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To: The Law Amendments Committee
From: Lisa Mitchell, MES, LLB
Date: 06 May 2010
Re: Comments on Bill 53 the Fur Industry Act

It has come to my attention within the past hour that the law amendments committee has already met on Bill 53. This is not a Bill that is without controversy and the fact that there were only three business days granted between introduction of Bill 53 and meeting of the law amendments committee is of great concern. It is not possible for community members and volunteer organizations to be prepared to present on a Bill in such an inadequate period of time.

Although this Bill has been in development for more than three years, there has been virtually no public consultation on the Bill or the policy that supports the Bill. The Bill has been designed and developed with extensive input from the NS Mink Breeders Association to the exclusion of any other interested individual or organization.

During Second Reading debates The Minister of Agriculture spoke to consultation with the Sierra Club, the Ecology Action Center and the East Coast Environmental Law Association. This was not consultation. These groups were asked to attend a 'secret' meeting that took place in the 11th hour before introduction. This meeting with key environmental organizations took place so close to introduction that the participants were told that the Department was no longer in a position to share any details on the bill. Only a one-page legislative model was presented.

It became clear following that session that our only opportunity to review and comment on the Bill would be through the Law Amendments Committee. All of the above mentioned groups have reviewed the Bill in some detail and are in a position to provide constructive input to improve the Bill. The groups met earlier today (May 6, 2010) to discuss presentations to the Law Amendments Committee, only to find out that Committee has already met.

We request a second session of the law amendments committee on Bill 53 to put forward our comments on the Bill in an effort to improve on the Bill and ensure that it will meet the needs of the industry, the environment and the taxpayers of Nova Scotia.

I have provided some highlights below on areas of the Bill that we believe will benefit from further consideration.

A handwritten signature in black ink, appearing to read 'Lisa Mitchell', is written over the text. The signature is fluid and cursive, with a large loop at the end.

Highlights

1. The bill is resource-intensive requiring inspection staff that the DOA does not have in place. The bill addresses environmental issues that DOA staff do not have the expertise to deal with. NS Ag has approximately 30 food safety inspectors and only 5 regional staff. NSE has 70 plus inspectors across the province. Nova Scotia Environment staff and inspectors need to be integrated into the inspection and monitoring aspects of the Bill.
3. The Bill places the Minister of Agriculture in a conflict of interest. He is the champion and promoter of the industry as well as the regulator. Given the potential for significant environmental impact and impact on local communities, such a conflict is not acceptable. This conflict could be addressed by ensuring public scrutiny through a public registry, complaints process and independent appeal process.
4. Appeal processes in the Bill need to be laid out and independent.
5. A review of the Farm Practices Act will reveal that the Farm Practices Board is not the appropriate place to refer complaints that go beyond nuisance concerns. A complaints process, such as that found in the NSEA should be included, at a minimum.
4. It was the comments of concerned citizens that initiated this Bill. To ensure that the role of the public is not lost an open and transparent process of development for all regulations, standards, protocols, etc used to establish permits, management plans and licenses under the Act. The permits, licenses, management plans, sampling and monitoring results should also be made available to the public. Simple amendments to the Bill can be made to accommodate this without creating conflict with the FOIPOP Act.

During the Second Reading Debate the Minister stated:

“Concerned communities have turned to the fur industry and to government for reassurance that the environment is being managed properly. Our response has been to work with industry leaders to communicate the work that is being done, and to seek improvement when necessary. The executive of the Nova Scotia Mink Breeders Association has been supportive of our effort, and their advice has been invaluable.”

It is insightful to note that the government did not include the concerned communities in the development of this Bill. Successful mink operations depend greatly on the common environmental resources for their survival. They exist in communities and the only way that this industry can remain stable and sustainable is to work with those communities.

Bill 53 as proposed provides some steps in that direction, however, specific changes could go along way to make the Bill more effective and more acceptable to the public.