

**RESPONSE TO RECOMMENDATIONS OF THE
AGRICULTURE RED TAPE REVIEW**

New Brunswick Department of
Agriculture, Fisheries and Aquaculture

October 27, 2002

Introduction

In November 1999, the Government of New Brunswick established a Red Tape Reduction Committee consisting of a special panel of private and public sector experts to undertake a review of government red tape and other job creation barriers. On June 21, 2000, Government released the final report of the Red Tape Reduction Committee. This Red Tape Reduction Report contained a total of 37 recommendations.

The agriculture industry was part of this exercise and the recommendations of the Committee, although the focus was primarily on the manufacturing, construction and small business sectors. Recommendation 29 of the Report suggested that agriculture was an industry that could be well served by a targeted initiative and therefore, a study of the red tape issues that impact on that industry should be undertaken.

Given the scope of the proposed study, the Department of Agriculture, Fisheries and Aquaculture decided to hire the services of a consulting firm to lead this exercise. The Consulting Firm of Applied Management Consultants, in association with Peters & Associates, was selected to conduct this project.

The aim of the study was to identify the real red tape issues in agriculture to allow government to examine what was standing in the way of farm business growth and job creation. This could include any unnecessary or obsolete or redundant regulations, fees, permits, approvals, licenses, standards, enforcement and inspection practices, guidelines or other paper burdens. The review paid particular attention to provincial government responsibility as it relates to primary agriculture.

As part of this undertaking, the consultant collected information from various agricultural producers and farm organizations throughout the Province. Over 60 key informant interviews were held with industry associations, civil servants in various provincial departments, members of the Red Tape Reduction Committee, private agriculture consultants, bank representatives and elected officials.

Nine public meetings were held in the Province in Fredericton, Sussex, Moncton, St. Léonard, Grand Falls, Florenceville, Bathurst, Tracadie/Sheila, and Edmundston to offer individual producers or groups an opportunity to provide input. Unstructured input was also received by the consultant in the form of briefs, faxes, e-mails and phone calls from interested persons / groups wishing to voice their issues/concerns.

The data gathered by the consultant was analyzed and synthesized to identify red tape issues that were used to compile a number of recommendations applicable to the agriculture industry. A report was provided to the Department in March 2002 and distributed to several government departments for review and input. The report was also shared with the Agricultural Producers Association of New Brunswick and the Fédération des agriculteurs et des agricultrices francophones du Nouveau-Brunswick prior to its public release.

The following document is a synthesis of the provincial government's position and actions to date in response to the Agriculture Red Tape Review and its recommendations.

Recommendations and Government response

Recommendation 1

That the Department of Agriculture, Fisheries and Aquaculture establish a strategic planning process that includes farmers and other stakeholders, and leads to the development of a positive sustainable vision and long term direction for agriculture in New Brunswick.

Government Response

This recommendation is supported. Agriculture representatives with the provincial, federal and territorial governments have been working towards establishing a new direction for Canadian agriculture through the Agricultural Policy Framework (APF), a national initiative to help Canadian agriculture meet the challenges and seize the opportunities of the twenty-first century. Six meetings of the New Brunswick Agriculture Advisory Committee on APF, a stakeholders committee comprised of representatives of commodity groups and agriculture associations, have taken place to date with the objective of identifying ways to assure the long-term profitability and prosperity of the agriculture sector in the province. This input will be valuable to contribute to the development of the Department's strategic plan to be made public before the end of fiscal year 2002-2003. The Department is also committed to participating in any industry-led strategic planning process.

Recommendation 2

That the Department of Agriculture, Fisheries and Aquaculture undertake a process to ensure the coordination of all services for agriculture that have been transferred to other departments. This may be through information technology or other means, but the result should be a one-stop shop approach for programs, services and issues related to agriculture.

Government Response

This recommendation is supported. Links have been updated on the Department of Agriculture, Fisheries and Aquaculture's Web Page to all agricultural programs and services offered by other departments, agencies and organizations. In addition, the Department will be coordinating, in cooperation with industry, information sessions on provincial agriculture programs and services for producers and staff in local offices. The Department is committed to hold these training sessions during the winter of 2003, most likely to be held in conjunction with annual meetings or commodity group meetings.

Recommendation 3

That the Department of Agriculture, Fisheries and Aquaculture work with other departments to ensure that all staff who are making decisions related to agriculture have the proper background training and expertise.

Government Response

This recommendation is supported. A number of provincial departments do have professional agrologists on staff. In the case of Department of Environment and Local Government, an agrologist has recently been hired to work on agriculture compliance and enforcement programming. In addition, the Department of Agriculture, Fisheries and Aquaculture is working with the Department of Environment and Local Government on an agro-environmental strategy and has ongoing interaction with the Department of Natural Resources and Energy as well as Business New Brunswick regarding areas of interest to the agriculture sector. Other departments and agencies do submit requests for input from the Department of Agriculture, Fisheries and Aquaculture and are encouraged to consult with Department specialists when there is a technical issue that requires specific expertise.

Recommendation 4

That the Department of Agriculture, Fisheries and Aquaculture establish an inter-departmental committee whose purpose would be to develop a single definition of farmer for all provincial programs and services.

Government Response

This recommendation is supported. The Department of Finance and the Department of Agriculture, Fisheries and Aquaculture have agreed to the establishment of an inter-departmental committee to develop a single definition of an agricultural producer for all provincial programs and services. A process is underway to resolve the issue and to develop a definition of a farmer.

Recommendation 5

That all farmers who fall within the definition (of farmer) be given a single identifier, which would be the only proof of eligibility they require in order to access all provincial programs and services set up to support the growth and development of agriculture. The government should consider the benefits of having the two Federations of Agriculture administer the unique identifier, potentially using the Registered Agricultural Producer Card system already in place, with any modifications deemed necessary.

Government Response

This recommendation is supported in principle. There has been some discussions between representatives of the Department of Agriculture, Fisheries & Aquaculture and Department of Finance regarding the subject of the Registered Agricultural Producer (RAP) card; however, further investigation is required because of tax implications. This is an issue related to stable funding for the Federations of Agriculture and other options may have to be considered in future discussions with industry.

Recommendation 6

That the Department of Agriculture, Fisheries and Aquaculture clarify the present status of all legislation / regulations that are generally referred to as “right to farm legislation” and communicate this to the farming community. The Department should also clearly articulate its position as it relates to protecting farmers from harassment.

Government Response

This recommendation is supported. A new regulation has been drafted under the *Agricultural Operation Practices Act* to clarify the government’s intentions in enabling farmers that follow environmentally acceptable practices to conduct their business without the threat of nuisance actions. Support for this issue was demonstrated by the Minister of Agriculture, Fisheries & Aquaculture at a news conference held on March 7, 2002. The *Agricultural Operations Practices Act* should be proclaimed this fall.

Recommendation 7

That the Department of Agriculture, Fisheries and Aquaculture develop a strategy to deal with the issue of trespassing on farm land by all-terrain vehicles and then inform the farming community and the general public, of its strategy.

Government Response

This is not considered a red tape issue. The regulatory framework dealing with trespassing by all-terrain vehicles is in place with common law and the *Trespass Act*. However, the issue remains one of enforcement, compliance and public awareness. The Department of Agriculture, Fisheries and Aquaculture has designated a staff person to deal with issues that are related to all-terrain vehicles. Furthermore, the trespass issue is being addressed by the Coalition Against Wood Theft & Trespass. The Department of Agriculture, Fisheries and Aquaculture is a member of that group.

Recommendation 8

That the Department of Public Safety review the Motor Vehicle Act to ensure that it reflects today’s reality, particularly as it relates to the leasing of vehicles by farmers, and the costs of farm truck registrations.

Government Response

This recommendation is supported. The review of the Motor Vehicle Act is underway. With respect to the farm truck registration fees, the Department of Public Safety is preparing recommendations for government with input from the Department of Agriculture, Fisheries and Aquaculture. When reviewing neighbouring jurisdictions for comparison costs of farm truck registrations it should be realized that New Brunswick offers a tax concession (provincial tax deferral) for farm buildings that Prince Edward Island and Nova Scotia do not offer. New Brunswick is also continuing to reduce its corporate tax rate and has the lowest general corporate tax rate in Atlantic Canada.

Recommendation 9

That the officials in the Department of Agriculture, Fisheries and Aquaculture and the Department of the Environment and Local Government ensure consistency in the application of the regulations related to the storage of fuel.

Government Response

This recommendation is supported. It is recognized that this could be a communications issue since all farmers may not be aware that the Department of Agriculture, Fisheries and Aquaculture follows the Department of the Environment and Local Government standards for all sizes of fuel storage.

Recommendation 10

That the Department of Agriculture, Fisheries and Aquaculture and the Department of the Environment and Local Government consult with industry and establish a peer review process to evaluate the newly established standards for the application of crop related materials within protected wellhead zones.

Government Response

This initiative is underway. The Department of the Environment and Local Government is working with industry along with the Department of Agriculture, Fisheries and Aquaculture to establish current standards for the protection of public water supplies. There is support for a formal liaison with industry and other stakeholders, on a variety of agro-environmental issues.

The Department of Environment and local Government and the Department of Agriculture, Fisheries and Aquaculture are currently working together on a strategy for the management of agro-environmental issues.

Recommendation 11

That the Department of Agriculture, Fisheries and Aquaculture review the approval process for the Agricultural Environment Management Initiative with the goal being to substantially reduce the time period between application and approval.

Government Response

This recommendation is supported. The guidelines for the Agricultural Environmental Management Initiative (AEMI) were announced two months earlier in 2002-2003 versus 2001-2002. Applications are received in the region by a Land Development Officer or other Agriculture Development Officers, who then forward them to the AEMI Committee for review and finally, to senior management and the Minister for approval. AEMI and Senior Management Committee meetings are held on a weekly basis to improve the process.

Recommendation 12

That the Department of Agriculture, Fisheries and Aquaculture review the process being used to set the price of milk and determine how it could be improved and made more timely.

Government Response

This recommendation is supported. The responsibility for setting the price of milk is given in accordance with the Natural Products Act to the New Brunswick Farm Products Commission. The recommendation has been forwarded to the Farm Products Commission for review and appropriate action.

Recommendation 13

That the Department of Agriculture, Fisheries and Aquaculture make all its applications and forms available on-line including the ability to accept payments electronically. The Department should assess the feasibility of using preprinted forms when requesting information; the forms would already include basic information, which can simply be verified by the farmer as being current.

Government Response

This recommendation is supported. Currently, all Risk Management forms are on-line and some Department application forms can be downloaded allowing the form to be printed but the information cannot be mailed electronically. The Department is considering the feature of allowing clients to apply on-line in keeping with the e-Government strategy. The Department will also investigate the possibility of establishing an electronic payment service through Service New Brunswick.

Recommendation 14

That the Department of Agriculture, Fisheries and Aquaculture consider the potential artificial barriers that they may be creating when offering a program. The timing of programs should also be a consideration, to ensure that farmers have time to apply for the program and also sufficient time to do the work under the program.

Government Response

This recommendation is supported. In most cases, the agriculture sector is operated on a seasonal basis. Therefore, consideration is given, whenever possible, to the timing of the announcement of programs.

Recommendation 15

That the Department of Agriculture, Fisheries and Aquaculture review the Applied Research Application Procedures (Stakeholders Advisory Committee to the Potato Development Centre) to determine how it can be made more efficient.

Government Response

This recommendation is supported. The Minister of Agriculture, Fisheries & Aquaculture established the Stakeholders Advisory Committee in 2000. The Department recognizes and respects the important role it plays in providing valuable input on programs and services of the Potato Development Centre, as well as on research projects. The reason for further review is predicated on the need to ensure that the Department is supporting the strategic priorities of the sector, in keeping with the overall departmental strategy and budget allocation.

Recommendation 16

That the Department of Agriculture, Fisheries and Aquaculture review the process presently being used to collect data for the Crop Insurance Program to ensure that it does not unduly interrupt farmers during their busy season, as well as to reduce duplication.

Government Response

This recommendation is supported. Crop Insurance Program staff have recently reviewed the data collection procedures. The Crop Insurance Commission will also review procedures in order to be more strategic with respect to taking samples. The Department's objective is to be as efficient as possible, while still satisfying the requirements of the program. It should also be noted that the Department offered a Self-Directed Risk Management program in 2002-03 for potato producers in response to some of the concerns regarding Crop Insurance.

Recommendation 17

That the Department of Agriculture, Fisheries and Aquaculture relay the concerns of New Brunswick farmers to those responsible for designing and implementing the Net Income Stabilization Account Program and the Canadian Farm Income Program related to the complexity of their application and approval process.

Government Response

This recommendation is supported. The Net Income Stabilization Account Program and Canadian Farm Income Program are both administered by Agriculture and Agri-Food Canada. All Risk Management Programs including the above two are being reviewed as the new Agricultural Policy Framework is being established. Producer concerns regarding the complexity of the programs are being relayed to Agriculture and Agri-Food Canada as the new Business Risk Management Programs are being developed.

Recommendation 18

That the Department of the Environment and Local Government assess the feasibility of using standard plans (as much as possible) for the manure storage program and for the fuel storage program.

Government Response

Environmental and operational issues related to manure and fuel storage are site specific and plans are based on many factors, which vary from property to property. Given the impact that poorly designed facilities could have on the environment, farmers are encouraged to obtain plans and designs from the appropriate professional services.

Recommendation 19

That the Department of the Environment and Local Government review its process for approving applications for Watercourse Alteration Permits with a view to shortening the process and still maintain the integrity of the requirements.

Government Response

The time required to review applications for a Watercourse Alteration Permit varies depending on the environmental sensitivity of the alteration. Proposed alterations occurring within 15 meters of a watercourse require a more comprehensive review, involving federal, as well as provincial agencies. The best approach for ensuring minimum review time is for applicants to submit applications well in advance of the busy season (between spring and fall) and prepare applications with professional advice. Land Development Officers of the Department of Agriculture, Fisheries and Aquaculture are available to assist producers with the application process and in some cases, provisional permits may help to speed up the process if required.

Recommendation 20

That the Department of Natural Resources and Energy (DNRE) review the Crown Land for Agricultural Use Program (Crown Land Lease Program) to ensure that it is meeting its objective of transferring “Crown land which is clear cut, old fields or recently burned over areas” for agricultural use. DNRE should also review the process for assessing / approving applications with the intent to reduce the time for approval.

Government Response

This recommendation is considered to be a policy matter rather than a red tape issue. The matter of crown land use is an issue that will be considered by a Joint Committee of DNRE and Agriculture, Fisheries and Aquaculture senior officials.

Recommendation 21

That the required written permission from the seed potato growers (so that they can be included in the Certified Seed Potato Growers Book) be obtained just after the planting season rather than during harvest. This would allow the document to be published as soon as the certification information is available from the Canadian Food Inspection Agency.

Government Response

This recommendation is supported. Written permission was obtained early from seed potato growers, who wanted to be included in the 2002 Certified Seed Potato Growers Book, so no delays are expected. This 2002 pre-harvest information was placed on the DAFA Web page during the summer and the certified seed potato booklet will be published as usual.

Recommendation 22

That Service New Brunswick make available within the communities of the Saint John River Valley, the ability to license tractor-trailers. Consideration should also be given to assessing the need for this type of service in other areas of the Province as well.

Government Response

This recommendation is supported. Service New Brunswick has initiated a pilot to test procedures with respect to licensing and registration of large trucks at the Woodstock and Moncton offices in February, 2002. The pilot was successful and it was rolled out to the Edmundston, St. Stephen and Bathurst offices in June, 2002. Service New Brunswick implemented these procedures in the St. John, Miramichi West and Campbellton Centres in October, 2002. It should be noted that truckers could fax, mail or deliver in person the required paperwork necessary to register or renew their trucks to the office in Fredericton. Once the request has been processed and an invoice received by the customer, it can be paid at the Service New Brunswick Centres mentioned above. Service New Brunswick is currently developing the ability to add or delete vehicles via the Internet for implementation in the spring of 2003.
