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From: Jamie Fisher [REDACTED]
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To: Office of the Legislative Counsel
Subject: Bill 4

**** EXTERNAL EMAIL / COURRIEL EXTERNE ****

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The "Biodiversity Act" is too broad and ambiguous, permitting arbitrary abuses of ministerial power against private land owners/stewards (e.g., farmers, woodlot owners, people who live near watercourses or lakes, etc.). 1) In the preamble, it references "an ecosystems approach" to "integrated land management" that "promotes" the "sustainable use of biodiversity" in consideration of "the precautionary principle".

The precautionary principle puts the onus of the burden of proof on the land owner to justify any activity on their own land such that, unless there is clear scientific consensus about its non-harmful impact on the environment or people, the government can issue an order (even pre-emptively) to cease the activity regardless of any actual harm being caused. Thus, a farmer might plan to grow a field of corn to feed his/her cows. The Department of Lands and Forestry can say, "Hmmm, are you sure your corn will be GMO free? We think it might be a bad thing if your corn had GMO-affected kernels.

We want it to be GMO free for the health of your cows and for the geese, racoons, and deer who'll eat it off the field. So, you can't grow any corn until you prove that your corn will be GMO free." Given that 99.9% of the world's corn has been contaminated with GMO Round-up Ready (glyphosphate) products due to Monsanto's dirty business and government collusion, even farmers trying to grow GMO-free corn, not applying Round-up to their own land hoping to raise healthy cows, cannot prove that their corn is, or will be, 100% GMO free. Under Bill 4, that farmer can thus lose the innate right to grow the grain needed to feed his/her own livestock, on their own land. With that land taken out of production, the farmer has to buy from a supplier (possibly outside NS) and the cost of feeding his/her cows goes up, which in turn may cause the price of milk to go up. Are these prospects on the minds of those advocating for the Bill in its current form?

2) Bill 4 is paternalistic. It presumes as a starting point that Government, not private individuals, is the only stakeholder capable of 'managing biodiversity for the benefit of present and future generations'.

The Bill pays lip service to collaborative approaches and indigenous principles, neither of which provides for the paternalistic, dictatorial provisions throughout the Bill. For example: the stated purpose of the Act entails "governance of biodiversity in the Province"; it provides at s. 7(c) that "The Minister may" make efforts "to allow for public co-operation in the conservation and sustainable use of biodiversity."

3) The Bill gives sweeping powers to the Minister to: s. 7(k) "take ANY MEASURE the Minister considers necessary for the conservation of biodiversity in the Province." And, the Bill gives the Minister SOLE DISCRETION to decide "the guidelines and standards" for "the management of ORGANISMS UNDER HUMAN CONTROL" and "the conservation and sustainable use of biodiversity". (I use capitals because the underline function doesn't work here.) This means the Government can assert effective control by order, or assert ownership by expropriation, over any private land that supports any living thing, for reasons only it decides. None of the Regulations or Policies by which the "Act" will be implemented have been shared with the public, so we do not know, and should not assume, that they are benevolent, reasonable, insightful or deferential in any regard to land use by any private owners. It is possible that when the rubber

hits the road this legislation may increase fuel insecurity (limiting firewood harvesting), raise building costs (restricting the processing of materials), intensify food insecurity (taking land out of agriculture), reduce rural accessibility (prohibiting quarrying for road repair), and impede Nova Scotians' growing self-sufficiency and rural home ownership ambitions (banning housing construction on forested or previously undeveloped land).

4) Bill 4 provides for minimal accountability, if not meaningless so called accountability by virtue of its untimeliness. Under s.13, the Minister is bound to report only once within 3 years after the "Act" comes into force in October 2021, then only once every 5 years after that! Think about that..... How will we even know what the H*** the Government is doing across the Province all the days and months in between?!

5) Bill 4 allows for arbitrary restrictions on activities, both on Crown and private lands, which are virtually impossible to overcome. The "Act" allows the Department to impose restrictions on typical, ongoing activities in farming and forestry, use of lakes, access to Crown land, etc. which it decides pose a possible adverse impact on any aspect of the environment. A person can request a permit to continue with a suddenly restricted activity which the Department believes MAY CAUSE an adverse effect on living things - by any means and in any form - but that person will only get a permit IF they can PROVE to the Minister's satisfaction (to unknown standards) that "the activity is not likely to cause an adverse effect" and "ONLY IF the activity is necessary to satisfy a compelling public interest." Is heating a home, growing/raising one's own food, getting exercise in nature, getting from point a to point b in the countryside, likely to be defensible as being "necessary to satisfy a compelling public interest"? There will be virtually no way to continue with an activity once the Minister believes it MAY cause an adverse effect to ANY LIVING ORGANISM on Crown or private land, anywhere in the Province.

6) Bill 4 is outrageously punitive! If that farmer I mentioned above goes ahead and plants his/her crop of corn (because s/he already bought the seed and needs to feed his/her herd of cattle), a Conservation Officer can go onto the farm without the farmer's permission to enter, arrest the farmer without warrant, seize the tractor, and fine the farmer \$500000 or send them to jail for 6 months for breaching the order not to plant corn which is not 100% GMO free. If the next day the Conservation Officer returns to find the farmer planting corn, the farmer can be fined a further \$500000. Once incident and poof, there goes the retirement fund, or the dairy quota. A person can avoid being convicted of an offence under the "Act" IF they can show that s/he "exercised all due diligence to prevent the commission of the offence." So what is "all due diligence"?? AND, if the farmer has a farm hand helping with corn planting operations THAT PERSON "who accompanies or assists" when the farmer commits an offence is ALSO LIABLE to the same fine or jail time UNLESS that farm hand proves the offence was committed without his/her knowledge and consent.

7) Bill 4 does not compensate the private land owner for losses associated with the Department's imposition of a restriction unless it is a restriction on a particular use of the land which the owner is already engaged in on the land when the restriction is imposed. And, in that case, compensation is only for that the impact in relation to that particular use. If the restriction is issued under a biodiversity emergency order, there is no compensation.

8) Bill 4 creates curious blanket powers for Cabinet to make regulations "respecting access to and the sharing of benefits arising from genetic resources" and "respecting the valuation of, and exchange or payment for, ecological goods and services".

Withdrawal BILL 4!!

Jamie Fisher
Farmer/ woodlot owner