

## EFP'S

Agriculture has a huge influence on the environment. It is a complex and intimate interaction with the environment. Public concern's have led to increased public interest in gov't policies that can mitigate agriculture's negative effects on the environment. This has resulted in this new approach to agricultural land and environmental policy called EFP'S. The political power of environmental interests is increasing at a time when the political influence of agriculture is declining. This is partly due to the urbanization of our society and the declining number of people making a living from the business of farming. Up until now, approach to environmental issues have been voluntary rather than regulatory in nature. Regulations on fuel and pesticide storage is a recent phenomenon.

Policy makers are aware that farmers are sharing their rural environment with people who care more about quality of life issues, than about the availability or price of food. These non-farm residents value the natural amenities of the countryside over its ability to produce food. If they cannot be satisfied by the voluntary nature of EFP measures, further regulation of agriculture may come.

The EFP'S are a component of the Federal Ag Policy Framework adopted by the federal government since 2000. It is not a program thru Environment Canada.

EFP'S are designed to help farmers assess the environmental impact of their operations and identify areas of concern and actions that can be taken to minimize environmental risk on the farm. A key part is to help farmers identify and learn about provincial and federal legislation that may impose liability on farmers. This is an excellent tool for introducing and training new entrants into food production. It could also be a good vehicle to implement improvements and amendments to beneficial practices in the plans. As an incentive to improve the farm , there are 29 different categories of BMP'S that are eligible for up to 30% of costs .

Some retailers are starting to ask for traceability and certification of food products. EFP'S are being used to promote Ambrosia in Great Britain.

Provincial and federal environmental legislation as well as the common law impose liabilities for harm to the environment. These may arise whether a farmer has an EFP or not. They include water contamination, water use and management, farm waste, nutrient/manure storage handling and care, fuel storage, pest management, livestock production, soil conservation and management, protection of endangered species, and air pollution.

The existence of the EFP program and its promotion by the government may amount to the same thing as a mandatory EFP regulation when it comes to the standard of care. If a farmer has a EFP or if a farmer has an EFP and has not carried out his action plan, he will be less likely to be found in breach of standard of care. Many provinces have modified the common law to protect agriculture operators from nuisance claims. This is the Right to Farm legislation 1996.

If the farmer followed thru on the risk reducing activities identified in the plan, it would be an important positive element in raising a defense of due diligence. Courts will have to recognize the existence of the EFP program and fit the program into our legal structure.

Farming necessarily involves the risk of causing environmental damage. The law imposes obligations on farmers to limit the risk and to be responsible for damage caused by those risks. EFP'S play an important role in understanding these legal liabilities, improving quality of life for all, and progressive stewardship of our resources.