

From: Blake, Sara (JUS) [Sara.Blake@ontario.ca]
Sent: April-23-09 11:49 AM
To: Wiebe, Alan (OMAFRA)
Cc: Elbert van Donkersgoed; Rita Felder; Robert Shapiro; Rod de Wolde; Bob Hunsberger; Don Davidson; Sean Foran; Geoffrey Spurr; Dan Cohoe; Rob McDougall; Nicholas Richter
Subject: Order of Tribunal to disclose s.17(4) requests to parties
Attachments: 08 01 09.pdf; 08 01 19 (1).pdf; 08 01 19 (2).pdf; 08 01 19 (3).pdf; 08 02 12.pdf; 08 04 16.pdf

Pursuant to the order made orally by the Tribunal on Friday April 17, 2009, attached please find copies of the letters that were received by the Commission in respect of the request for a hearing under section 17 (4) of the *Agriculture, Food and Rural Affairs Act*.

I wish to remind the parties that they are bound by a deemed undertaking to use documents that they receive by way of disclosure in a proceeding solely for the purpose of the proceeding in which they are disclosed. The parties may not use or disclose the documents or the information contained in them for any other purpose. In particular, this means that parties are deemed to have given an undertaking not to disclose to the press either the documents or the information contained in them.

Sara Blake, Counsel
Crown Law Office -- Civil Law
Ministry of the Attorney General
720 Bay Street, 8th floor
Toronto, ON M4N 2S1

tel. 416.326.4155
fax 416.326.4181
sara.blake@ontario.ca

January 9, 2009

Mr. David Hope
Chair
Ontario Farm Products Marketing Commission
1 Stone Road West, 5th Floor
Guelph, Ontario
N1G 4Y2

Dear Mr. Hope,

We the undersigned represent a broad cross-section of the Ontario hog and pork industry. We are writing you under the provisions of the Ministry of Agriculture, Food and Rural Affairs Act, Section 17 clause 4. That section states, "Where a person is affected by any regulation made by the Commission, that person may request the Commission to reconsider the regulation by serving upon the Commission written notice of the request."

We are writing regarding the Commission regulations that provide for the marketing powers and authorities of Ontario Pork. We are part of the Ontario pork industry, and therefore are affected by these Commission regulations.

Approximately ten years have passed since the Commission held hearings into the operations and regulations governing Ontario Pork. At that time the focus of the hearings regarded contracting between producers and processors and the role and function of Ontario Pork in the marketing process. We note that in Quebec a review of marketing activities and Board powers is conducted every five years. A similar review is needed in Ontario at this critical time for our industry.

Our concerns include the following:

1. Farm Products Marketing Act, Regulation 419, Hogs – Marketing is not congruent. Section 10 (Powers of Local Board) states "The Commission vests in the local board the following powers": Section 10, 2 "to determine the quality of each class, variety, grade and size of hogs that shall be marketed by each producer"; Section 10, 3 "to prohibit the marketing of any class, variety, grade or size of hogs"; Section 10, 4 "to determine from time to time the price or prices that shall be paid to producers or to the local board, as the case may be, for hogs or for any grade of hogs and to determine different prices for different parts of Ontario."

Meanwhile, Section 11 (Method of Sale) states: "The local board may sell hogs by auction or by contract under the powers vested in it under Section 10." Since producers are signatories to contracts, it logically follows that applying the powers of Section 10 will not allow the contracting powers granted in Section 11 to properly function.

As well, we have concerns regarding various producer settlement and hog delivery logistics powers granted to the local board in Regulation 419.

2. We have strong concerns about the strategic direction and tactics that Ontario Pork has taken the past several years. An undue focus on litigation and rule enforcement

is seriously interrupting the coordination functions of the Ontario hog market and is fostering significant barriers to processing investment and marketing innovation in this province. For example, there are reports of harassment by Ontario Pork enforcement officers of producers legally moving hogs to U.S. markets. Furthermore, there is no evidence that Ontario Pork is willing to re-consider its involvement in the hog marketing process. These actions are adding to the negative impacts that are affecting the future of our industry.

Indeed, Ontario Pork has become increasingly confrontational and inflexible with producers and processors who are seeking to better their economic prospects by working more closely together through new or innovative marketing efforts. We believe this confrontational approach is impairing Ontario's competitive position and deterring the development of the processing sector. If Ontario Pork continues to apply its marketing authorities as it has, it is doubtful that any domestic or international business will seriously consider Ontario as a place to invest in the processing industry.

3. We have concerns regarding the use of producer funds and the apparent growth of overhead, notwithstanding the pending cutbacks. Ontario Pork's increasing secrecy and lack of transparency has tended to fuel these concerns.

We recognize that Ontario Pork can play an important and positive role in the Ontario and Canadian pork industry. However, both producers and processors are facing unprecedented, rapid changes. It is not in producers or the public interest for Ontario Pork to retain its status quo powers and authorities. Ontario Pork needs to adapt and change in order to justify its existence and constructively add to the future of the Ontario industry.

We are requesting that the Farm Products Marketing Commission once again hold formal hearings into the role and function of Ontario Pork. It is our hope the Commission will

- Provide a complete and thorough review of the hog marketing powers granted to Ontario Pork, and
- Assess the role Ontario Pork should have serving producers and the entire Ontario pork industry in the contemporary marketplace.

We recommend that the purpose of these hearings would be for the Commission to listen to all interested parties and opinions regarding the most appropriate future authorities for Ontario Pork and then provide leadership and direction regarding the role and subsequent powers granted to Ontario Pork.

We look forward to your response.

Signatories:

John Otten *John Otten*
Professional Pork Alliance (PPA)
2500 Saw Farm to Finish 3 site.
Stratford Ont.

Name	Organization or Business	Signature
Paul Pincen	Pincen & Son Ltd	
LEA MEEHAN	HARWIN FARM PRODUCE LTD	
GREG NEER	GREG NEER FARM	
Tom Limer	AL Pork	
Bruce Hoff	affinity Pork	Bruce Hoff
Bob Green	Greenock Farms Inc	
Art Knill	Art & Ross Knill	
Wayne Haugh	3KH	Wayne Haugh

BOB JANZSI

1396411 ONT LTD

Bob Janzsi

GERRON JANZSI

ACTIVIST PORK INC



DONNA JANZSI



GERRON FARM INC

Donna Janzsi

KARE VANDEKAMMEN

AgriSource Farms



Name	Organization or Business	Signature
Joe Aals	Art's Hog Farm Hogs Farm to raise	
Eric Van Laanwood	Emma YARD	

January 19, 2009

Mr. David Hope
Chair
Ontario Farm Products Marketing Commission
1 Stone Road West, 5th Floor
Guelph, Ontario
N1G 4Y2

Dear Mr. Hope,

A group of deeply concerned pork producers and pork industry representatives have signed the attached letter requesting that the Farm Products Marketing Commission hold hearings regarding the role and the subsequent powers granted to Ontario Pork under the authority of the Ontario Farm Products Marketing Act. Additional people may be supporting the letter by email or phone messages to your office.

You are welcome to contact the following signatories with any questions and follow-up actions regarding this letter.

Bob Hunsberger 519-577-4593
1677 Hopewell Creek Rd, R.R. #1
Breslau, Ontario N0B-1M0

James Reesor 905-309-6735
259 Ridge Road E.
Grimsby, Ontario L3M-4E7

Mark Yungblut 519-291-4070
Synergy Swine Inc.
R.R. #1
Listowel, Ontario N4W-3G6

Rob McDougall 519-878-6344
General Manager, Puragon Farms
131 Brock Street
Thamesford, Ontario N0M-2M0

Yours Truly,


Bob Hunsberger

January 19, 2008

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Chair
Ontario Farm Products Marketing Commission
1 Stone Road West, 5th Floor
Guelph, Ontario
N1G 4Y2

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Indeed, Ontario Pork has become increasingly confrontational and inflexible with producers and processors who are seeking to better their economic prospects by working more closely together through new or innovative marketing efforts. We believe this confrontational approach is impairing Ontario's competitive position and deterring the development of the processing sector. If Ontario Pork continues to apply its marketing authorities as it has, it is doubtful that any domestic or international business will seriously consider Ontario as a place to invest in the processing industry.

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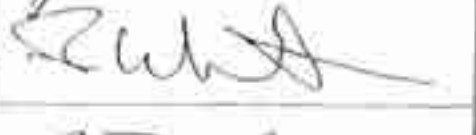





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We look forward to your response.

Signatories

Name	Organization or Business	Signature
ALLEN VAN RAVENSWAY	NATURE PARK SYSTEMS R#1 Burgessville OHIO NOV 3 110	
Jim Wilhelm	Brenelm Farms Ltd Rt 2 Tawstock ont NOV 2 20	
Ron Walters	PATRON FARMS RR-1 ST PAULS	
Brad Zantinger	TZ Ventures Inc Wyoming ON	
Eric Van Boekel	Van Boekel Hwy Farms	
BRIAN SIMPSON	Prairie Quality Genetics	
Yvonne Van Boekel	Van Boekel Holdings	
Rob Simpson	Maple Park	

Name	Organization or Business	Signature
<i>Robert H. Hunsberger</i>	ROTON FARMS INC Bob Hunsberger	<i>Robert H. Hunsberger</i>
James Reeser	RFW Farms L.H.	<i>James Reeser</i>
MARK YUNGBLUT	Sydney Smith Inc.	<i>Mark Yungblut</i>
ARNOLD DRUMS	CORTEGA MEAT PACKERS	<i>Arnold Drums</i>
Rob McDougall	Paragon Farms	<i>Rob McDougall</i>
DAVE PRICE	SUNWARD FARMS	<i>Dave Price</i>

January 19, 2008

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Chair
Ontario Farm Products Marketing Commission
1 Stone Road West, 5th Floor
Guelph, Ontario
N1G 4Y2



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We look forward to your response.

Signatories

Name	Organization or Business	Signature
Bob Hallway	JONES Feed Mills	Bob Hallway
Roddy P. Hall	M. Dupont	Roddy P. Hall
Allen Kaufman	S.T. LIVE'S LTD	Allen Kaufman
Chris Cattrysse	Vehof Farms	Chris Cattrysse
MATTHEW ORES	VEHOF FARMS	M Ores
Jesse Von Doorn	Vehof Farms	Jesse Von Doorn
Galen Leis	Robt Kaufman	Galen Leis
Joyce Wayne Schenck	J.R.W. Custom Welding Ltd	Joyce Schenck
Ann Marie Roth	Stonewidge Acres Ltd	Ann Marie Roth
Ann Marie Roth		
Kellogg von	Ceyor Automation Inc	Kellogg von
Marg Crawford	Ischewick Farms Bright	Marg Crawford
Jim Wance	RR1 BRILL	Jim Wance



Experience the benefits of buying the finest "ONTARIO PORK"

February 12, 2008

Mr. David Hope
Chair
Ontario Farm Products Marketing Commission
1 Stone Road West, 5th Floor
Guelph ON N1G 4Y2

Dear Mr. Hope,

As a small provincial packer who is subject to all the rules implemented by the larger players in the Ontario hog industry we are asking for your commission to consider the request to review the operation of Ontario Pork. We feel that Ontario Pork's powers should be discussed and reviewed because of the changing times in our industry. We would also request that a policy be implemented for an automatic review every 5 years. Such a review we believe would be beneficial to all parties.

Please do not hesitate to call me if you have any questions.

Signed,

Leo Rocheleau
Manager
Weston Abattoir
Inc.



MEMBER



5409 NORTH TALBOT ROAD, MAIDSTONE ON N0R 1K0
PHONE 519-737-1209 * TOLL FREE 1-877-817-3285 * FAX 519-737-1200

Fitzgerald, John (OMAFRA)

From: Hope, Dave (OMAFRA)
Sent: February 20, 2008 1:48 PM
To: Fitzgerald, John (OMAFRA); Machan, Arva (OMAFRA)
Subject: Fw: Ontario Pork

Attachments: Commission Letter.pdf

FYI:

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Eric Schwindt <eschwindt@bellnet.ca>
To: Hope, Dave (OMAFRA)
Sent: Wed Feb 20 10:30:38 2008
Subject: Ontario Pork



Commission
Letter.pdf (79 KB)

Dear Mr. Hope,

I am writing to you in support of the recent letter you received requesting Commission hearings into the role and function of Ontario Pork, a copy of which is attached.

In my daily activities I hear frustration with Ontario Pork from both producer and processor. While I understand that in normal business relationships there will be friction from time to time, I do not see the constructive discussion occurring. Instead, an adversarial culture has developed, with loss of faith by all parties.

I would like to quickly comment that I believe one of the root causes of the problem is the way that Ontario Pork elects its councilors and directors. I believe that a system needs to be developed that provides representation to different segments of the industry, be it sow farms, contract growers, finishers etc, instead of the current region or county based system. Other jurisdictions, such as Manitoba have come up with creative ways to make the board more reflective of the industry as a whole.

The hog industry in Ontario, and Canada for that matter, cannot afford the lost opportunities that the fractured relationships cause. The industry needs to be able to move forward, and quickly respond to the changing industry. I am not sure that the extra layer- Ontario Pork- is helpful in the adjustment period.

I am aware that Ontario Pork is undergoing a strategic planning process, but do not feel that it is taking the wishes of a large part of the industry into account, and furthermore it not be completed in time to be relevant.

In summary, I would urge the Commission to conduct a thorough review of Ontario Pork's role and its political structure to ensure that the needs of the industry can be met.

Thank you for your consideration of this matter.

Sincerely,

Eric Schwindt

Fitzgerald, John (OMAFRA)

From: John Otten [jjohn01622@sympatico.ca]
Sent: February 21, 2008 10:55 PM
To: Fitzgerald, John (OMAFRA); Hope, Dave (OMAFRA)
Subject: Ontario Pork

Hello

My name is John Otten and I reside in Stratford Ontario. I have been involved in the Ontario Pork industry for 28 years. I am involved in a 2500 sow farrow to finish 3 site production system producing 56,000 hogs per year. I have been involved in many industry activities including Past President of Ontario Pork Congress (2000). I enjoy the business very much even with its challenges.

There has been many times where there has been discussion on the role of Ontario Pork during the last 15 years. I had the opportunity to be on the Ontario Pork Task Force for Marketing in 1997/98. At that time there were recommendations that Ontario Pork look at having a menu of options including allowing individuals to market their pigs on their own with no Ontario Pork involvement. Recommendations that Ontario Pork use a multiple desk selling approach to allow those producers who thought and could get more money for their hogs than what Ontario Pork could offer. Two or three years later Ontario Pork did another project with a group called the Siracon report and they gave the same recommendations. Several years ago there were attempts to bring this around again by some groups and individuals and no response. This year there will be groups and individuals asking again the same question about OPPMBs role in selling hogs. Farm Products needs to consider this idea of multiple desk selling of hogs.

- Producers have desires to deal with processors individually for lots of good reasons
- Processors have desires to deal with producers for lots of good reasons
- Ontario Pork should be mandated to open up the selling process to encourage creative marketing of hogs
- OPPMB still needs to exist for the motherhood needs of the industry and continue to sell hogs, but with competition from other seller of hogs
- If OPPMB is good at what they do they should be able to offer the highest price in a competitive market
- Processing of pork in Ontario has some hinderence with the set up for OPPMB having the sole role of marketing pork. Processors have voiced there concerns

Please consider the request for this issue to be approached at Farms Products Commission for review and debate. This is important.

Ontario Pork know about these issue but nothing gets done about it.

Some issues are still about large producer versus small producers. Open desk selling can still represent the needs of everyone.

My request is that all the options get explored

Thank You
John Otten 519-275-3786 H 519-271-2111 Ext 204

2008/02/26

April 16, 2008

Ontario Farm Products
Marketing Commission

Dear Marketing Commission,

I am putting forth, our own individual situation, as we stand fully behind the letter written to David Hope dated January 19, 2008, with regards to the many concerns of the Pork Board.

We bought the farm in August of 1997. While we expanded we were on contract on strong advice from the bank. In 2005 we started buying our own hogs. Thus, we have suffered huge, due to the high dollar of 2007, low market and ongoing high feed cost.

During these unprecedented times, the Pork Board has increased their Pork dues (from \$1.55-\$1.75 per Pig) that us finishing farmers have to pay. As to date the sow and nursery guy do not have to pay dues. They justify this, to pay the staff and they keep raising the salaries. That is an average of \$73,000.00 approx. per employee .88cents per pig goes to salaries and benefits if they marketed 5million hogs from 2900 producers as per the Corporate Profile 2007. Legal cost alone, they have 2 full time lawyers and they cost at \$200,000.00 a piece, that works out to .08 cents of every pig goes to the lawyer. Our own individual situation we pay \$38,000 on pork board fees alone.

In the Corporate Profile 2007 under "Our Values" it states, "Ontario Pork supports an ongoing commitment to:

-cooperation, working in partnership with producers and stakeholders within the industry" as demonstrated below this is so NOT TRUE

I know of MANY producers that market their own hogs including ourselves. Now what portion of the \$1.75 per pig goes to marketing? Not anyone is able to tell you! I do know of producers that have not paid the fees in order to make a statement. The Pork Board has hired, with the producers fees so called "Pork Police" to go after them. We live in 2008, so tell me why they cannot sit at the table and discuss various ways of marketing hogs? If a producer can market a hog better than the board then the board can LEARN.

Dual marketing went through in Manitoba it is LONG overdue that we too MUST put it in place.

As well stated in the Corporate Profile 2007 under "Our Values"

"-accountability for all our actions"

There is ABSOLUTELY NO ACCOUNTABILITY for their actions!

Curtiss Littjohn, chair Ontario Pork Producers Marketing Board, has lobbied the Provincial government for money, thus the program Ontario Cattle Hog and Horticulture Payment. No application necessary, based on numbers from years 2000 and 2004. The

years John and I were on contract. We received \$267.00 when according to calculation our payment should have been \$137,319.00! All new farmers who started in 2005 on and a new farmer that missed filing COP numbers were greatly affected, as well 50% of your sales had to come from hogs. Curtiss Littlejohn, after meeting with Leona Dombrowsky, Minister of Agriculture and Rural Affairs has written a follow up letter dated April 4/2008 that they "cannot provide more monies" thus we will NOT be helped. NO ACCOUNTABILITY for numbers as to how many people were affected and exactly how many RETIRED FARMERS received money. Example, Carl Moore received a check for in the thousands and he had stopped pigs back in 2004!

Now we pay \$38,000.00 per year to this Marketing Board, which demonstrates inconsistencies, NO ACCOUNTABILITY, and obviously not willing to work with the producers. In fact without the producers there would be NO BOARD!

This is "JUST WRONG"!!!

We are seeking a review of overall marketing and industry related issues concerning the role of the Pork Board. Last review was in 1996. Another review is long overdue, to ensure that the functions of Ontario Pork are aligned with the total industry of today the year 2008.

Yours truly,

A handwritten signature in black ink, appearing to read "John Tina", with a stylized flourish underneath.

John Tina
Jessica Nicole Ben and Joshua Vehof
RR#1 fire #905 827
Bright Ont.
N0J 1B0
519 454-4369

Name	Organization or Business	Signature
TINA Vehof	Vehof Farms Inc	
Immaculata	McQuinn's Ltd	
Shirley McGee	McQuinn's	Shirley McGee
Doyle Reibling	Reibling Plumbing	Doyle Reibling
Dana Reibling	Reibling Plumbing	Dana Reibling
Linda Ferguson	HICKSON MOTORS	Linda Ferguson
WILLIAM FERGUSON	HICKSON MOTORS	William Ferguson
DAVE FERGUSON	HICKSON MOTORS	Dave Ferguson
Robert Kaufman	United Transport	Robert Kaufman
GREG HASSETT	PRESIDENT OF OXFORD COUNTY POPC PRODUCERS	
Ed Crawford	Chairman of Ontario Cider Beers	Ed Crawford
Robert Watson	Painter	
John Vehof	Vehof Farms	
ANDREW	Subscriptions	
Dr. Martin Muever	Blairmont Vet Services	Dr. Martin Muever