

**Canadian Roundtable for Sustainable Crops (CRSC)  
Responsible Grain Committee**

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**Attention: Susie Miller, Executive Director, CRSC**

March 12, 2021

RE: Manitoba Canola Growers Association Response to the Responsible Grain Code of Practice Consultation

Dear Susie,

Thank you for the opportunity to review and provide feedback on the proposed Responsible Grain Code of Practice.

When the idea was raised in 2019, the Manitoba Canola Growers Association (MCGA) board considered the concept of a Code of Practice for grain farming with cautious optimism. Through our consumer-facing marketing program Canola Eat Well, and through general awareness of food advertising, we recognize the trend of waning consumer trust of modern agriculture, and growing interest in food claims like “sustainably sourced”. We also recognized that in order for the idea to gain farmer support, it would need to accomplish 4 things:

- The reason for creating the code and the value for farmers of adhering to this code would need to be abundantly clear and compelling.
- The code would need to positively depict farmers and highlight the many ways that farmers have and continue to be committed to ever-improving sustainability,
- It would need to be developed by farmers, or with a significant majority of their input,
- It would need to be practical, high-level, flexible for real-world situations, science-based and realistic.

While there are elements of the proposed Responsible Grain Code of Practice that may have been workable, the overwhelming objection by our board and membership to the draft as proposed has been clear. The MCGA board unanimously objected to the Responsible Grain Code of Practice as it was written, and has serious concern about the process undertaken for developing and releasing the code.

We worked closely with the Canadian Canola Growers Association (CCGA), and our canola counterparts to co-host a canola consultation on the code, recognizing that it would be critically important for farmers to review, consider, discuss and react to the draft. MCGA supports the assessment and recommendations from CCGA in their What We Heard report for the canola consultation, submitted by CCGA.

In addition to that report, MCGA has several points to stress and recommendations to add.

### **1. Clear Pause to Share and Discuss the “Why” and Reconsider the Solution**

Given the negative response by farmers to the code, ranging from suggestions to rewrite the code, to objection to the concept of a code, to demands for refunds from grower organizations in protest of the concept of a code, it will be absolutely critical for the Responsible Grain Committee to demonstrate clearly that farmers were heard, and the comments are being seriously considered. Disappointingly, the Responsible Grain committee lost trust and credibility with farmers and farm organizations with the document that was released. The MCGA board agrees that while there may be value in a code, the release of this draft without clear context as to why the code was being created and how it would benefit farmers led to the “well being poisoned” for many farmers, and the next steps will need to be managed extremely carefully if there is to be any further action. There needs to be a very clear pause by the Responsible Grain Committee to consider all feedback and reconsider whether a Code of Practice is the solution to the goals of public trust, market access and defense against government regulation.

MCGA supports the recommendations in Section 3.0 of the CCGA report. The one point we would stress is that we believe if there is any opportunity to bring farmers back onside to the concept of a code, steps 1 (what we heard report) and 2 (white paper on “why”) need to be created, shared and discussed without any reference or timeline on creating a second draft of a code. We strongly recommend deleting the sections of the timeline on your website after March 2021 to focus on discussion of the feedback and the reason for a code through the white paper. Continuing to talk about creating a second draft for consultation in November 2021 will lead to the Responsible Grain Committee appearing completely tone deaf to the outcry you received, and any discussion with farmers on the “why” will appear insincere. It also closes the door to any other means of addressing the goals of building trust and telling farmers’ sustainability story. A Code of Practice is not the only solution – this could be a marketing campaign, a program not unlike 4R – a voluntary code is not the only solution.

### **2. Revised Structure to Tell a Clearer Story**

Should the Responsible Grain Committee – after clear and careful consideration of the response and recommendations from farmers – find that farmers support development of a new document, MCGA have several recommendations that we believe would better tell a clearer and more positive story.

Taking a three-part approach to the document would clarify the various sources of guidance for sustainable grain production, and better tell the story of Canada’s excellent regulatory system, as well as its incremental programs to support best management practices and continuous improvement on the farm.



The three parts we recommend would include:

- a) Following a clear introduction that outlines why the document was created, and acknowledges the tremendous efforts that farmers have undertaken in years past to remain sustainable and continuously improve their operations, the **first section would acknowledge the many regulations that farmers need to follow**. This is obviously mandatory for all farmers to follow and does not make sense to be framed as optional in the context of a voluntary code.
  - i) This could be a list of the regulations themselves both nationally and provincially, with links for anyone interested in exploring further, or a list of the various practices that are regulated (e.g. water management, fertilizer use etc.) with examples of the regulations that exist.
  - ii) Shorter the better in the main document from the reader's perspective, but there would be value to:
    - (1) The consumer/customer to have an available list of all regulations to see just how vast the list is (instilling trust),
    - (2) Farmers to have a place to access all applicable regulations to their farms, particularly if they can sort it by national and provincial jurisdiction.
- b) **The second section would link out to the various programs that support sustainability-related practices**, such as 4R Nutrient Stewardship, Environmental Farm Plans, the CleanFarms program, and even various organizations that support practices like zero tillage or renewable agriculture. A description of these programs and organizations with links to their sites for more information would again provide clarity to consumers of how far agriculture has gone to remain sustainable and continuously improve, and offer a resource to farmers to sign up for the programs or groups if they haven't already. These are already voluntary programs and groups that farmers may choose to join, and having farmers volunteer through a code does not actually sign them up for the programs, so it does not make sense to frame them in this way as part of a code.
- c) **The third section would be the list of Recommendations for Continuous Improvement** that would go above and beyond the regulations and programs listed previously. This could be a voluntary section that farmers may choose to follow to demonstrate their commitment to sustainability. It would need to clearly spell out how farmers would volunteer (is it a sign up process?) and what the threshold is to be considered compliant (100% compliance is not realistic, so what percentage is acceptable?)

In addition, if the Responsible Grain Committee chooses to move forward with a new document, we would strongly recommend a preliminary consultation with a broader group of farmers to identify and manage any additional areas of concern prior to a public consultation.



### **3. Reconsider the Nature of Involvement from Ducks Unlimited**

In the past year, MCGA has uncovered a serious issue with farmer members and their objection to Ducks Unlimited's programming in Manitoba and Saskatchewan. While the concern appears to be regional to western Manitoba and eastern Saskatchewan, the mere mention of Ducks Unlimited as a "partner" in a tweet about a research project in 2020 sparked outrage. MCGA received multiple refund requests, and demands to not only avoid any work that involves funding to or partnership with Ducks Unlimited, but an outright ban on any involvement in any project related to Ducks Unlimited.

On the surface this may appear to be able to be dismissed as a few opinionated farmers on Twitter, but Manitoba Canola Growers experienced first-hand that this is a pervasive and divisive problem that will make it extremely difficult for us to support any work that openly involves Ducks Unlimited, particularly if they have involvement influencing water or land use policy such as the current work on the Code of Practice. It is literally costing us money and credibility with a vocal and influential segment of our membership to even consider working together.

While we acknowledge that there are differing opinions among farmers even within Manitoba, and that many are supportive of Ducks Unlimited and have had a positive experience, the CRSC's decision to have Ducks Unlimited as a voting member on the Code Development Committee, and all committees related to the Code, has put us in an extremely difficult position. As an organization, we acknowledge that philosophically there could be value in finding common ground with an environmental non-government organization, but the programs and policies that Ducks Unlimited has implemented in western Manitoba has made it all but impossible for us to consider working together and continue to retain the trust and support of our membership in that region.

MCGA's Board Director and Secretary, Bill Nicholson, lives in the western part of the Province and has shared with our Board the damaging experience facing many farmers in that region. We have asked Bill to share his insight in his own words.

*From Bill Nicholson, MCGA Secretary and Director who farms near Shoal Lake, MB:*

I farm in western Manitoba, which like eastern Saskatchewan, is often called prairie pothole country. The arable land is quite productive but natural drainage is poor and the average 160 acre quarter section will have 20 to 80 acres of wetlands, grasslands and bush. Some of these acres can be, or have been converted to cropland with bulldozing and minor drainage, but substantial areas will always remain because of the topographical and regulatory limitations to drainage.

Ducks Unlimited has focused many of their activities on regions such this. DU does have some support from usually smaller landowners, local hunters, outfitters, urban and American hunters and does offer some useful programs without undue restrictions such as cost sharing forage seed



for marginal land. However, their core mandate of increasing wetlands and waterfowl populations at any cost has put them at odds with local governments and most farmers.

A neighbour committed to a DU project to enhance a wetland on his property with contractual provisions allowing him to terminate the agreement and requiring DU to restore the land to its original state if it caused flooding of his property. The project indeed caused flooding of his property but when he invoked the exit clause DU refused to acknowledge it, then refused to act. The farmer enlisted the aid of the municipal government who were also unsuccessful in getting DU to fulfil its responsibilities. The municipality ultimately had to clean up the mess as DU simply abandoned the project.

DU has purchased several parcels of land in the area, often at above market prices, causing resentment among area farmers who would have liked to expand their operations. The land then sits idle, producing nothing of value to the local economy other than wildlife that are already plentiful and not confined to DU property. In some cases they have filed conservation agreements (more on those below) then resold the land, profiting from rising land values while saddling the new owners with limitations on land use in perpetuity.

Much of western Manitoba and eastern Saskatchewan has endured multiple years of precipitation far in excess of normal since the late 1990's. Crops have gone unseeded, thousands of acres have been lost to expanding wetlands and salinity, roads have been submerged or impassable, hundred year old trees have drowned in standing water and countless machines have been stuck and damaged trying to farm in the mud. Meanwhile, the constant refrain from Ducks Unlimited is "70 percent of prairie wetlands have disappeared, we have to reverse it." The cynical farmer retort is: "I found them, they're at my place." While the need at the farm and local municipal level is clearly for strategies and action to deal with excess water, DU and like-minded parties with the ear of the MB government have made significant drainage projects either impossible or prohibitively expensive through new provincial drainage regulations. With these regulations, DU and other conservation organizations can effectively refuse permission or demand compensation from farmers for significant drainage works on their own land.

Perhaps the most egregious example of DU's hostility to practical farming operations is enlisting landowners to sign conservation agreements for parcels of undeveloped land or wetlands within a quarter section(s). For a lump sum payment that might seem attractive to small landowners at the time, they sign over control of land use on conservation agreement parcels in perpetuity, including all future owners of the land. In consultations with DU our municipality objected to such agreements in perpetuity, saying renewable five or ten year periods were more appropriate. Rather than work with municipalities, DU forged ahead. Municipalities and individuals have raised objections with the province but apparently provincial governments of all stripes are not troubled by the precedent of giving an American-controlled private corporation control of land use within a



farm field, forever. DU representatives have gone so far as to prohibit the farm operator from piling stones picked from the field on the unfarmed conservation land, denying a practice as old as farming itself. Landowners who have tried to buy out or swap conservation agreement parcels have found DU to be unco-operative. I farm a rented quarter section affected by a conservation agreement. There are eight tiny wetlands with a fringe of trees around each and a couple of larger wetlands. It is obvious to any modern day farmer that the tree fringes should be bulldozed and the tiny wetlands drained and consolidated into the larger ones, but the conservation agreement prohibits it. That should also have been obvious to the landowner and DU when the agreement was struck but I suspect that \$10000 was more important to him at the time and DU didn't much care about the impact on the farm operator. If you think that I curse DU every time I have to fold the sprayer to squeeze between the potholes, or drag fallen trees off the field or remember that if I or my family ever buys this piece of land it will be encumbered with this agreement, you would be correct.

Some of the concerns I have described are local, even personal but they are typical of the experiences of many farmers and municipal governments with DU and its activities. That is why farmers feel DU is actively working against their interests and when they recognize DU's influence in initiatives such as the code of practice they are likely to lash out at all involved and will never trust a process that includes Ducks Unlimited.

Given that MCGA's primary responsibility must be to represent our membership, we implore you to consider this issue in any future steps you may take related to developing a code of practice. It is a serious threat to farmer trust and support in Manitoba, and has undermined your credibility with a segment of our members.

As a recommendation, if the Responsible Grain committee chooses to move forward with a second draft of the Code, we would suggest Ducks Unlimited be removed from voting positions on the committees, and that the CRSC seek their endorsement only after the Code has been developed by the voting members, with strong farmer input and endorsement. We see that there would be value in other groups, such as those from the food sector, also having the opportunity to review and endorse a farmer-led code of practice, so we would also recommend expanding the list to include other groups that might lend credibility to public trust with endorsement after the code is written and endorsed by farmers.

We are open to discussing this further, and will be reaching out to Ducks Unlimited directly to follow up on their conversations with the Canola Council of Canada in 2020, where Ducks Unlimited was asked to address this concern the first time it came up.



In closing, the MCGA board remains committed to the goals of building public trust, protecting market access, and defending against government regulation, as stated by the Responsible Grain committee at the outset of this process. However, the approach through this first draft was damaging and will require concerted effort to regain the trust and buy-in of farmers. We are willing to support efforts to engage farmers in this process, and encourage the Responsible Grain Committee and the Canadian Roundtable for Sustainable Crops to work closely with grower groups to ensure farmers are heard and engaged, and should there be a decision to create any future document, to ensure it has the greatest potential for success.

Sincerely,



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