

Resolution #1

CN Railways Weed Control

Therefore be it resolved that Alberta's Agricultural Service Board request that Alberta Agriculture and Rural Development work with Alberta Justice, Canadian National Railways and Alberta's Municipalities to confirm that CN Rail is bound by the Weed Control Act of Alberta.

And further be it resolved that Alberta's Agricultural Service Boards request that Alberta Agriculture and Rural Development, work with CN to confirm that Inspectors appointed under the Weed Control Act of Alberta are considered to be "Regulators in line of duty" under *CN Guidelines Regarding Access to Workplace* thereby waiving the requirements for Work Permits, Contractor training and notice to be given prior to entry onto CN Rail property.

Response:

Alberta Agriculture and Rural Development

Thank you for your February 14, 2014 letter requesting a Departmental Response to the Agricultural Service Board Provincial Committee Resolution #1, Canadian National (CN) Railways Weed Control. I appreciate the opportunity to provide the following response on behalf of Agriculture and Rural Development (ARD).

Railways often have right-of-way weed inspection/enforcement issues that obstruct appointed municipal inspectors in the efforts to enforce the *Weed Control Act* (WCA). While railway right-of-ways in Alberta are covered under the WCA, the railways also have issues that need to be considered for WCA enforcement in areas that may present safety concerns for railways. For example, CN property requires an approved work permit in place prior to entry, which even includes urban Police forces should they wish entry onto railway lands. These permits can be dated for a maximum of one year, and the railway requires that each municipality have its own work permit in place, as permits are limited to one general location, and the railway supervisors responsible for the track in each area can vary.

With these issues in mind, ARD staff are reviewing situations in neighbouring provinces that have developed a plan to deal with weed management issues. This review will help inform the development of our own plan that sets out procedures that satisfy both WCA-appointed inspectors, and any railway safety and procedural concerns. Both CN and Canadian Pacific Railways will be involved, as each railway has weed problems and safety concerns.

If there are any questions with regard to this issue, they can be directed to Mr. David Feindel, Branch Head of ARD's Crop Research and Extension Division at 780-422-4911 (toll-free by first dialing 310-0000).

Further response from Alberta Agriculture and Rural Development

Thank you for sending me copies of your June 11, 2014 letters in reference to the 2014 Resolution Number 1: CN Railway Weed Control. As you indicated in your letter, the Agricultural Service Board Provincial Committee was unclear whether an inspector appointed under the Alberta *Weed Control Act* was considered to be a "Regulator in the Line of Duty".

By way of clarification the term "Regulator in the Line of Duty" is in the CN policy that grants access to Federal Agencies: "Regulators in line of duty for example: (Transport Canada, Transportation Safety Board, Human Resources Development of Canada, Federal Railroad Administration, National Transportation Safety Board)". According to the enclosed CN document, *CN Guidelines Regarding Access to Workplace*, Weed Inspectors appointed under the Alberta *Weed Control Act* are not Regulators in the Line of Duty.

I assure you that Agriculture and Rural Development is committed to addressing this issue, and will keep you informed regarding our discussions with the railways on this matter.

CN

As you may already be aware, CN has an extensive weed control program in Alberta, and, indeed, throughout its network. We hire professional contractors to carry out the program, and these contractors are required to respect all applicable laws and regulations. Furthermore, these contractors are required to carry out all weed control activities in an environmentally responsible manner and following best-established industry standards.

Spraying for weeds on the railway is carried out for safety reasons. The elimination of weeds greatly reduces tripping hazards where CN personnel and contractors are working, and also limits the potential for drainage problems and damage to the track infrastructure caused by invasive or fast-growing weeds. Furthermore, effective weed control also limits the future need for brush cutting in order to protect sightlines along our corridors. CN's weed control program helps us operate a safe and efficient railway.

As CN strives to be a good neighbour in all of the communities where we operate, we try to incorporate community concerns pertaining to specific locations and issues into the weed control work schedule, whenever feasible.

We note your letter states that railway safety concerns often obstruct municipal inspectors from being able to do their legislated inspection and enforcement duties. The process CN has put in place for accessing its property was developed for safety reasons. Under the *Railway Safety Act*, railways are responsible for all aspects of railway safety which includes ensuring the safety of CN personnel, the safety of operations through the communities we cross and the safety of third parties while on the right-of-way. Uncontrolled access to the rail right-of-way, without proper briefing and instructions, can have serious consequences. CN's right-of-entry process was developed for this very reason and application of this process also ensures compliance with the provisions of the *Railway Safety Act*.

Resolution No. 1 also refers to the simplified access procedure for regulators in the line of duty. It is important to note that this simplified procedure only applies to federal regulators specifically charged with overseeing CN compliance with various aspects of rail and workplace safety; these include Transportation Safety Board investigators and Transport Canada inspectors, and their equivalents in the United States. Representatives of these organizations are trained in railway safety and fully understand the risks associated with entry onto a railway right-of-way.

We hope that the information above has shed some light on CN's weed control program. CN would be pleased to collaborate with the ASB in the handling of any specific weed control issue you may identify in the future.

Resolution #2

Wildlife Damage Compensation Program

Therefore be it resolved that Alberta's Agricultural Service Boards request that Alberta Environment and Sustainable Resource Development, Justice and Solicitor General and all other relevant government ministries review the current staffing situation, program administration, budgets and funding source of the Wildlife Damage Compensation Program to ensure its effectiveness.

Further it is resolved that Alberta's Agricultural Service Boards request that Alberta Environment and Sustainable Resources Development, Justice and Solicitor General and all other relevant government ministries implement a monitoring and assessment program to ensure that predators, inclusive of wolves, bears and cougars, are dealt with proactively.

Response:

Alberta Environment and Sustainable Resource Development

Thank you for your February 14, 2014 letter enclosing a copy of Resolution #2, Wildlife Damage Compensation Program, that was put forward by delegates at the Agricultural Service Board Provincial Committee.

Alberta's Wildlife Predator Compensation Program was recently reviewed to ensure the program's mandate and requirements are current. The program provides compensation for eligible food-producing livestock (cattle, swine, goats, sheep and bison) confirmed to be killed or injured by predators (bears, wolves, cougars and eagles). The program provides compensation at the average market value for the type and class of animal lost.

To maintain the credibility of our program, livestock losses must be confirmed as killed or injured by predators. Predators are opportunistic animals and are often found feeding on livestock carcasses that have died from other causes. Livestock producers seeking compensation for lost animals are encouraged to contact fish and wildlife officers as soon as possible to confirm that the animal is killed or injured by a predator. We do not provide compensation for missing animals, because there is no evidence to verify if or why the animal is missing.

Fish and wildlife staff from Environment and Sustainable Resource Development and Justice and Solicitor General have extensive training to evaluate predator kills, and manage predators by trapping, shooting and working with registered trappers. Public safety is a priority and our current staffing levels are adequate to respond. Calls are answered immediately and addressed in order of priority.

Because producers cannot legally deal with grizzly bears in the same manner as with wolves and cougars, Environment and Sustainable Resource Development and Agriculture Canada are considering enhanced funding for confirmed grizzly bear predation.

Wildlife management plans guide Alberta's conservation and management activities. Our plans are specific to species, location, population, and hunting regimes. In the event that a species causes an issue, various management practices will be employed. Practices can include hunting, trapping, or relocation. If certain species of wildlife are damaging private property, producers can apply for a damage control licence, which provides the legal authority to hunt or trap the nuisance wildlife to attempt to minimize the damage.

Further response from Alberta Environment and Sustainable Resource Development

Thank you for your June 11, 2014 letters requesting additional information about recent amendments to the Elk Population Control program and the Wildlife Damage Compensation Program.

Environment and Sustainable Resource Development continues to address rising elk populations through hunting strategies. Additional elk hunting opportunities were created for the 2014 hunting season. Elk hunting seasons were added in six wildlife management units (WMUs) - three in the Peace River area and three in the central Parkland region. Hunting season dates for antlerless elk were extended in areas in and around Canadian Forces Base (CFB) Suffield and the Wainwright base. Elk hunting during the archery-only season is now permitted with a general license in WMUs north of CFB Suffield. Annual information on the number of special licences issued and resident hunter harvest is available on the My Wild Alberta website at: www.mywildalberta.com under the Hunting tab.

In regards to the Wildlife Predator Compensation Program, departmental response protocols require investigations of suspected wildlife predation on livestock to be conducted within 24 hours. The majority of complaints result in the investigator's recommendation being approved. During the last three years, total annual compensation payments averaged \$267,000 with 12 per cent of claims denied. Denied claims could have resulted from ineligible livestock or predators and/or lack of evidence.

Fish and wildlife officers from Justice and Solicitor General conduct investigations of suspected wildlife predation on livestock. I have forwarded your concerns regarding response times and the manner which investigations are conducted to my colleague Tim Grant, Deputy Minister for Justice and Solicitor General for his consideration.

During the past five years, the Wildlife Predator Compensation Program has undergone two substantial reviews, with input from internal and external groups. As I indicated in my previous response, the intent of the program is to provide compensation for the loss of food-producing animals. While poultry is a source of food, most losses are caused by predators that are not covered under the program. At this time the Government of Alberta is not considering other species of predators being added to the program.

In terms of livestock weight loss or stress, there are many possible contributing factors which could impact an animal's health and as a result, it would be difficult to substantiate such claims. As well, I previously indicated that staff have extensive training to evaluate predator kills.

In the last three years, wolves remain the number one killer of livestock, followed by cougars,

grizzly bears, and black bears; however, depredation claims are not tracked by geographical region. We encourage producers who graze in heavily forested areas to provide range riders to detect predation, as well as to act as a deterrent through their presence on the landscape.

Resolution #3

Elk (*Cervus Elaphus*) Population Control

Therefore be it resolved that Alberta's Agricultural Service Boards request that Alberta Environment and Sustainable Resource Development (AESRD) Fish and Wildlife Division increase harvest numbers of antlerless elk as well as extending the hunting season to address the extremely high population in all areas of the Province of Alberta.

Response:

Alberta Environment and Sustainable Resource Development

Thank you for your February 14, 2014 letter enclosing a copy of Resolution #3 Elk (*Cervus elaphus*) Population Control that was recently passed by delegates at the Provincial Agricultural Service Board Conference. I am pleased to provide a response.

Environment and Sustainable Resource Development has increased the frequency and duration of the elk hunting season and the number of licences issued in an effort to address the concerns described in the resolution. Our department is working to reduce the impact of elk populations in agricultural wildlife management units (WMUs) by holding three antlerless elk hunting seasons that span the period from late August to January 20 each year.

The department has also steadily increased the number of antlerless licences issued to hunters during the past four years. In WMU 357, which covers most of the County of Grande Prairie, the number of licences issued increased from 721 in 2010 to 1,312 in 2013. In WMU 521 in the Valleyview and Debolt areas, licences issued rose from 649 in 2010 to 1,538 in 2013. Results of the 2013 hunting season are still being compiled, but initial field survey results and comments from a number of clients suggest the additional hunting opportunities have had an impact in reducing local elk herd numbers.

Environment and Sustainable Resource Development staff and local fish and wildlife officers from Justice and Solicitor General work closely with farmers to devise practices to reduce crop damage by wildlife. It is well documented that adopting these practices into farming operation significantly reduces losses to wildlife.

Agriculture and Rural Development plays a key role in promoting farming practices that minimize ungulate damage to crops. That department can provide landowners with information about ways to protect their crops, including fencing, and which practices are not recommended in areas with elk and deer populations, such as swath grazing. Agricultural producers are also encouraged to allow hunters access to their private lands, as hunting is an effective way to reduce elk populations.

Resolution #4
Extermination of Wild Boar in Alberta

**DEFEATED AT THE AGRICULTURAL SERVICE BOARD PROVINCIAL
CONFERENCE - JANUARY 2014**

Emergent Resolution #1
Licensing of glyphosate tolerant wheat in Canada

Therefore be it resolved that Alberta's Agricultural Service Boards request that Alberta Agriculture and Rural development, together with Agriculture and Agri-Food Canada, Health Canada and the Canadian Food Inspection Agency prevent the licensing of glyphosate tolerant Wheat in Canada.

Response:
Health Canada

Thank you for your letter of February 19, 2014 enclosing a copy of the Agricultural Service Board's resolution on the licensing of glyphosate tolerant wheat in Canada. I regret the delay in responding.

As the issue you raise falls within the purview of the Honourable Gerry Ritz, Minister of Agriculture and Agri-Food, you have taken the correct course of action by sending him a copy of your correspondence. I trust that Minister Ritz will give your concerns every consideration.

Canadian Food Inspection Agency

Thank you for your letter, with which you enclosed the Alberta Agricultural Service Board's *Emergent Resolution, Licensing of glyphosate-tolerant wheat in Canada*. I appreciate being made aware of the Board's views on this issue.

Please be assured that the Government of Canada considers issues of food and feed safety to be of the utmost importance. Canada has one of the most stringent and rigorous regulatory systems in the world. Canada's regulatory system for products of agricultural biotechnology requires that new products undergo science-based safety assessments before they can be cultivated by a grower, used in livestock feed or made available to the consumer.

The Canadian Food Inspection Agency (CFIA) and Health Canada are responsible for assessing the safety of the agricultural products and foods in Canada's food production system. When it assesses new seeds, plants, livestock feeds, fertilizers and veterinary biologics for safety, the CFIA considers human, animal and environmental safety aspects. Health Canada assesses all novel food products for safety before they can be sold to consumers. This rigorous science-based assessment process is applied in the same way to traditionally developed products that have new characteristics and to products of biotechnology.

Agricultural products of biotechnology, such as genetically engineered (GE) wheat, require three separate safety assessments and authorizations prior to commercial use. The CFIA assesses the safety of the end product for release into the environment and its safety for use as a livestock feed, while Health Canada assesses its safety for use as food and its effect on human health. The

environmental safety assessment would consider the potential of the plant to become a weed of agriculture or to be invasive of natural habitats; the potential consequences of gene flow to wild relatives; the potential to increase the activity of a plant pest; and the potential impact on non-target organisms and biodiversity. As you are aware, to date, no GE wheat has been authorized for use in Canada.

Any new authorizations by the CFIA for the environmental release of herbicide-resistant plants include a requirement to implement stewardship plans, which are designed to delay weeds from developing tolerance. These plans include guidelines on crop and herbicide rotation, and describe the means by which growers can report any problems they have while growing the crop.

As previously mentioned, significant work goes into ensuring that the appropriate precautions are taken before a product of biotechnology is approved in Canada. It is important to maintain our rigorous, science-based assessment process to protect human and animal health and the environment while benefiting from the advances brought by these technologies.

Agriculture and Agri-Food Canada

Thank you for your correspondence with which you enclosed a copy of a resolution that received support from delegates at the provincial Agricultural Service Board Conference in January 2014 regarding glyphosate-tolerant wheat in Canada. I regret the delay in this response.

First, let me clearly state that no genetically engineered (GE) wheat has been authorized for use in Canada. Please be assured that when it comes to the approval of GE crops, the Government of Canada considers issues of food and feed safety to be of the utmost importance. Canada has one of the most stringent and rigorous regulatory systems in the world. Canada's regulatory system for products of agricultural biotechnology requires that new products undergo science-based safety assessments before they can be cultivated by a grower used in livestock feed or made available to the consumer.

The Canadian Food Inspection Agency (CFIA) and Health Canada are responsible for assessing the safety of the agricultural products and foods in Canada's food production system. When it assesses new seeds, plants, livestock feeds, fertilizers and veterinary biologics for safety, the CFIA considers human, animal and environmental safety aspects. Health Canada assesses all novel food products for safety before they can be sold to consumers. This rigorous science-based assessment process is applied in the same way to traditionally developed products that have new characteristics and to products of biotechnology.

Agricultural products of biotechnology require three separate safety assessments and authorizations prior to commercial use. The CFIA assesses the safety of the end product for release into the environment and its safety for use as a livestock feed, while Health Canada assesses its safety for use as food and its effect on human health.

Significant work goes into ensuring that the appropriate precautions are taken before a product of biotechnology is approved in Canada, and it is important to maintain our rigorous, science-based assessment process to protect human and animal health and the environment while benefiting from the advances brought by these technologies.

With regard to concerns pertaining to the impact of herbicide-resistant crops on sustainable agriculture please be assured that the CFIA takes this issue seriously. In Canada authorizations for the environmental release of new herbicide-resistant plants include a requirement to implement stewardship plans designed to address the development of herbicide-resistant weeds. Authorizations also include a requirement to monitor the effectiveness of these plans and to report on their implementation to the CFIA. You may be interested to read a recent AgBioForum paper that praises Canada for its effective stewardship of glyphosate-resistant crops. It states that effective crop rotation has been used in Canada to significantly reduce the selection intensity for glyphosate-resistant weeds and suggests that other countries follow suit. The paper can be viewed at the following link: www.agbioforum.org/v12n34/v12n34a10-duke.htm.

The regulatory assessment process for genetically modified crops is science-based. This ensures a predictable environment for the introduction of new products. It is important that regulatory decisions be evident-based and impartial. If new information relevant to the safety of a product, including those derived from biotechnology, comes to light, the CFIA conducts a review of this information. The Agency may change or revoke authorization, if warranted for safety reasons.

I would note that it is important to the Government that producers continue to have choice in selecting the agricultural practices and technologies that offer them the most benefits, both economic and environmental.

Again, thank you for informing me of the Agricultural Service Board Conference's resolution.