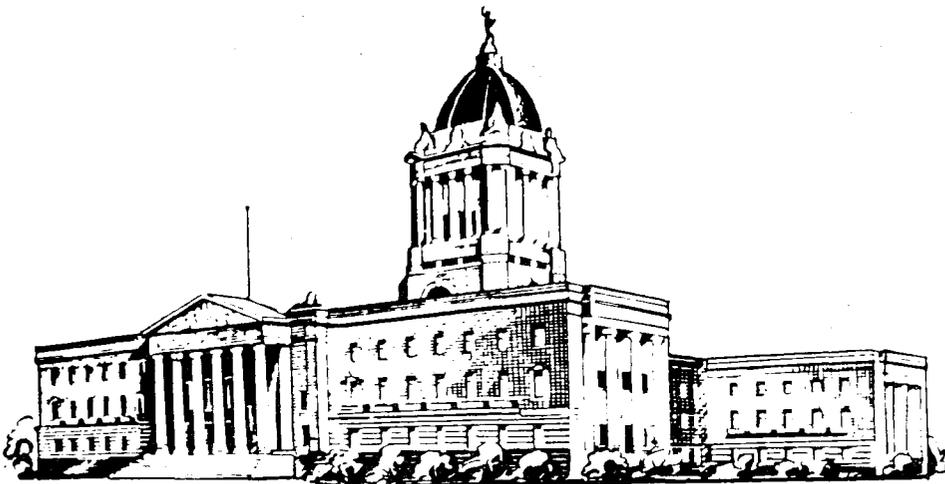




Legislative Assembly of Manitoba

HEARINGS OF THE STANDING COMMITTEE
ON
AGRICULTURE

Chairman
Mr. A.R. (Pete) Adam, M.L.A.
Constituency of Ste. Rose



10:00 a.m., Thursday, May 13, 1976.

THE LEGISLATIVE ASSEMBLY OF MANITOBA
STANDING COMMITTEE ON AGRICULTURE
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Chairman: Mr. A. R. (Pete) Adam

MR. DEPUTY CLERK: Order please. Gentlemen, your first order of business is the election of a chairman. Are there any nominations?

MR. STEVE DEREWIANCHUK: I nominate Mr. Adam.

MR. DEPUTY CLERK: Are there any further nominations? Hearing none, Mr. Adam, will you please take the Chair.

CHAIRMAN: Thank you very much, gentlemen. I believe the first order of business would be to establish a quorum for this committee. I'm not sure how many members there are in the committee. -- (Interjection) -- There's 12 members on the committee, so what is your pleasure? Shall we have it seven?

MR. RENE TOUPIN: I move seven.

MR. CHAIRMAN: It's been established that the quorum be seven.

We will be looking into Bills:

No. 7 - An Act to amend The Farm Machinery and Equipment Act.

No. 8 - An Act to amend The Women's Institutes Act.

No. 10- An Act to amend The Animal Husbandry Act.

No. 23- The Pesticides and Fertilizers Control Act.

I would ask if there is anyone in the audience who would like to present a brief on any of these bills, if you would please come forward and give us your name. Would you please come to the microphone.

MR. JIM PEEVER: Jim Peever.

MR. CHAIRMAN: And which bill do you wish to present. . . ?

MR. PEEVER: Bill 23.

MR. CHAIRMAN: Bill 23. Are there any other people in the audience wishing to present briefs. Hearing none, then I will call on Mr. Peever to make his presentation on Bill 23.

MR. PEEVER: Mr. Chairman and honourable members of the Agriculture Committee. The purpose of this submission is to outline the current role and activities of the Manitoba Council of the Canadian Agricultural Chemicals Association and its future role as it pertains to Bill 23.

To acquaint you with our organization, the Canadian Agricultural Chemicals Association was formed to assist and broaden the safe and wise use of pesticides and thus economically increase the productivity and quality of agricultural produce while safeguarding the health of mankind and the quality of the environment. It is hoped that as an industry with programs of education for users of industries' products, and by working with government extension and regulatory bodies that these aims can be achieved.

One of the programs developed by the Manitoba Council of the Canadian Agricultural Chemicals Association in 1975 was a dealer certification program to promote and upgrade the quality of herbicide dealers, a program which we believe is very much in the interest of our farmers, the Chemical Association and society at large to ensure the proper use of agricultural herbicides. Mr. Jack Forbes, Chief, Weed Control Section of the Manitoba Department of Agriculture was very helpful in making suggestions as to content and in promotion of the exam with dealers in the province. We were extremely pleased to have his support.

The exam consisted of 184 questions, the 45 questions on the following subjects were to be answered by everyone writing the exam. These were on (1) Storage and handling; (2) Safety; (3) Sprayer maintenance and operation; (4) Phenoxy herbicides - those are the 2,4-Ds and MCPAs. The balance of the exam was optional based on the products handled. For example if a dealer handled Avadex BW, Cobex and Carbyne, he was to answer questions on these products. If he did not handle Asulox F for example, he didn't answer the question pertaining to the product.

The exam was open book and we suggested they use the following reference material: (1) 1975 Guide to Chemical Weed Control published by the Manitoba Department of Agriculture; (2) Manitoba Publication 508, Field Sprayers; (3) Canadian

(MR. PEEVER cont'd)Agricultural Chemicals Association handbook, Pesticides and Their Safe Use; (4) Company Dealer manuals; (5) The product label; (6) Sales literature. The pass mark was set at 60. The exams were distributed to dealers by the distributors at no cost for the exam. Four hundred and five individuals answered the exam; 376 passed and 29 failed. Each individual was presented with an appropriate certificate enclosed in a plastic folder. Certificates were not presented in the name of the company but in the name of the individual who wrote the exam. The distributor was assessed \$2.00 for each of his dealers or agents passing the exam.

We have undertaken a similar program for 1976 with some change and clarification of question. The pass mark has been raised to 70. To May 6th we had received 546 exams; 266 have been marked with 246 obtaining a pass mark. We have plans to include a section on insecticides but first we want to ensure that our initial program on herbicides is well established. We have received favourable reaction from dealers. They have indicated that the exam provided a review and reacquainted them with reference material before the spring application season.

The Manitoba Council of the Canadian Agricultural Chemicals Association would like to express pleasure in seeing the Pesticides and Fertilizers Control Act under the jurisdiction of the Department of Agriculture in Manitoba. While pesticides have many functions in modern society, their most important function today is to reduce the tragic waste of food and food producing capacity caused by insects, weeds, fungi and other pests. Pesticides in the Modern World, published by the United Nations Food and Agricultural Organization sums it up this way: "The war on waste could become the most important factor of all in the battle against malnutrition. Pests destroy up to one-third of the world's food crops during growth, harvesting and storage. In the Western World farm labour is scarce and expensive. Only through mechanization and the use of preventive methods is maximum production of high quality food and fibre possible at reasonable cost." It is therefore important that any legislation governing the sale and application of these important food producers come under the jurisdiction of the Department of Agriculture.

The Manitoba Council of the Canadian Agricultural Chemicals Association accepts the government's concern for the need for the safe handling and control over the sale and application of agricultural chemicals as outlined in general terms under Bill 23. The Manitoba Council of the Canadian Agricultural Chemicals Association would:

1. Like to offer our assistance in the introduction of The Manitoba Pesticides and Fertilizers Control Act;
2. Welcome the opportunity to have representation on the Advisory Committee;
3. Appreciate the opportunity to review and contribute in any way you see possible with the forming of regulations under the Act.

We wish to thank you for giving us this opportunity to address you and to make our views known.

Respectfully submitted, Manitoba Council of the Canadian Agricultural Chemicals Association.

MR. CHAIRMAN: Thank you very much, Mr. Peever. If you might just remain for a moment at the microphone, there may be some questions. But before I open the floor to questions, I want to inform the committee that the proceedings are being automatically recorded but I need a formal motion that they be transcribed. I wonder if it would be moved that the proceedings be transcribed. Agreed? (Agreed) Fine. Are there any questions then? Mr. Jorgenson.

MR. WARNER JORGENSEN: . . . the bill that is now before us.

MR. PEEVER: Could you repeat your question please?

MR. JORGENSEN: I take it that in your presentation you are in agreement with the bill that is now before us?

MR. PEEVER: Basically yes, as we presently interpret the bill. Yes.

MR. JORGENSEN: You made a great deal of stress on the use of herbicides, could you explain to the committee just what effects would result from the misuse of herbicides? What damages could be done say if excessive herbicides were used?

MR. PEEVER: The excessive use of herbicides could. . .

MR. JORGENSEN: Other than just wasting money for nothing.

MR. PEEVER: . . . destroy a crop, the excessive use could and . . .

MR. JORGENSEN: Yes, every farmer knows that.

MR. PEEVER: Yes, and there could be harm to the environment with possibly excessive use of a soil sterilant or something of this nature that could damage soil for a considerable period of time.

MR. JORGENSEN: I am primarily interested in those herbicides that are used to control weeds such as 2,4-D and the other chemicals that are used to remove broadleaf plants from crops. Other than the fact that the farmer is going to waste a lot of money, and most farmers are very cautious about that, and destroy his own crop, could there be any environmental damage caused as a result of the excessive use?

MR. PEEVER: Well excessive use could affect trees through drift or just mis-applications, for example.

MR. JORGENSEN: Do you know of many instances where there is that kind of abuse taking place when that's applied by farmers themselves?

MR. PEEVER: Oh, no, no.

MR. JORGENSEN: Where does the abuse occur - when applied by governments?

MR. PEEVER: No. I believe though that there are instances, I don't think they're common instances is what I'm suggesting, but there are instances of misuse and misapplication.

MR. JORGENSEN: In Rachel Carson's book, The Silent Spring, her book was a pretty severe indictment against the use of pesticides and herbicides. Who did she charge mostly for the abuse - was it not governments?

MR. PEEVER: It's been some years since I read the book. . . and I can't recall . . .

MR. JORGENSEN: But you do not know of any abuse of the use of herbicides or pesticides in normal application by farmers?

MR. PEEVER: Properly applied there shouldn't be any problem and I expect there has been mistakes made and this is what we're hoping to guard against through our program of education.

MR. JORGENSEN: But farmers find out very quickly if they're wasting money applying a herbicide or a pesticide unnecessarily.

MR. PEEVER: Right.

MR. JORGENSEN: Do you not suggest that the greatest abuse could take place in the back lots, in the gardens and the lawns?

MR. PEEVER: Well it's probably an area where it's very difficult to get the best and good information and unless the people read the label carefully that this risk . . .

MR. JORGENSEN: How does your organization propose to ensure that this kind of abuse does not take place?

MR. PEEVER: Well we can only hope to do this through educating the people that are handling the product and to educate the people that purchased the product to read the label. The instructions are there and if they are properly followed there should not be any problems.

MR. JORGENSEN: Now if your supply is in a supermarket where they sell gardening supplies, who is there to ensure that the labels are properly read and instructions are given?

MR. PEEVER: Well I would believe that I would possibly have to concur with what you are suggesting in that there isn't always somebody qualified on the premises. However I believe when we speak of the agricultural use of chemicals that the people are much more qualified in this area and possibly the concentration has been placed there because this is the large use.

MR. JORGENSEN: It's placed there I think unnecessarily because my belief is that farmers are very cautious in their application of pesticides and herbicides because excessive use of pesticides and herbicides are simply costly to the farmer and no farmer wants to waste money - not like governments.

One other question, and that's to do with fertilizers. In Bill 23 fertilizers are included in the terms of the bill which in essence require a licence for anybody to apply a fertilizer. Do you think that that can be practical?

MR. PEEVER: We are speaking of custom applicators.

MR. JORGENSON: Well custom applicators, you have one neighbour spraying for another one.

MR. PEEVER: Well in the case of fertilizer, of course, the application of fertilizer, although it probably not be damaging except for the waste, and possibly excessive amounts can be damaging to the seed as we know, misapplication in that respect, it is not likely to be severely damaging to the environment. But there is a waste and the risk of damage to crops and could be misapplication of the wrong product by being done by a person that's not knowledgeable.

MR. JORGENSON: Yes, but do you think that it's practical - I'm not sure whether you run a farm or not - do you think that it's practical if you want your neighbour to apply a fertilizer or a spray for you that he has to run a get a licence when he is very knowledgeable in the application of that product on his own farm. You know, it may cause a kind of a delay that will be unnecessary.

MR. PEEVER: Yes, I can see your concern in this area and that this could be a problem and yet we can recognize the concern in the other way that some people may have to make sure that they are being safeguarded by a knowledgeable person. I think in the neighbourly approach though is one that I can really see a concern that you're expressing.

MR. JORGENSON: Well you know if I was going to ask my neighbour to do some spraying for me I wouldn't ask the neighbour that didn't know how to do any spraying, I can assure you of that, and I think that's pretty general with most farmers. They know the people that they can depend upon to do a proper job and they wouldn't ask anybody else to do it. I think it's unnecessary for the Minister of Agriculture to have to give a licence to that kind of a person.

MR. CHAIRMAN: Are you finished, Mr. Jorgenson?

MR. JORGENSON: Yes.

MR. CHAIRMAN: Thank you. Mr. Uskiw.

MR. USKIW: Mr. Chairman, I simply want to convey a note of appreciation to Mr. Peever for offering to help us with respect to the Advisory Committee because I know that this is a kind of evolving industry that will meet new challenges and problems as we move along - the inventions of additional chemicals and so on. I just simply want to strike that note of appreciation for the offer of some assistance from the industry.

MR. PEEVER: Thank you.

MR. CHAIRMAN: Mr. Peever, we still have some questions. Mr. Ferguson.

MR. JAMES R. FERGUSON: Mr. Chairman, I just have a couple of questions I would like to ask Mr. Peever and they would have to do with a residual, a build-up effect in the soil over a period of years with 2,4-D and fertilizers. Have you any comments on that?

MR. PEEVER: I don't feel I'm qualified to speak in that area, I'm not a technical person as such.

MR. FERGUSON: Okay.

MR. CHAIRMAN: Mr. Einarson.

MR. HENRY J. EINARSON: Yes, Mr. Chairman, the points have been covered here quite well in regards to pesticides and herbicides and fertilizers. I am wondering have you, to your knowledge, had any complaints from any farmers or others who have had someone apply their herbicides or fertilizers to their soils? Have you had any complaints about the damage that may have been done because they were not familiar with the job that they were doing?

MR. PEEVER: We've received complaints of damage, shall we say. I have received complaints of damage, the exact reasons for this I wouldn't want to state that I have them clearly in my mind, but we have had complaints of damage from chemicals which were caused by misapplication and the responsibility and where it lies I wouldn't be prepared to say in a direct answer to the question.

MR. EINARSON: Well could it be then, Mr. Peever, that sometimes the instructions might not have been fully understood. Are you saying then the possibility of the use of applying herbicides, the strength of the application might have been a little stronger than it should have been and as a result maybe it would show up and have some effects on the growing crops?

MR. PEEVER: Yes, or that a machine hasn't been properly cleaned in changing crops, for example, going on to a field of flax to spray carbyne after having used the machine some time previously for broadleaf weed control using 2,4-D or something of this nature. This could happen.

MR. EINARSON: Okay. Thank you.

MR. CHAIRMAN: Thank you very much. On behalf of the committee, we would like to thank you, Mr. Peever, for your presentation. I don't think there are any more questions, so thank you.

Is there anyone else in the audience that has come in since we started that would like to make a presentation? If there are none then we will proceed to the bills and the first bill will be Bill No. 7. What is the will of the committee. . . ?

MR. USKIW: Section by section.

MR. JORGENSEN: Yes.

MR. CHAIRMAN: Thank you very much. I believe there will be some amendments that are being circulated at the present time.

Section 1--pass; Section 2--pass; Section 10(1)(a)--pass. Mr. Jorgenson.

MR. JORGENSEN: I wonder if the Minister on this particular section would give us some idea of what kind of a tag or a serial number or whatever it is he's asking for on this piece of machinery, what he has in mind.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Mr. Chairman, the intent here is to control the declared dating of equipment at the time of sale to give some protection to purchasers of used equipment. It also conforms with the legislation in Saskatchewan. The three Prairie Provinces have been attempting to bring about fairly uniform legislation with respect to the Farm Machinery Act.

MR. JORGENSEN: Where does the dealer get these metal plates that he is going to be affixing to a piece of machinery? Does he make them up himself or are they going to be made available for him?

MR. USKIW: The obligation will be on the part of the manufacturer.

MR. JORGENSEN: Well will it be on the original machine or . . . The section to me is a little bit ambiguous and I'm not clear as to whether or not the dealer is to be affixing that metal plate in addition to the serial number that already exists on the machine, or just to make sure that the original one is there.

MR. USKIW: Yes, I'm advised that the original serial number does not contain a date.

MR. JORGENSEN: So what you are asking for then is . . .

MR. USKIW: Another plate to be affixed.

MR. JORGENSEN: And the dealer will have the responsibility of affixing that label?

MR. USKIW: No, the manufacturer.

MR. JORGENSEN: I see. So you are giving directions then to a manufacturer who may not be located in this province? How do you propose to control that?

MR. USKIW: Well only in the sense that they are licensed to sell products in Manitoba.

MR. JORGENSEN: And they don't get a licence unless that metal plate is affixed?

MR. USKIW: Presumably they have to conform with the laws of the province if they want to do business in Manitoba.

MR. CHAIRMAN: Mr. McGregor.

MR. MORRIS MCGREGOR: Mr. Chairman, in other words what you're trying to come up with here is to get a date of when these machines were built or assembled, not necessarily when it's sold, it may indeed lay down the road two or three years. . .

MR. USKIW: That is correct, yes. Date of manufacture. It has significance in terms of trade-in values and so on.

MR. CHAIRMAN: Order please. I think we are going to have problems transcribing if I can't have a chance to identify who the speaker is.

Mr. McGregor.

MR. MCGREGOR: Yes, well just the point I was making, sometimes one looks at it when it goes into the field or into operation, and I'm wondering if this is somehow trying to be arrived at in this amendment.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Mr. Chairman, the intent here is to establish the date of manufacture.

MR. CHAIRMAN: 10(1)(a)--passed; (b)--passed; 10--passed. 10(2)--passed; 10(3). Mr. Jorgenson.

MR. JORGENSON: This is rather unusual, is it not? You are going to put somebody in jail because he fails to comply with that particular regulation?

MR. USKIW: Well only if he doesn't have the \$200.00.

MR. JORGENSON: Well if the standard practice is followed, nobody will go to jail, of course, because that seems to contravene the laws of the land. It seems kind of ridiculous to have that kind of a penalty imposed on someone who contravenes that law, he either loses his licence and doesn't operate - why the jail sentence?

MR. CHAIRMAN: It's my understanding that there has been some correspondence on this particular section. I wonder if the Clerk could advise us - Mr. Anstett. Mr. Uskiw.

MR. USKIW: This section applies to anyone who defaces or destroys or whatever the serial number or data or whatever, not the dealer. It could be the dealer but it could be any other person. So it's not a question of licensing authority that wherein lies the mechanism of control, it could be any person.

MR. JORGENSON: Well it just strikes me as rather amusing that you are going to send someone to jail. . .

MR. USKIW: It has a universal application is what I'm saying.

MR. JORGENSON: You are going to send somebody to jail because he defaces that sort of thing and yet we have murderers, rapists and everybody else running around free. They never get to jail. -- (Interjection) -- I am not just sure if I can follow your priorities, that's all.

MR. CHAIRMAN: Well there has been some correspondence through the Deputy Minister on this particular . . .

MR. JORGENSON: Well I'm not interested in correspondence, Mr. Chairman, I simply wanted to make a point, that's all.

MR. CHAIRMAN: Very well then. 10(3)--pass; 10(4)--pass; (Sections 3, 4 and 5 were read and passed.) Section 6, there is an amendment.

MR. J. GOTTFRIED: Mr. Chairman, I move that Section 6 of Bill 7 be struck out and Section 7 and 8 thereof be renumbered as Sections 6 and 7 respectively.

MR. CHAIRMAN: Mr. Jorgenson.

MR. JORGENSON: Mr. Chairman, I wonder if the Minister could explain just what the meaning of that Section is since we don't have the original bill before us and the amendment was just presented to us, perhaps he could explain just what . . .

MR. CHAIRMAN: Mr. Balkaran.

MR. A. BALKARAN: Mr. Chairman, and members of the committee, the amendment proposed as set out in Section 6 of the bill we discovered afterwards was already passed previously in a statutes law amendments bill, so it was a duplication of the same amendment.

MR. JORGENSON: That's a pretty good explanation.

MR. CHAIRMAN: Renumbered 6--pass; Renumbered 7--pass; Preamble passed; Bill No. 7--pass. Bill be reported.

BILL 8 - AN ACT TO AMEND THE WOMEN'S INSTITUTES ACT

MR. CHAIRMAN: Bill No. 8.

MR. JORGENSON; . . . to allow this one to pass page by page.

MR. CHAIRMAN: Page by page. Page 1--pass; Page 2--pass; Page 3--pass; Page 4--pass. Preamble passed; Title passed; Bill be Reported.

BILL 10 - AN ACT TO AMEND THE ANIMAL HUSBANDRY ACT

MR. CHAIRMAN: Bill 10. Section by section?

MR. JORGENSEN: Yes.

MR. CHAIRMAN: (Sections 1 to 4 were read and passed.) Section 118(a)--passed: Mr. Einarson.

MR. HENRY J. EINARSON: Mr. Chairman, I was wondering what the reason was for the Minister to strike a new Act in this Part IX. He's pretty well changing the whole structure because we already have an advisory board to the Minister. I was just wondering if the Minister would explain to this committee, was there dissatisfaction as far as the Minister was concerned. The board that was supposed to be an advisory capacity to the department, has it not been functioning properly, and I'm wondering why the complete revision of this Part, by amending Part IX, which to me is a very important aspect of the way the legislation is changed. This is an area which we couldn't understand. The Minister, now in the way he's changing it, how is it going to be better than the way it has been performing in the past?

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Mr. Chairman, I think I should remind members that this question, I believe, was dealt with during second reading, but I will repeat again that the changes that are presented here in this bill in fact represent the way in which the system has been operating for a year, but through concurrence of not the advisory board but the operative board. The present board that exists is an operative corporate body. This reverts the whole program back to the department as a program of the department, and this has had the concurrence of that board. They feel the department is better or more able to administer and handle the program than the board was, so that we have converted from an operating agency to an advisory board concept and the department delivers the program, becomes a service of the department.

MR. EINARSON: Well, Mr. Chairman, as I'm given to understand, those who were members of that advisory board felt that the department was not accepting the advice in as many times as where they thought they should have, and the whole purpose of this board that has been operating . . . they were not happy about the whole situation and felt that they could serve no more useful purpose, not that they felt the department was going to do a better job. I think here democracy is not functioning, Mr. Chairman, and I rather differ with the Minister. I don't know whether we're getting the complete story on this thing.

MR. USKIW: Well again the department would have not had any legal basis on which to administer the program without the concurrence of the existing board. They would not have a legal position without a motion of that board so that every act carried out by the department over the last year was on the resolution of the board. Now all this legislation does is make that a permanent arrangement--that is not bad--but that the department carry on this function and that the board revert to an advisory group, and this was properly discussed with the board and this was the direction that was decided upon. That doesn't mean that some members of the board are not completely happy, you know, there may be some members of the board that don't wish to proceed this way but notwithstanding that, the department could only have legally operated on motions of the board over the last year.

MR. EINARSON: Mr. Chairman, then the director of Veterinary Services becomes the sole authority really, and is the Minister giving him complete powers; but at the same time within this new part, Part IX, it's decided that the province is divided into regions, each region will nominate a person.

MR. USKIW: Well I think we should get to that. . .

MR. EINARSON: Right, I know, Mr. Chairman, but on a sort of general discussion here before we get into section by section and this is what concerns me, the Director of Veterinary Services then is given complete authority.

MR. USKIW: Mr. Chairman, I think there's a point of order at issue here. We really cannot get into second reading at this stage, we should go through the sections and the member should notice that we had already tabled amendments dealing with that

(MR. USKIW cont'd)very question that he just raised, that is the election of the board. That should clarify the matter when we proceed to the point where we move those amendments.

MR. CHAIRMAN: (Section 118 was read and passed.) Section 119 - Mr. Jorgenson.

MR. JORGENSEN: Mr. Chairman, this particular section says that every person performing artificial insemination shall use care to prevent injury or suffering to the animal. How do you propose to give effect to this particular clause in this bill? Are you going to have an inspector looking over the shoulder of every technician?

MR. USKIW: Mr. Chairman, I'm not sure how he would. For a moment I thought the Member for Morris was alleging that the procedure itself was inhumane, deviate somewhat from the natural. . .

MR. JORGENSEN: No, the question was not a facetious one, I just want to know how you are going to implement that particular clause. . .

MR. USKIW: I don't believe that one can put down on paper how one is going to administer humane practices. I think that we have to listen to complaints, if we hear the complaints, and attempt to interject through the provincial veterinarian's office and whatever from time to time. But I don't see any other way of defining a provision which would spell out how that would be done.

MR. JORGENSEN: You would. . . in any case, would you not, whether or not the provision was in the Act. If there were complaints they would be registered.

MR. USKIW: That is correct. I don't think the section does any harm, Mr. Chairman.

MR. JORGENSEN: Well I was just curious how you were going to police it, that's all.

MR. CHAIRMAN: (Section 120 was read and passed.) Section 121 - Mr. Jorgenson.

MR. JORGENSEN: This particular section, is this the one dealing with. . . does that mean a farmer will have a choice of whatever semen he wants, not what the distribution agency says he should have.

MR. USKIW: That's the intent.

MR. JORGENSEN: That is ensuring that he has the right to state what semen that he wants and it will be provided for.

MR. USKIW: If it's available, it shall be provided, yes, that's the intent.

MR. CHAIRMAN: Mr. Einarson.

MR. EINARSON: Mr. Chairman, in the case of a technician in an area that doesn't have the semen, is the farmer able to go and purchase it, say, in the United States or out of the province on his own.

MR. USKIW: Yes, I believe we have no authority to intercede in international transactions in any event, so that this bill could not control that kind of situation.

MR. CHAIRMAN: Section 121--pass; Section 122(1). Mr. Einarson.

MR. EINARSON: Mr. Chairman, as far as a licence required, the farmer who takes a course, this is still in effect, I mean it's not going to have any bearing so far as a farmer's concerned who has taken a course to apply artificial insemination himself on his own cows.

MR. USKIW: I believe, and as I recall it, the farmer would be subject to the regulatory control of the bill because of the problems of disease and so on and the question of whether that farmer services other farmers.

I'm advised, Mr. Chairman, that Section 122(1) relates to (j) under Definitions and it refers to semen producing businesses.

MR. CHAIRMAN: 122(1)--pass; 122(2)--pass; 122--pass; 123(1) - Mr. Einarson.

MR. EINARSON: Well, Mr. Chairman, as I understand the wording of this 123(1), anyone who wants to take this course and qualify, is there any way they can circumvent this section. I mean the Department of Agriculture provides courses whether it be for one who wants to get into the business and make his living as a technician or one who is a farmer and wants to learn to take care of his own herd. I mean is there any way that they can circumvent this section at all? I mean. . .

MR. USKIW: Well certainly the technician couldn't, I'm not sure whether a farmer could, but a technician who is licensed by the director could not circumvent that.

MR. EINARSON: All right, then it brings up a point where a technician does have a licence and something goes wrong, for instance, in the way of handling semen and so on, what protection does the farmer have?

MR. USKIW: Well I'm not sure what the member is alluding to?

MR. EINARSON: If the farmer has purchased semen and it's put in the hands of a technician, you know, and something goes wrong with this semen, what protection does the farmer have as far as the technician's concerned that is handling the semen?

MR. USKIW: His recourse is with the technician, the department has no authority in that respect. The technician is operating his own private business.

MR. CHAIRMAN: Section 123(1)--pass; 123(2)--pass; 123(3). Mr. Jorgenson.

MR. JORGENSEN: Mr. Chairman, I would like to ask the Minister just how he is going to determine whether or not an area is well served by a technician. Really he is creating say a virtual monopoly and he is going to determine who is going to be acting as a technician in every given area without any regard to perhaps the fact that maybe some farmers may be unhappy with that particular technician and may want the services of another one.

MR. USKIW: Mr. Chairman, the member is confusing this section in that this refers to training courses which may be put on by private groups and here the advisory board and the director will have a say as to whether or not that should be carried out, and if it is under what conditions and rules.

MR. JORGENSEN: Well a training course presumably means a training course for a technician.

MR. USKIW: That is correct but there are private groups offering training courses and there is some need for a conformity and certain standards to be maintained.

MR. JORGENSEN: So that you will be able to successfully prevent any private group from holding training courses in that area.

MR. USKIW: That is correct.

MR. JORGENSEN: In other words what it amounts to is elimination of any kind of competition?

MR. USKIW: No, that is not correct. This would depend on the advisory board and the director as to whether or not, after having investigated, they are satisfied that the course is a popular one and meets all of the requirements as set out in the regulations or in fact whether there is a need for one in the area in the first place.

MR. JORGENSEN: Well that presumably means the elimination of competition. They will make the determination as to whether or not the course is needed in that area. Nobody else but the director is going to make that decision. The farmers in that area may come to the conclusion that a course is needed but the director can say no, I know better, I'm going to tell you that you do not need a course in this area.

MR. USKIW: I want to point out again that when we get down to Section 126 we then deal with an elected advisory board which will play a significant role on these questions, in fact the whole operation of this Act.

MR. CHAIRMAN: (The remainder of Section 123 and Sections 124 and 125 were read and passed.) Section 126(1) - Mr. Gottfried.

MR. GOTTFRIED: Mr. Chairman, I move that the proposed new subsection 126(1) of the Act as set out in Section 4 of Bill 10 be amended by striking out all the words and figures in the subsection immediately after the words "Board" in the second line thereof, and substituting therefor the words and figures, "appointed by the Lieutenant-Governor-in-Council and composed of the seven persons elected pursuant to subsection (3)!"

MR. CHAIRMAN: Moved that Section 126(1) be amended as read. Mr. Einarson did you have a question?

MR. EINARSON: Yes. Mr. Chairman, there was some confusion before on this when we were discussing it where you have the five areas and they nominate a person and it says the Minister would appoint these people, and then he indicated this morning that they would be elected, and there's a big difference I would hope. -- (Interjection) -- Right.

MR. CHAIRMAN: 126(1), as amended--pass; 126(2) - Mr. Gottfried.

MR. GOTTFRIED: Mr. Chairman, I move that the proposed new subsection 126(2) of the Act as set out in Section 4 of Bill 10 be amended by striking out the word "appointing" in the first line thereof and substituting therefor the word "electing".

MR. CHAIRMAN: Section 126(2), as amended--pass; 126(3) - Mr. Gottfried.

MR. GOTTFRIED: Mr. Chairman, I move that the proposed new subsection 126(3) of the Act as set out in Section 4 of Bill 10 be amended (a) by striking out the word "nominate" in the first line thereof and substituting therefor the word "appoint"; and (b) by striking out the word "nominated" in the second line thereof and substituting therefor the word "elected".

MR. CHAIRMAN: Section 126(3), as amended--pass; 126(4) - Mr. Gottfried.

MR. GOTTFRIED: Mr. Chairman, I move that the proposed new subsection 126(4) of the Act as set out in Section 4 of Bill 10 be struck out and the following subsection be substituted therefor:

Term of Office. 126(4) Except as otherwise provided in this subsection each member of the Board shall serve for a term of two years and thereafter until his successor is appointed. But of the members appointed to the first Board, three shall serve for a term of $1\frac{1}{2}$ years, and four for a term of $2\frac{1}{2}$ years.

MR. CHAIRMAN: Section 126(4), as amended--pass; 126(5) - Mr. Gottfried.

MR. GOTTFRIED: Mr. Chairman, I move that the proposed new subsection 126(5) of the Act as set out in Bill 10 be struck out and the following subsection be substituted therefor:

Chairman and Vice-Chairman. 126(5) The members of the Board shall at its first meeting elect one of its members as chairman and another member as vice-chairman.

MR. CHAIRMAN: 126(5), as amended--pass; 126(6)--pass; 126--pass.
127 - Mr. Gottfried.

MR. GOTTFRIED: Mr. Chairman, I move that the proposed new subsection 127 of the Act as set out in Section 4 of the bill be struck out and the following section be substituted therefor:

Function of board. 127 The Board shall advise the Minister on all aspects pertaining to the artificial insemination of livestock.

MR. CHAIRMAN: 127, as amended--pass. The legal counsel advises that we have an error on 126(3) and that we put in the word "appoint" instead of elect. The word "elect" should be in that instead of "appoint". 126(3) as we have just amended--pass; 128(1)--pass; 128(2) - Mr. Ferguson.

MR. FERGUSON: Yes, this looks to be a little bit much as far as paperwork goes. Would once a month not be often enough for reports to be sent into the director - 128(2)(b)?

MR. USKIW: Mr. Chairman, I believe that is the way in which it is now being done so that there is no intent to change the procedures.

MR. CHAIRMAN: Section 128(2)--pass; 128(3)--pass; 129--pass; 130--pass; 131--pass; 132--pass; Title passed; Preamble passed. Bill be reported.

BILL 23 - THE PESTICIDES AND FERTILIZERS CONTROL ACT

MR. CHAIRMAN: Bill 23. We have some amendments I'm informed.
Section 1 - Mr. Gottfried.

MR. GOTTFRIED: Mr. Chairman, I move that Bill 23 be amended by adding thereto immediately after the first line of Section 1 thereof the following clause: commercial applicators means a person whose application equipment is used for hire or for service to others for a fee, charge or other valuable consideration to the extent of 50 percent or more of the annual uses of that application equipment.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: I'm not sure, Mr. Chairman, whether I've got the amendment. It's after the first line, is it? Are you talking about 1(a)?

MR. BALKARAN: This will precede that.

MR. USKIW: Oh, this precedes that. Oh, that's my problem, that's fine.

MR. CHAIRMAN: (a), as amended--pass; (b)--pass; (c)--pass. Is there an amendment? Mr. Gottfried.

MR. GOTTFRIED: Mr. Chairman, I move that present clauses (a), (b) and (c) of Bill 23 be renumbered as clauses 1(b), (c) and (d) respectively.

MR. CHAIRMAN: Section 1, as amended--pass; 2(1)--pass; 2(2) - Mr. Gottfried.

MR. GOTTFRIED: I move that subsection 2(2) of Bill 23 be struck out and the following subsection be substituted therefor:

Commercial applicator to obtain licence. 2(2) No person shall act as a commercial applicator unless he first obtains a licence from the Minister for that purpose.

MR. CHAIRMAN: Mr. Jorgenson.

MR. JORGENSON: This amendment removes one of the most serious objections we had to the bill and we congratulate the Minister for following our advice and making sure that difficulties would not arise as a result of the interpretation of that section.

MR. USKIW: Well, Mr. Chairman, just on that point it had been intended that we cover it by class of licence originally but we find it's much more definitive to the public immediately this way. So that it's a good change.

MR. CHAIRMAN: Section 2(2) as amended--pass; Section 2(3)--pass.

MR. JORGENSON: Mr. Chairman, we'd be prepared to allow the bill to go page by page from here on in.

MR. CHAIRMAN: Page by page. Page 2--pass; Page 3--pass; Page 4--pass; Page 5--pass. Bill be reported. Preamble passed. Title passed.

I believe that concludes the bills we have before the committee. Committee rise.