



**Canadian
Environmental Law
Association**
EQUITY. JUSTICE. HEALTH.

**SUBMISSIONS
TO THE
STANDING COMMITTEE
ON SOCIAL POLICY
ON
BILL 36,
LOCAL FOOD ACT, 2013**

**SUBMITTED
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I. INTRODUCTION

The Canadian Environmental Law Association (“CELA”) is filing the following comments with the Standing Committee on Social Policy with respect to Bill 36, the *Local Food Act*. After a brief introduction to CELA, and a brief summary of Bill 36, our comments will focus on amendments that we submit should be considered by the Standing Committee.*

II. CANADIAN ENVIRONMENTAL LAW ASSOCIATION

CELA is a public interest law group founded in 1970 for the purposes of using and improving laws to protect public health and the environment. Funded as an Ontario Legal Aid Clinic, CELA represents individuals and citizen groups in the courts and before administrative tribunals on a wide variety of environmental matters. As a legal aid clinic, CELA also engages in various law reform, public education, and community outreach initiatives. CELA has a long history of involvement in, and expertise in respect of, laws and policies specific to food security (e.g. control of, and alternatives to, dangerous pesticides; preservation of agricultural land). Most recently, in February 2013, CELA released a model bill entitled the *Ontario Local Food Act, 2013*, which we speak to more directly below.

III. BILL 36, LOCAL FOOD ACT

The purposes of Bill 36 are to (1) foster successful and resilient local food economies and systems throughout Ontario, (2) increase awareness of local food in Ontario, including the diversity of local food, and (3) encourage the development of new markets for local food (section 1). The preamble to Bill 36 elaborates on this in part by stating that:

“Maintaining and growing Ontario’s local and regional food systems requires a shared vision and a collaborative approach that includes working with public sector organizations. The process of setting goals and targets to which the people of Ontario can aspire provides an opportunity to work with industry, the public sector and other partners to promote local food and to develop a shared understanding of what needs to be done to support local food in Ontario”.

The Bill itself focuses on three matters:

1. establishing an annual local food week (section 3);
2. authorizing the Minister of Agriculture and Food to establish goals or targets to aspire to in respect of local food, including requiring consultation before setting such goals or targets, as well as authorizing the Minister to direct public sector organizations to provide information to assist in establishment of, understanding steps that have been taken with respect to, or assessing progress in meeting, goals or targets (sections 4 and 5); and

* I would like to acknowledge the assistance of Burgandy Dunn and Kyra Bell-Pasht former CELA project counsel on the local food project as well as Theresa McClenaghan, CELA Executive Director, in the preparation of these submissions.

3. requiring the Minister to prepare a report about local food activities once every three years (section 6).

Bill 36 also authorizes the Minister to establish regulations: (1) limiting what constitutes local food; and (2) prescribing organizations to meet the section 2 definition of “public sector organization” (section 7).

IV. MATTERS FROM THE CELA MODEL BILL THAT SHOULD BE ADDRESSED IN BILL 36

CELA welcomes the introduction of Bill 36 by the Ontario government because strengthening local food systems can have many positive benefits for Ontario’s economy, health, and environment. However, CELA also submits that much more can and should be done under the authority of a law designed to foster local food in the province than Bill 36, as written, may be capable of achieving. In this regard, we would refer the Standing Committee to the February 2013 local food model bill CELA drafted. CELA’s model bill provides detailed and comprehensive provisions addressing such matters as targets, accountability, procurement, education, distribution, and governance. We urge the Standing Committee to consider all of the CELA model bill provisions as potential amendments to Bill 36. The remainder of these submissions will focus on a few key issues. For greater detail and specific wording on all of these issues please see the attached model bill.

A. Targets

Currently, Bill 36 leaves to the discretion of the Minister whether any goals or targets will be established [section 4(1) of Bill 36]. To ensure the Act makes progress toward achieving its purposes, CELA recommends that the Minister be required to set goals or targets within a specified time from the coming into force of the Act in respect of at least three areas that appear central to improving local food systems; local food distribution, education, and procurement.

Furthermore, goals and targets should be treated as policies and thereby be made subject to the notice and comment provisions of the *Environmental Bill of Rights, 1993*.

The CELA model bill provides legislative language on these issues [sections 8 and 18 of the CELA model bill].

B. Accountability

1. Reporting

Regular reporting can ensure government accountability to the public and foster meaningful public participation. For these reasons, we support the Bill’s current reporting provisions, which require that the Minister prepare a report and publish it on a Government of Ontario website at least once every three years, and that the report:

- summarize the government’s activities in respect of local food;

- describe the local food goals or targets that have been established under the Act; and
- summarize the steps that have been taken, and the progress made, by public sector organizations in respect of the goals or targets [section 6(1)(a)-(c) of Bill 36].

To further ensure the government is accountable for commitments made, and progress achieved, pursuant to Bill 36, CELA also recommends that in addition to the posting of a triennial report on a Government of Ontario website, the triennial report, as well as interim and annual reports, should be tabled in the Legislative Assembly.

The CELA model bill provides legislative language on these issues [sections 9(4)-(6) of the CELA model bill].

2. *Local Food Strategy*

CELA recommends that Bill 36 include a requirement that a local food strategy be developed. Such a strategy would provide clear and concise information to the public about the government's vision for, rationale behind, and means of achieving, the purposes of the Act. It would also provide guidance to those responsible for planning and decision-making under the Act, as well as foster general government accountability and public participation.

Development of the strategy should be subject to a process similar to the one we recommend for the development of goals and targets.

The CELA model bill provides legislative language on these issues [sections 9(1)-(3) and 18 of the CELA model bill].

C. *Procurement*

CELA submits that to ensure that Bill 36 makes progress in achieving its purposes it should require the Minister to establish targets in relation to local food procurement, subject to specific criteria. Local food procurement is an important tool for supporting local food systems because it represents a potentially reliable increase in demand upon which local food systems can thrive. Many states in the United States have established such measures.¹

In order to increase local food procurement, it is first necessary for ministries and public sector organizations to know how much they are currently spending on local food, and to track and report such purchases on an on-going basis. This is something that has been done in other jurisdictions, and is a component of CELA's model bill.

Moreover, potential trade agreement restrictions that could otherwise undermine local procurement policies are not necessarily an obstacle to implementing measures seeking to

¹ As of 2010, at least fifteen states had passed legislation allowing purchasing preferences for in-state agricultural products. See State Farm to School Legislation, National Farm to School Network (2010) www.farmtoschool.org/files/publications_177.pdf.

increase local food procurement in ministries and public sector organizations like hospitals, schools, and other public institutions. What is required are policies that provide appropriate guidance to drafters of food tender requests that address such matters as freshness, seasonality, and local sustainability.²

The CELA model bill provides legislative language on these issues [section 12 of the CELA model bill].

D. Governance

The development and support of a local food system needs to be integrated into planning and decision-making at all levels of government. There is the potential for Bill 36 to achieve this end, but the particulars of how it would do so are not really explicit in the provisions of the Bill. The CELA model bill provides comprehensive guidance about what is necessary in this regard by recommending:

- detailed powers and duties for the Minister as advisor to government on local food systems;
- establishment of food system facilitators to assist and support procurement efforts;
- establishment of an inter-ministerial planning and decision-making body (Ontario Local Food Systems Committee); and
- creation of an advisory body consisting of stakeholders and the public (advisory council on Ontario Local Food Policy).

The CELA model bill provides legislative language on these issues [sections 4-7 of the CELA model bill].

V. OTHER MATTERS

CELA has seen proposals for other measures to be included in Bill 36, such as requiring food education in all grades in order to increase food literacy, and creating a tax credit to assist farmers who donate crops to a food bank. These seem consistent with the establishment of a robust local food system and also should be considered by the Standing Committee.


VI. CONCLUSIONS AND RECOMMENDATIONS

Due to the great length of the CELA model bill and the comparative brevity of Bill 36, it would be counter-productive to list here all possible amendments to Bill 36 we believe

² Kyra Bell-Pasht, *Possibilities for Local Food Procurement in Ontario* (Toronto: CELA, February 2013). Publication 883 available at <<http://www.cela.ca/publications/possibilities-local-food-procurement-ontario>>.

necessary, except to say that the Standing Committee should consider the CELA model bill in its entirety when considering possible amendments to Bill 36.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in cursive script that reads "Joseph Castrilli".

Joseph F. Castrilli
Counsel

Encl. CELA – Ontario Local Food Act, 2013: A Model Bill