insecticides*.

We have a number of concerns with the proposed regulations and the timing of the consultations.

These regulations not only lack scientific evidence but we believe they will not contribute in a meaningful way to enhance bee health.

We believe the right approach to pollinator health is a holistic one, in-line with the approach outlined in our Pollinator Health Blueprint, which you will find attached to this submission.

Timing the consultation of these regulations during prime planting season is particularly troubling as our farmer members are out on the field getting their crops in the ground. These proposed regulations represent precedent-setting policy shifts with far reaching impacts on the bottom line of grains and oilseed farmers. Our members should have been given a fair opportunity to provide comments, without sacrificing the success of their planting.

We hope that you will re-consider this regulatory approach and sit down with the industry to find a common ground solution that works for grains farmers and enhances pollinator health.

Sincerely,

Mark Brock  
Chair, Grain Farmers of Ontario

**Grain Farmers of Ontario**  
**Comments - EBR #012-3733**  
**Regulatory Amendments to Ontario Regulation 63/09 under the Pesticides Act to**  
**Reduce the Use of Neonicotinoid Insecticides**

**Who we are**

Grain Farmers of Ontario is Ontario's largest commodity organization. We represent 28,000 corn, soybean, and wheat family farmers. Ontario's grain and oilseed crops cover 5 million acres of farmland and are one of Ontario's largest agricultural industries, producing food and energy while contributing environmental and economic benefits for Ontario. Ontario's grains and oilseeds are an important contributor to Ontario's economy and environment.

- 53,000 full time jobs in the province and \$9 billion in economic output annually
- Grains and oilseed crops are a foundation for the agri-food, bioenergy, and livestock industries
- Ontario is the corn and soybean capital of Canada and home to Canada's largest bio-refineries

**Timing of the Consultation**

The consultation time period for these precedent-setting regulations, altering the Pesticide Act, was extremely short given the significance. Additionally, holding the consultation at a time when farmers are planting their fields forced farmers to choose between providing comments and tending to their livelihood. We ask that the Minister to consider extending the submission deadline to accommodate our farmer members. Their entire livelihood is dependent on securing a crop in the spring planting season and many could not take the required time to analyse these regulations and provide comment without consequences to their spring planting success.

**Bee Health a holistic approach – the Pollinator Health Blueprint**

The issue of bee health is complex and requires a collective approach. One-off regulations, like these proposed seed treatment regulations, are not the solution. Grain Farmers of Ontario, in collaboration with a cross section of agriculture stakeholders, including beekeepers, designed a Pollinator Health Blueprint (attached in this submission), which outlines a holistic approach to pollinator health. We believe this is the most effective way to enhance pollinator and bee health.

In the 2014 Annual Report from the Province's Apiarist, Ontario's beekeepers identify over 9 issues affecting bee health, and the report notes that the industry is experiencing overall increases in honey production, export for bees to other jurisdictions for pollination, and is growing the number of bee colonies. The report states that further

monitoring and surveillance of honeybee health and pesticide residues in the environment are important to clarify and address the relationship between neonicotinoids and pollinator health. The report also calls for extensive research in Ontario to better understand what is happening to honey bees in the province. Clearly there is still a lot yet to be determined, and this further underscores the need for the province to slow down its action on neonicotinoid regulations until all of the information is assembled.

The Apiarist's report also notes that, there was a 70 percent decrease in in-season bee mortality incidents during the planting season in May 2014. Last year, farmers were aware of the concern around acute exposures and in many cases reached out to their local beekeepers to discuss planting. Across the province, farmers altered their planting practices including:

- using safer dust-reducing seed flow lubricants;
- adhering to safer seed planting practices;
- and installing aftermarket deflectors on their planters.

### **Comments on the Proposed Regulations**

Grain Farmers of Ontario has a number of concerns about the impact of the proposed regulations to the Pesticide Act and the lack of evidence that these measures will positively impact bee health in Ontario.

### **Costly regulations for farmers – estimated cost to the province \$410 million**

The method of 'proof of pest' is costly and will require grain and oilseed farmers to experience a rotation of crop damage, and the results will include:

- farm income loss;
- devastation of the IP food grade soybean market;
- damage to competitiveness, domestically and internationally;
- and signal that Ontario is not a place for agri-technology investments.

These regulations are precedent setting, marking the first time that seeds are regulated in the province and the first time in the developed world seeds are regulated by a subnational government. The regulations redefine seeds as pesticides and dictate how farmers are to conduct pest management techniques. They also interfere with the current commercial sale of the affected products and put the seed industry into a regulator role with its customer – the grain farmer.

The Conference Board of Canada estimates the cost of farming without neonicotinoid seed treatment to be \$630 million annually. A recent report by RIAS Inc. estimates the direct costs imposed by these regulations on farmers to be \$24 million and another \$2

million for the agriculture value chain. Further RIAS Inc. estimated in their in-depth study of the economic impact that, that the proposed regulations will reduce incomes for corn and soybean farmers in Ontario by over \$880 million per year. Corn production is expected to fall by over 2.6 million tonnes per year, and soybean production by over 1 million tonnes per year.

The regulations select an arbitrary number of acres (of corn and soybeans) to be untreated, thus unable to defend against crop pest damage, and impose a number of impractical requirements on farmers. The regulations lack a scientific basis and a regard for the cost implications to farmers. It is clear that these regulations disregard the value of the product to farmers and have not considered the financial costs to farmers to comply with the regulations.

Ontario's direct competitors, in the US, Quebec, and the rest of Canada, do not face these types of restrictions – not only will individual grains and oilseed farmers suffer losses, but the Ontario grains and oilseed industry will not remain competitive, operating in a trade sensitive environment.

### **Bad public policy**

Regulating the individual decisions that a farmer makes in one-part of their farm business is not good public policy. Requiring a third party to verify the validity of decisions made by a farmer undermines the farmer as a professional. Giving regulatory power to the seed sales person over the farmer interferes with the commercial transaction and puts the farmer in a disadvantaged position with a supplier.

### **Pest Assessment Guidelines not rooted in the realities of farming**

We have had the opportunity to discuss the Pest Assessment Guideline document with a number of professionals with training and certification in agronomy. The prevailing comments are that the pest assessment recommendations do not reflect the reality grain and oilseed farmers face and the guidelines are prone to error. The guidelines are missing a number of pests that are listed on the label – for example, pests such as aphids that caused major damage in 2007 and have history of wiping out entire crops. The guidelines are unreliable and could result in false positives and false negatives

### **Food grade soybeans a case study**

Ontario soybean producers pride themselves on growing high quality soybeans with specialty traits that are destined for world markets. They have been growing identity preserved (IP) soybeans for international markets for over three decades. Ontario producers have built a reputation for supplying high value, traceable, safe and quality assured soybeans that meet the ever-changing needs of the global marketplace. Ontario soybeans are the first choice of processors around the world and are currently delivered to over 20 different countries. By supplying these niche markets

has allowed Ontario and Canada to be a global competitor in soybean exports. Producing only 2% of the world's soybean production these niche markets are critical to Ontario's soybean industry. Ontario soybean farmers can get \$75 per tonne in premium for non-gmo IP food grade soybeans. Maintaining this market is important because international competitors would jump at a chance to fill Ontario's global market position. The quality of these soybeans can be impacted by Soybean Aphids. Pest control is an important part of ensuring Ontario is continuing to supply the high quality products demanded by end users. Soybean Aphids having sucking mouthparts and damage soybeans by extracting sap, or phloem. As the growing season progresses and aphid populations build, aphids spread throughout the plant and attack flowers, pods, stems and leaves of the plant. Impacts include stress on the plant, reduced yields by up to 40%, stunting of the plant along with abortion of flowers or pods which result in a reduction of seeds per pod. Soybean aphids also leave a sticky film, somewhat like honey, that attracts bean leaf beetle. Bean leaf beetle eats a hole in the soybean and leaves a mark rendering the product not worthy for food grade exports. If the soybean growers of Ontario suffer losses from insect damage then Ontario could lose a \$407 million market and grain farmers will lose at least \$67 million in premiums

### **Outstanding Issues requiring an answer**

There are a number of outstanding issues with the regulations that were posed during the Technical Briefing sessions conducted by the MOECC. These were submitted during the sessions and include questions around definitions (such as who a vendor is) and how the individual farmer will be protected under this regulation. We have yet to receive answers to these questions, including:

- What scientific evidence is there for implementing the regulations in Eastern Ontario first, and why does the grains and oilseed farmer in Eastern Ontario face a greater regulatory burden than his competitors in the West?
- How will new products be handled by the Pesticide Act Class 12, now and in the future?
- Why are only a few pests identified as valid for a pest assessment in the Guideline document and where is the basis for the IPM definition used in the document derived from?
- What methods and measures will be taken to ensure that the farm data submitted to OMAFRA will be protected, beyond the standard protections for data, and what information will be generated from the maps submitted to OMAFRA?
- What will happen if an individual farmer's pest assessment doesn't show 'need' for treated seed but pest damage occurs? Will the government of Ontario be liable for the crop damage and resulting loss?
- If 30% crop damage is required to determine a need using the crop damage method, how Crop Insurance will treat such a loss?
- Will the government provide solutions for farmers who can no longer purchase seed tailored to their soil and heat unit requirements because the seed industry cannot provide the supply of untreated seed in the variety

required for certain areas (because the market will be destroyed by these regulations)?

- What is the process for new insecticide treated seed when registered by the federal government? Will there be any additional parameters for registration of new products being sold in Ontario?
- Why aren't all pests listed on the Seed Tag Label and the Field Pest Guide included in the regulations? What was the evaluation criteria for the list of pests in Pest Assessment Guidelines?