

**BILL 111 – An Act Respecting the Fur Industry  
“Fur Industry Act” (amended)**

**Presentation by: Simeon Roberts, Managing Director, Nova Scotia Mink Breeders Association (NSMBA) to Standing Committee on Law Amendments, November 20, 2012.**

Thank you Mr. Chair, it's a great pleasure being here today representing the Nova Scotia Mink Breeders Association. As you may recall, I'm a management consultant and I've been working with the Association for almost five years.

It was some two and a half years ago when I spoke in front of this same committee in favour of Bill 53 and let me be very frank with you; I didn't expect to be back here again today. Maybe I was naïve, but I was fully expecting the regulations to have been approved by now. In fact, I can recall the Minister of Agriculture saying that he wanted them put in place within the year, even when some of his staff had suggested it would be more like three years.

If I may indulge you and take you back to May 5, 2010. I am on record for saying that:

- We welcome any developments that will help to secure a sustainable future for our industry.
- The long-term prosperity of our agricultural sector is important. It's important because it can secure a bright future for all Nova Scotians.
- This legislation puts in place measures to ensure the appropriate management and development of the industry for years to come.
- This legislation is important because it ensures our industry will develop in a sound way, contribute to the tax base of this province, and at the same time respect our neighbours.
- This is very important because it will keep conflicts from arising, which might harm the ability of our industry to exist and grow.

- In particular, we are pleased that measures will be put in place that address many of the issues mink farmers have been facing.
- In the short-term, we recognize that many of our farmers will have challenges as we move ahead with this legislation. But, in the long-term we feel it will benefit everyone.

Those sentiments have not changed today.

So what has happened since then? Let me mention just a couple of things:

- 1) Members of our association attended a briefing session with officials from the Department of Agriculture on July 20<sup>th</sup>, 2011 at which time an overview of the draft regulations was provided. Our members raised a number of questions and concerns. At that time I believed *good* legislation and *good* regulation could be beneficial to our industry. Although our association was not given the opportunity to provide input for the draft regulations, we offered our collective comments, criticisms, and suggestions to government and we were optimistic that government would give serious and objective consideration to our concerns. I believe any regulation should be designed to make sure the environment is protected and at the same time strike a balance ensuring the industry is able to prosper. Above all else, regulations must make sense and be doable. They must maintain a sense of trust and confidence, and not stifle innovation. They should be fair, manageable and pragmatic.
- 2) The Department of Agriculture then sought public input to improve the regulation of the fur farming industry and Nova Scotians were invited to provide input by August 19, 2011. We submitted a ten-page brief.
- 3) A second meeting was held with our membership on February 23, 2012 at which time a new version of the draft regulations was presented.

And, here we are today.

My phone still rings daily with farmers asking when the regulations will be finalized. Some have already invested millions of dollars into their operations. But, farmers just want to know what they have to do to comply with the regulations.

But before I continue, I must say that the mink industry is now the largest agricultural sector in our province, with over \$140m in farm gate sales. This is all export-based and brings in new monies to our province. We are providing real jobs and creating important spinoffs which all help to sustain the rural lifestyle and communities we have all come to value. Our industry continues to be a vital part of many of our rural communities. This is even more important as we read the latest Statistics Canada reports which show the unemployment rate for economic region 240 (Yarmouth, Digby, Shelburne, Queens and Lunenburg counties) was 13.5% in October up 5.1% points from October 2011.

We are also seeing growth in many new areas as other sectors are dying. New entrants are young farmers who want to make a living here in Nova Scotia and farms that are expanding hire local people so they don't have to move out west. So its true self-sustaining growth and entrepreneurship is alive and well here in rural Nova Scotia. Our supporting infrastructure also continues to grow. You may recall that two new ventures are now developing ways to turn farm waste into salable compost and energy biomass. And, there are additional companies bringing products to market as well. Then there is the 340 co-op pelting plant, which you heard of last time, it's now the largest of its kind in North America with 200 employees and a payroll approaching \$3m.

But we still have our challenges.

- Some municipalities are considering changes to their land use by-laws.
- We are still very concerned about the increased incidence of Aleutian Disease, although the research being undertaken by the Faculty of Agriculture at Dalhousie University is now beginning to show promising results.

- Access to a reliable and cost effective source of feed still remains an issue for our industry.

When the Minister introduced this Bill in the House on November 1<sup>st</sup> and after I had a chance to review the 33 clauses, I was having trouble understanding why this was happening. Firstly, and I want to make this crystal clear. The amendments have not come from industry. Secondly, I had to go back to the original Act to figure out exactly what was being proposed. This was a very arduous process but I think I have a little better understanding now. I think that these amendments should probably have been in the Act from the start, but I guess hindsight is the best sight. Hopefully they will now enable the regulations to be finalized so we won't have to wait another couple of years.

One could argue these amendments are minor housekeeping items. I probably don't have time to go through each clause, so I will limit my comments to just a few points:

- I am pleased to see a number of definitions have been added, such as "Administrator", "prescribed animal" and "waste" and the definition of a "fur farm" has been expanded.
- A number of sections have also been reworded and these ensure greater consistency. For example, "lease" has been changed to "permit", "cancel" to "revoke", "materials" to "property", and the word "accepted" has been replaced with "normal" when referring to common agricultural practices in section 25(1).
- A number of typographical errors have also been corrected such as the correct placement of brackets and periods. The incorrectly spelled word "license" has also been changed to "licence". However, I would like to bring to your attention:
  - Section 11(5), which should add the word "the" between "in" and "regulations" on the last line.
- Four sections have been repealed including 18 2(d) concerning air samples, which is a welcome change.

- Twenty four new sections and subsections have been included:
  - I am pleased to see the addition of section 28(1) concerning the requirement for a permit and I'm hoping this will help to address issues concerning Aleutian Disease.
  - I am also very pleased to see the addition of 36(1) (ta) that allows for the site characteristics of a particular fur farm to be taken into consideration.
  - The three year grandfathering clause has also been clarified in a new section 35 (2) which notes an operator shall meet the requirements of this Act and the regulations within six months, when there has been an increase in its breeding females or breeding herd. Farmers are anxiously awaiting the regulations that will prescribe this increase or include a method of determining such, as per section 36 (1) (tc).
  - Section 35A has been added and it addresses fur farm properties that cease operation. Hopefully this does not occur but I can assure you our industry will be monitoring this very carefully.
  - Although I'm not a lawyer and my Latin is a little rusty, I realize this is a legal document, I'm wondering if "mutatis mutandis" in subsection 35A(3) can be changed to something like - "with the necessary changes having been made"? Otherwise, I can certainly recommend that the Department release a plain language document later once the Act and regulations have been approved. This will go a long way to helping farmers understand what is being required of them.
- Clause 2 replaces "development and management" with "sustainability" in 4 (f) and (g). The use of the word sustainability carries much more weight and is a welcome addition especially as our industry is embarking on a strategic planning process that will enable our industry to grow while ensuring good environmental management.

- The role of the designated professional has been clarified. However,
  - “Clause 5 repeals a section respecting designated professionals that will be incorporated into Section 33 of the Act” and “Section 7 of Chapter 4 is repealed.”
  - Therefore, if 33 1A is taken into consideration, I’m wondering if section 1(b) is necessary and should therefore be repealed as well?
- “Minister” is substituted by “Administrator” on forty separate occasions. This helps to clarify the role of Administrator. However,
  - I am unclear on clause 8 (1) subsection 11(1) which is amended by striking out “Minister” in the second and third lines and substituting “Administrator”. In this case, “Minister” on the third line should be replaced with “regulations”.
  - I am also unclear on clause 9, subsection 16 (2) (c), which strikes out “Minister” in the second and third lines and substitutes “regulations”. But, “Minister” only appears once not twice.
  - I am also unclear on clause 20, subsection 21 (3) (c), which strikes out “Minister” in the second and third lines of clause (c) and substitutes “Administrator”. But, “Minister” only appears once not twice.
- “Minister” is also substituted by “required by the regulations” on seven separate occasions. This helps to clarify the responsibilities of the Minister and Administrator and where the regulations come into effect.

With the above comments in mind, we are looking forward to non-partisan support on this legislation, as we believe it addresses the public interest and many issues that have been previously raised.

Thank you....