

December 4, 2025

Public Input Coordinator - Source Protection
MECP Conservation and Source Protection Branch
300 Water Street North tower, 5th floor
Peterborough, ON K9J 3C7

Submitted via website and source.protection@ontario.ca

Dear Public Input Coordinator - Source Protection:

RE: ERO 025-1104: Regulatory changes for accelerating and improving protections for Ontario's drinking water sources

The Ontario Federation of Agriculture is dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with on issues, legislation and regulations that would impact the sustainability and growth of our farm businesses. OFA appreciates this opportunity to provide input on this consultation ERO 025-1104: Regulatory changes for accelerating and improving protections for Ontario's drinking water sources.

Summary of Key Comments:

Source Protection Plan (SPP) Amendment Approval Process:

- **OFA is not in favour of "Replacement Wells or Intakes" that result in any change to the mapped vulnerable areas, or that will capture new landowners, being exempt from the existing amendment approval process and notification requirements.**
- **OFA is supportive of the reduction to a single consultation phase for SPP amendments, provided that there is sufficient time allocated for landowners to be made aware of the proposed amendments, understand the potential impact to themselves and the industry, and prepare their comments.**
- **When considering any new mapping or new areas to be subject to a SPP, an assessment similar to an Agricultural Impact Assessment (AIA) should be required to determine the impact on agricultural operations and systems, coupled with efforts to locate new areas, wells or intakes in non-agricultural areas**
- **The MECP Director must be required to consider the potential impact on agricultural operations and systems prior to approving Assessment Report amendments.**
- **We support the requirement for the MECP Director to approve the Assessment Report prior to SPA's ability to approve only an extremely limited circumstance of plan amendments.**

Ministerial Approval:

- **Ensure MECP is appropriately staffed to meet the 120 day time-frame for thorough review and approvals. They must also commit to both a process and time-frame that permits input from other ministries, specifically OMAFA.**

Use of Source:

- **Bringing a municipal residential drinking water system online prior to SPP amendments must not negatively impact negotiations and conversations required to come to a mutually agreed upon Risk Management Plan on a farm**

Prescribed Instruments (PIs):

- **OFA is concerned with some aspects of the proposed changes to the manner in which PIs will be used under SWP.**
- **We appreciate that this consultation proposes to remove the ability for SPP policies to prohibit existing activities. However, clarification of this point is required. Does this only apply to existing activities covered by a PI, or any agricultural activity deemed a significant drinking water threat? Further, is the policy intended to be retroactive — such that farmers who maintained practices prior to their prohibition under the initial SPP may now re-establish those activities?**
- **OFA is supportive of the removal of prohibition policies that address moderate or low threats.**
- **OFA is in favour of standardized language on PIs.**
- **OFA is in favour of expanding the circumstances where Part IV policy tools (Risk Management Plans) cannot be used when the activity is managed through a PI. Specifically, agricultural activities that are managed through a PI must not be subject to the Part IV policy tools.**
- **Risk Management Inspectors and Officials must be required to undergo extensive training on agricultural activities to be able to comment on PIs related to agriculture that are not issued by a provincial body, such as nutrient management plans, beyond the existing training.**
- **Further, we see great value in requiring the review of site-specific source protection policies in relation to nutrient management planning through the Agricultural Operation Strategy / Plan Development Certification issued by OMAFA.**

OFA and the agricultural community have demonstrated their commitment to protecting our environment and water resources long before the Walkerton Tragedy and the introduction of the *Clean Water Act*, as demonstrated by the sectors' development and promotion of the Environmental Farm Plan and promotion of agricultural beneficial management practices. Our farmers have a vested interest in the quality of their water as this is the same water that sustains both their families and their livelihood. However, farmers should not and cannot bear the sole responsibility for municipal drinking water protection. It is a shared resource and therefore a shared responsibility.

When considering changes to the *Clean Water Act* and source water protection, it is important to keep in mind that source water protection is simply the first step of a multi-barrier approach to protecting our municipal drinking water. Similarly, there are many other pieces of provincial legislation that provide additional protections to our water resources. Furthermore, it is essential to remember that potential risks posed to municipal drinking water sources by agricultural practices can be effectively managed and mitigated.

Source Protection Plan (SPP) Amendment Approval Process

This consultation proposes changes to the current process for amending SPP's. Currently, typographical and administrative amendments do not require approval or publication/notice of the changes. The Ministry of Environment, Conservation and Parks (MECP) is proposing to expand the minor amendments that would no longer require these approvals – such as clarifying edits that do not change the policies or updating approved extensions for policy deadlines. OFA understands the value of efficiency and the desire to streamline the current amendment approval process.

However, **we are not in favour of “Replacement Wells or Intakes” that result in any change to the mapped vulnerable areas, or that will capture new landowners, being exempt from the existing amendment approval process and notification requirements. Applying existing policies to new areas must also follow the existing process, as we do not believe this change is minor or administrative in nature.**

This proposal also suggests changes to the consultation process for SPP amendments, proposing to combine consultation with implementing bodies and the public consultation process. **OFA is supportive of the reduction to a single consultation phase for SPP amendments, provided that there is sufficient time allocated for landowners to be made aware of the proposed amendments, understand the potential impact to themselves and the industry, and prepare their comments.**

OFA has significant concerns in enabling the Source Protection Authority (SPA) to be an approval authority for what is deemed “certain routine plan amendments.” **These routine plan amendments need to be very clearly defined and as stated above, this must NOT include applying existing policies to new areas. Any change that will impact landowners that are not currently subject to Source Water Protection (SWP) policies must be subject to oversight beyond the SPA.**

When considering any new mapping or new areas to be subject to a SPP, an assessment similar to an Agricultural Impact Assessment (AIA) should be required to determine the impact on agricultural operations and systems, coupled with efforts to locate new areas, wells or intakes in non-agricultural areas. The MECP Director must then be required to consider the potential impact on agricultural operations and systems prior to approving amendments to an Assessment Report. We support the requirement for the MECP Director to approve the Assessment Report prior to SPA's ability to approve only an extremely limited circumstance of plan amendments. Furthermore, the SPA must be required to provide not only consultation records to the MECP Director, but a compilation of concerns raised in those consultations and how the SPA has addressed those concerns.

This proposal remains silent on the role of the Source Protection Committee (SPC) regarding these amendments. As originally envisioned, the SPC was responsible for developing the Assessment Report and Source Protection plans, and overseeing any technical updates to the Assessment Report and Source Protection Plan as may be required. **These proposed changes appear to give no role to the SPC. This is unacceptable. We have noted that currently, many SPA's are inappropriately leading the process and timelines without consideration of the SPC and their critical role. This current trend must be reversed, and the role of the SPC enhanced going forward.**

Ministerial Approval:

While MECP is proposing a 120-day approval timeframe for SPP Amendments that require Ministerial Approval, OFA would like to **ensure MECP is appropriately staffed to ensure they can meet this time-frame for thorough review and approvals. They must also commit to both a process and time-frame that permits input from other ministries, specifically OMAFA.**

Use of Source:

This consultation is proposing a change that would allow a SPA to recommend that a municipal residential drinking water system located in a source protection area go into service prior to a formally approved SPP amendment. This has the potential to significantly reduce the time required to provide municipal drinking water to residents when the SPA is of the opinion that it is safe to do so. **OFA is in favour of this approach with some caveats.**

Bringing a municipal residential drinking water system online prior to SPP amendments must not negatively impact negotiations and conversations required to come to a mutually agreed upon Risk Management Plan on a farm. A willing farmer who appropriately engages in discussions with a Risk Management Inspector / Official must not be mandated into a Risk Management Plan for their farm just because the drinking water system is now operating. The appropriate and intended process to develop that Risk Management Plan must still apply.

Prescribed Instruments (PIs):

The use of Prescribed Instruments remains a critical component of agriculture's comfort with implementation of the *Clean Water Act*. PIs provide a level of trust and consistency in how important but often misunderstood aspects of farming can be managed to minimize potential and perceived risk to municipal drinking water. PIs provide confidence that approvals and decision-making are in the hands of people who understand the science of agriculture and water quality, and how to appropriately and proportionally manage potential risk to municipal drinking water from agriculture-related activities. **OFA is concerned with aspects of the proposed changes to the manner in which PIs will be used under SWP.**

OFA remains opposed to the use of prohibition policies for agricultural municipal drinking water threats, regardless of management by PIs. We firmly believe that agricultural risks can be appropriately managed. We also point out that source water protection is the first of many barriers protecting Ontario's water resources. There are many pieces of legislation and regulation beyond the *Clean Water Act* that, when appropriately enforced, provide significant protection to our drinking water sources. **We appreciate that this consultation proposes to remove the ability for SPP policies to prohibit existing activities. However, clarification of this point is required. Does this only apply to existing activities covered by a PI, or any agricultural activity deemed a significant drinking water threat? Further, is the policy intended to be retroactive—such that farmers who maintained practices prior to their prohibition under the initial SPP may now re-establish those activities?**

OFA is supportive of the removal of prohibition policies that address moderate or low threats.

OFA is in favour of standardized language on PIs. Farming operations can span over multiple source protection areas that result in inconsistent policies and requirements. Standardizing language on policies will be helpful.

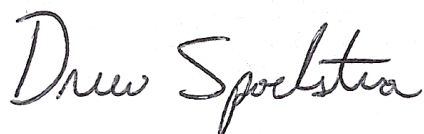
However, the implementation of the standardized language for PIs needs to be given serious consideration. The impacted provincial ministries must have the staff capacity to conduct the appropriate reviews of existing, valid PIs to effectively implement this change. There must also be consideration of costs to farmers associated with preparing and submitting applications for valid permissions. This is an additional cost that farmers should not incur.

OFA is in favour of expanding the circumstances where Part IV policy tools (Risk Management Plans) cannot be used when the activity is managed through a PI. Specifically, agricultural activities that are managed through a PI must not be subject to the Part IV policy tools. meaning a Risk Management Plan should not encompass on-farm activities addressed by a PI..

OFA continues to have significant concerns regarding the state of agricultural knowledge of Risk Management Inspectors / Officials, and specifically their ability to determine if a PI that is not issued by a provincial body, such as Nutrient Management Plans, meets the same test as a risk management plan. Despite MECP staff commenting about the extensive training that Risk Management Inspectors / Officials receive, OFA does not believe that they are adequately trained or knowledgeable about agricultural operations to make this determination. **Risk Management Inspectors and Officials must be required to undergo extensive training on agricultural activities to be able to comment on PIs related to agriculture that are not issued by a provincial body, such as nutrient management plans, beyond the existing training.** The current state of training is simply not sufficient. **Further, we see great value in requiring the review of site-specific source protection policies in relation to nutrient management planning as part of the Agricultural Operation Strategy / Plan Development Certification issued by OMAFA.** This will provide RMO's with the confidence that nutrient management plans have been prepared to conform with SPP policies.

OFA appreciates the opportunity to contribute to this important consultation and welcomes further engagement as the proposal advances. We trust that our concern will be given full consideration.

Sincerely,



Drew Spoelstra
President

cc: Hon. Todd J. McCarthy, Minister of the Environment, Conservation and Parks
Hon. Trevor Jones, Minister of Agriculture, Food and Agribusiness
OFA Board of Directors

This submission has been approved by the OFA Board of Directors and will be posted to OFA's website: <https://ofa.on.ca/resources/>