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Province blinks on ALR

Small-lot farmers fight back

VICTORIA—Growing criticism of the province's efforts to tighten protection of the province's Agricultural Land Reserve is prompting the province to backtrack on some of the new regulations.

A late-night bulletin the BC Ministry of Agriculture posted on June 18 indicates that rules governing second homes in the ALR would allow a grandfathering period.

"As the Province has continued to work on regulations to support Bill 52, the BC government has been listening to local governments and people

See DETAILS on next page ↪



Over 250 school children from five local schools attended an education day at Hutley Acres Farm in Spallumcheen on June 7 to learn about dairy farming, how chickens are raised, milk an imitation cow and even pet a real cow. The event preceded the fifth annual Breakfast on the Farm where close to 900 people enjoyed breakfast, farm tours and activities.

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Berry grower hit with fines

by [REDACTED]

PITT MEADOWS—May was not kind to Golden Eagle Group, the province's largest berry farmer with approximately 5,000 acres of blueberries and cranberries in Pitt Meadows.

The company, owned by the Aquilini family of Vancouver, was fined \$53,690 in October 2018 regarding a bus deemed as presenting a "high risk of serious injury or death" to workers. The bus had several mechanical problems, primarily relating to

the braking system. However, other issues were also identified relating to the air bag system, headlights and rear battery.

Golden Eagle appealed the fine, but a review by WorkSafeBC upheld the penalty.

The safety of vehicles used to transport workers has been a priority since the death of three workers in a crash near Abbotsford in March 2007. An inter-agency committee was formed in December 2007 by the provincial ministries of labour, transportation and

agriculture as well as WorkSafeBC and the BC Agriculture Council to address vehicle safety.

In 2018, WorkSfeBC inspected 121 vehicles and issued 175 orders. Commercial Vehicle Safety and Enforcement inspected 133 vehicles and 20 failed to pass muster. The previous year, WorkSafeBC inspected 128 vehicles and issued 131 orders. CVSE inspected 111 vehicles and 24 failed to pass.

WorkSafeBC's decision

See WAGE next page ↪



DETAILS promised in coming weeks

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living in the Agricultural Land Reserve," the bulletin stated. "There will be more details to come in the next few weeks."

The new rules stipulate that additional dwellings can only house workers, not immediate family members, drawing criticism from commercial and hobby farmers alike, as well as rural landowners caught unawares by the sudden change. The new rule took effect with implementation of the new Agricultural Land Use Regulation on February 22.

"In the old legislation it actually said that it didn't need to just be for farm help, that it could be for immediate family," explains Janet Thony, chair of District A Farmers Institute, an umbrella group representing farmers institutes on Vancouver Island, the Gulf Islands and Sunshine Coast. "They've

removed that and, to double-down on that, they've also decided that they get to adjudicate whether or not you're enough of a farmer to require farm help. You don't get to decide that, they do, the ALC [Agricultural Land Commission]."

The issue was the last straw for District A members, which watched cautiously as Bill 52 was passed last fall, eliminating two zones for the ALR as well as addressing fill and residential development. The raft of changes proposed in Bill 15 this spring came as a greater surprise, and complemented growing concern with the approach the province was taking.

Thony, as chair of Coombs Farmers Institute, a member of District A, wrote a letter to BC agriculture minister Lana Popham outlining six concerns with the legislation and requesting a meeting. (The legislation governing farmers institutes grants them direct access to the minister.) A meeting didn't happen.

"There was a series of unfortunate responses from them that actually kept ramping up our concern and anger level," she explains. "Because we were getting this extreme pushback, stonewalling and – really – misrepresentation, that's when we went, 'okay, where do we go from here?'"

The result was a public meeting in Nanoose Bay on June 17, and the following night, the ministry bulletin.

"I'm putting this out to clear the air and to make sure

people know we are continuing to do the hard work necessary to help farmers farm and protect the ALR," Popham posted to her Facebook account the next morning.

█ requested an interview with the minister to discuss the changes, but was told she had nothing further to add to the pledge in the bulletin.

Thony wants to see the specifics.

"She keeps using the term 'grandfathered,' so the part we don't like about that is, is she going to make some backroom deals with these immediately impacted people but still go ahead with the complete restriction on second dwellings? We don't want anything to do with that," she says.

Cannabis updated

The same regulation also changed the rules for cannabis.

An order in council last July allowed licensed producers to produce cannabis within the ALR under specific conditions: either in soil-based systems, or structures designated for crop production when government signed the order in council.

But the wording of the new regulation gave municipalities the power to regulate cannabis production, save the forms that were explicitly allowed by the order in council.

"There has been no change made to the Province's cannabis policy since the

original policy framework announced in July 2018," agriculture ministry staff told █ at the end of May.

But the new wording effectively backtracked on the order in council, allowing all forms of cannabis production within the ALR except where prohibited by local governments. This ran counter to initial recommendations of the advisory committee the agriculture minister appointed last year to guide the revitalization of the ALC and ALR.

Those recommendations included "an immediate moratorium on all non-soil bound cannabis production and facilities in the ALR pending provincial-level analysis of impacts" and giving the ALC authority "to establish rules/criteria for cannabis production throughout the ALR" and to "permit cannabis production in the ALR only through

application to the ALC."

Delta South MLA and BC Liberal agricultural critic Ian Paton, who lives in a second residence on his family's farm and attended the District A meeting on June 17, said the new regulations created "a real mess" for farmers and property owners across the province that's starting to be felt.

Paton says everyone from large agri-tourism operators such as wineries down to small-scale farmers and charitable ventures such as the Fraser Valley Gleaners have been caught in the province's zealous protection of the ALR.

"It's a mess, complete mess right now," he says. "They're taking so much heat, ... they're saying well, oops, give us [some] time where we're going to work on coming up with an idea to allow for some grandfathering. Obviously, they're backtracking. The heat is on."

WAGE shortfall

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came the same week as the province's Employment Standards Branch ordered Golden Eagle to pay \$133,642 in wages owing to temporary foreign workers from Guatemala.

The decision states that the workers paid \$2,000 to \$3,000 apiece to a contractor in Guatemala to secure employment at the farm. While they were promised six months' worth of work, the decision says this did not happen and they should receive the wages anticipated under their employment contract. The farm provided a "detailed breakdown of wages

owing" for the purposes of the decision.

The situation is the kind that a new registry of foreign workers the province has proposed is meant to address.

The registry was initially proposed last fall as part of Bill 48, which passed in November. The details are being worked out.

"These workers often pay recruiters legal fees for the promise of a job, and often the jobs aren't what they should be," labour minister Harry Bains said at the time. "Many never get paid or are paid far less than they are entitled to."

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