

ONTARIO LOCAL FOOD ACT, 2013

A MODEL BILL



Prepared by

**Joseph F. Castrilli
Burgandy Dunn
Kyra Bell-Pasht
Counsel**

CANADIAN ENVIRONMENTAL LAW ASSOCIATION
Toronto, Ontario

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Explanatory Note

The Act's purpose is to improve Ontario's local food systems by 1) improving Ontario's knowledge of the benefits of local food, 2) strengthening Ontario's local food economy, 3) promoting environmentally friendly farming, production and processing practices, 4) improving local food distribution 5) increasing public procurement of local food, and 6) inter-governmental coordination and public participation in local food planning and decision-making.

PART II of the Act establishes its administration. The Act appoints the Minister of Agriculture and Food as the Minister responsible for implementing the Act, and designates the Minister as advisor to the government on issues concerning local food systems. This part requires enhanced government coordination on food system planning and decision-making, and requires the Minister to establish an inter-ministerial Ontario Local Food Systems Committee consisting of relevant Ministries, municipalities, and aboriginal representatives. This part also requires the Minister to establish a multi-stakeholder Advisory Council on Ontario Local Food Policy, representing the spectrum of local food interests.

Part III of the Act provides for the establishment of Targets and an Ontario Local Food Strategy. To ensure progress is made towards achieving the Act's purposes, the Minister is required to establish targets within 12 months of the Act coming into force. The Minister is also required to establish an Ontario Local Food Strategy within 18 months of the bill coming into force. Both the targets and the Strategy must be established at least in consultation with the Committee and Advisory Council and posted to the EBR for public comment. The Minister must report to the Legislature every five years on progress in achieving the targets and Strategy.

Part IV of the Act requires the Minister to undertake a Local Food Assessment. The Minister is required, within 18 months of the Act coming into force, to conduct research into: (a) Ontario's baseline agricultural production; (b) barriers that limit the access of the food and farming sector to production, distribution and consumer markets within Ontario; and (c) barriers that limit access by consumers to available local food stocks.

Part IV of the Act also establishes local food distribution requirements. Based on the Local Food Assessment, the Minister is required to establish local food distribution requirements. In this regard, the Minister is granted authority to provide financial support by way of: (a) a funding program to provide support for the development of food aggregation, coordination, and distribution systems; and (b) a mini-grant program to provide incentives for alternative distribution methods by farmers and food processors.

Part IV of the Act further establishes local food procurement requirements. Public sector organizations and ministries are required to increase their procurement of local, local sustainable, or local organic food, annually, until such procurements constitute a percentage of their overall food budgets specified through relevant targets.

Part V of the Act authorizes healthy food and farms programs. This part requires the Minister to maintain or establish programs to encourage 1) ecological farming practices, 2) ecological goods and services markets for farmers, and 3) healthy food production and processing practices.

Part VI of the Act provides for healthy food and healthy food education in schools. In collaboration with the Ministers of Education, Child and Youth Services, and Health and Long Term Care, the Minister shall promote food, agriculture, and garden-based educational activities in schools maintaining kindergarten, or any of grades 1 to 12, and require schools to establish a healthy food education promotion policy. The Minister will support schools by (a) providing professional development for teachers and education staff, (b) assisting schools and school boards to incorporate food, agriculture, and garden-based educational activities into their curriculum, and (c) establishing a mini-grant program to award healthy food education grants of \$15,000 to eligible schools.

Part VII of the Act provides for public consultation, offences, penalties, and other miscellany.

Part VIII of the Act provides for the Act's commencement and short title.

Preamble

Whereas the people of Ontario should have access to local, fresh and culturally appropriate food;

Whereas Ontario's local food systems are central to the well-being of Ontarians and integrally linked to Ontario's population, economic, social and environmental health;

Whereas improved availability of fresh local foods has the potential to reduce the incidences and costs of diet-related illness in Ontarians;

Whereas increased reliance on Ontario-grown and processed foods will strengthen the economic viability of Ontario's food and farming sector while enhancing Ontario's economic resilience;

Whereas increased local purchasing will raise awareness of Ontario food and farming;

Whereas improved relationships between Ontario's food and farming sector, public sector organizations, students, and communities will also increase local food purchasing;

Whereas food, agriculture and garden-based education programs in schools have the potential to instill Ontario's students with an understanding of the important interrelationships between food, health and agriculture, as well as equip students with essential life skills;

Whereas the benefits of a strengthened local food system include stewardship of agricultural lands for the benefit of present and future generations;

Whereas local food systems produce direct and indirect jobs in food and beverage production, processing, distribution, retail, and tourism;

Whereas greater reliance on ecological farming practices and an increase in the trade of ecological services among farmers has the potential to yield agricultural land that is more resilient to climate change, has improved water and soil quality, greater biological diversity, as well as increased capacity to conserve water, and reduce greenhouse gas emissions;

Whereas the government has the primary responsibility for achieving these goals, the people of Ontario should have means to ensure they are achieved in an effective, timely, open, and fair manner;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I – PURPOSES AND INTERPRETATION

1. Purposes of Act

1. (1) The purposes of this Act are,
 - (a) to strengthen and ensure a sustainable local food economy in Ontario;
 - (b) to promote local food procurement in Ontario;
 - (c) to improve the health of Ontarians through increased availability of fresh local food;
 - (d) to provide Ontario students with food, agriculture, and garden-based education in school;
 - (e) to encourage ecological farming practices that ensure the sustainability of agricultural lands;
 - (f) to encourage development of an ecological goods and services market in Ontario;
 - (g) to promote healthy food production, processing, and distribution practices; and
 - (h) to encourage the integration of local food system issues into planning and decision-making at all levels of government.

Same

- (2) The purposes set out in subsection (1) include the following,
 - (a) to increase public awareness of Ontario food and farming;
 - (b) to improve the economic viability of maintaining agricultural land for the purposes of farming, processing and distributing food;
 - (c) to improve local food distribution systems and local food availability for all Ontarians, particularly low-income and other vulnerable populations;
 - (d) to educate Ontario students, their families, and communities, about the interconnections between health, food, and Ontario agriculture;
 - (e) to encourage healthy eating habits;
 - (f) to foster a local food network through the development of relationships between farmers, local food system representatives, public sector organizations, schools, students, and the Ontario public;
 - (g) to provide an increased and stable demand for local, local sustainable, and local organic food through government and public sector organization purchasing; and

- (h) to reduce environmental and human health impacts caused by food system production, processing and distribution.

Same

(3) In order to fulfill the purposes set out in subsections (1) and (2), this Act provides,

- (a) means by which the Government of Ontario may improve inter-ministerial coordination and collaboration on food system planning for the benefit of all Ontarians;
- (b) means by which residents of Ontario may participate in local food system planning and decision-making;
- (c) increased accountability of the Government of Ontario for its local food system planning and decision-making;
- (d) increased transparency of Government of Ontario decisions, policies, and programs and their effect in relation to local food;
- (e) aid and incentives to Ontario schools to maximize integration of local food system education into curricula;
- (f) means by which the Government of Ontario can support ministries and public sector organizations procuring local food;
- (g) means by which the Government of Ontario may provide aid and incentives for Ontario farmers that adopt or maintain ecological farming practices or provide ecological services; and
- (h) means by which the Government of Ontario may provide aid and incentives for Ontario food producers and processors that adopt or maintain healthy food production and processing practices.

2. Decision-making Principles

2. (1) Decision-making under this Act shall be exercised in accordance with the following principles:

- (a) food systems approach;
- (b) multi-functionality approach;
- (c) social justice and health equity approach;
- (d) precautionary approach;
- (e) ecosystems approach; and
- (f) sustainable development approach.

Same

(2) Decision-making principles in addition to those set out in subsection (1) may be prescribed by regulation as necessary to ensure the purposes of the Act are fulfilled.

3. Definitions

3. In this Act,

“Aboriginal” has the same meaning as in subsection 35 (2) of the *Canadian Charter of Rights and Freedoms*.

“Advisory Council on Ontario Local Food Policy” means the council appointed under section 7;

“agency of the Government of Ontario” means a public body designated in regulations made under the Public Service of Ontario Act, 2006;

“board” has the same meaning as in subsection 1(1) of the *Education Act*;

“curriculum” means the courses of study prescribed or developed by schools under the jurisdiction of a board or education authority, pursuant to the *Education Act*;

“ecological farming practices” means agricultural land use activities that limit chemical and fossil-fuel derived farm inputs, reduce a farm’s carbon footprint, mitigate the effects of climate change, provide species habitat, conserve soil and water, or improve soil and water quality, and such other matters as may be prescribed by regulation;

“ecological goods and services” means agricultural land use activities that provide a quantifiable environmental benefit, including carbon sequestration, soil and water conservation, protection of soil and water quality, species habitat, and such other matters as may be prescribed by regulation;

“ecosystems approach” means viewing the ecosystem as composed of air, land, water and living organisms, including humans, and the interactions among them;

“education authority” has the same meaning as in subsection 1(1) of the *Education Act*;

“elementary school” has the same meaning as in subsection 1(1) of the *Education Act*;

“eligible school” means a school within the jurisdiction of a board or education authority;

“farm” means premises the whole or part of which are used for agricultural purposes and without limiting the generality of the foregoing, includes premises used for,

- (a) the production of plants for the purpose of the sale of such plants, or any part thereof; and
- (b) the production, including breeding, rearing, or fattening of animals for the purposes of the sale of such animals, or any part thereof;

“food, agriculture, and garden-based education” means curriculum that conveys an understanding of local food systems, by way of direct educational experiences including local food tasting and sampling, participation in school gardens, composting programs, food preparation, and farm tours;

“food-related life skills” means growing, buying, foraging, gathering, hunting, fishing, storing, and preparing food, as well as eating for optimal health, food resource management, and food-related financial budgeting;

“food systems approach” means the recognition of all the processes that make up a local food system, from growing and harvesting food to its processing, packaging, transportation, distribution, preparation, marketing, consumption, management of food and packaging waste, and the recovery of nutrients within a region;

“food system ministers” means the ministers of the food system ministries;

“food system ministries” means the ministries whose planning, activities, programs, policies, and decisions affect or are affected by the food system, including those ministries that are involved in the development or implementation of the Strategy under section 9 or local food distribution under section 11.

“forest and fresh water food systems” means activities related to the harvesting, foraging, hunting and fishing for food within forests and fresh water bodies.

“fossil fuel-derived input” means an agricultural input derived from fuels such as coal, oil, or natural gas, including, but not limited to, fertilizers or energy sources;

“healthy food and farm programs” means the programs described under section 13;

“healthy food education” means curriculum that conveys an understanding of local food systems, including food-related life skills, and the impact of food system practices and food choices on health, the environment, and the economy;

“healthy food production and processing practices” means food and beverage production, processing, storage and distribution practices that minimize environmental and health impacts and reduce waste throughout the food system;

“hospital” means,

- (a) a hospital within the meaning of the Public Hospitals Act,
- (b) a private hospital within the meaning of the Private Hospitals Act that received public funds in the previous fiscal year of the Government of Ontario, and

(c) the University of Ottawa Heart Institute/Institut de cardiologie de l'Université d'Ottawa;

“local food” means,

- (a) food produced or harvested in Ontario, and
- (b) subject to any limitation in the regulations, food and beverages made in Ontario if they include ingredients produced or harvested in Ontario;

“local food aggregation and distribution system” means a system that coordinates the collection of local food from producers and arranges for its distribution;

“local food assessment” means an assessment of local food systems that provides an inventory of food resources available at the community level, and an investigation into the scope of, barriers to, and opportunities for, local food production and distribution with the goal of increasing food availability;

“local food systems” means a chain of activities and processes related to the production, processing, distribution and consumption of local food;

“Local Food Systems Committee” means the committee established under section 6;

“local organic” means food that is local and for which,

- (a) the production does not involve synthetic fertilizer, synthetic pesticides, synthetic growth regulators, synthetic allopathic veterinary drugs, synthetic processing substances, cloned farm animals, genetically engineered materials or products, or intentionally manufactured nano-technology products, and
- (b) the packaging does not contain synthetic fungicide;

“local sustainable” means food that is local and for which the production meets standards of environmental and social sustainability prescribed by regulation;

“Minister” means, unless the context requires otherwise, the Minister of Agriculture and Food or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*;

“ministry” means, unless the context requires otherwise, the Ministry of the Minister;

“multi-functionality approach” means recognizing the interconnectedness of agriculture’s different roles and functions, including agriculture as a multi-output activity producing not only commodities, but also non-commodity outputs such as environmental services, landscape amenities, and cultural heritage;

“precautionary approach” means, in order to achieve sustainable development, environmental measures must anticipate, prevent and attack the causes of environmental degradation and, accordingly, where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;

“public sector organization” means,

- (a) an agency of the Government of Ontario,
- (b) a municipality within the meaning of the *Municipal Act, 2001*,
- (c) a university in Ontario and every college of applied arts and technology and post-secondary institution in Ontario whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating annual operating grants and entitlements,
- (d) a board within the meaning of the *Education Act*,
- (e) a hospital,
- (f) a long-term care home within the meaning of the *Long-Term Care Homes Act, 2007*,
- (g) a corporation described in clause (f) of the definition of “designated broader public sector organization” in subsection 1 (1) of the *Broader Public Sector Accountability Act, 2010*, or
- (h) another organization prescribed by regulation;

“regional food hubs” means a business or organization that facilitates the aggregation, processing, coordination, distribution, and/or marketing of source-identified food products primarily from local and regional producers to strengthen their ability to satisfy wholesale, retail, and institutional demand;

“school” has the same meaning as in subsection 1(1) of the *Education Act*;

“school authority” has the same meaning as in subsection 1(1) of the *Education Act*;

“school nutrition program” means the provision of breakfast, lunch, or snack programs provided to students in Ontario schools;

“secondary school” has the same meaning as in subsection 1(1) of the *Education Act*;

“social justice and health equity approach” means the absence of unfair and avoidable or remediable differences among population groups defined socially, economically, demographically, or geographically;

“Strategy” means the Ontario Local Food Strategy established under section 9;

“sustainable development” means development that meets the needs of the present, without compromising the ability of future generations to meet their own needs;

“teacher” has the same meaning as in subsection 1(1) of the *Education Act*;

“vulnerable populations” means persons who, because of age, sex, health, disability, socioeconomic status, or other circumstance, whether temporary or permanent,

- (a) are in a position of dependence on others; or
- (b) are otherwise at a greater risk than the general population of being harmed by diet-related illness or environmental contamination of food sources,

and includes, without limiting the generality of the foregoing, pregnant women, infants, children, women, seniors, and individuals that are immuno-compromised.

PART II – ADMINISTRATION

4. Powers and Duties of the Minister

4. (1) In the Administration of this Act, the Minister shall,
- (a) advise the government on issues concerning local food systems and shall, in that capacity, provide the food system ministers with any advice the Minister considers advisable to achieve the purposes of the Act;
 - (b) coordinate with the food system ministries and public sector organizations to obtain any information necessary for the carrying out of the Minister's responsibilities under the Act;
 - (c) coordinate food system programs;
 - (d) develop measures to achieve the purposes of the Act including, but not limited to, the Strategy and targets;
 - (e) develop recommendations to advance the following food system goals:
 - 1. increased production, sales, and consumption of Ontario foods;
 - 2. development and promotion of programs that deliver healthy Ontario-grown foods to Ontario residents including, but not limited to:
 - i. increased public procurement of local products;
 - ii. improvement in the availability of healthy Ontario-grown food products, particularly to low-income and vulnerable populations;
 - 3. protection of land and water resources required for sustainable local food systems;
 - 4. training, retention, and recruitment of farmers and provision of continued economic viability of local food production, processing, and distribution in Ontario; and
 - 5. food and agriculture-based education for students that stresses the connection between farming, food, and health;
 - (f) submit to the Assembly an annual report on the Minister's findings regarding progress achieved, and progress expected, with respect to local food systems in the province;
 - (g) investigate and recommend standards relating to local food systems in the province;

- (h) conduct scientific, technical, economic, social, and other research investigations, studies, and programs and prepare statistics relating to local food systems in the province to ensure that an adequate information base is available for the purposes of developing and implementing targets, programs, and policies under this Act and the regulations including with respect to,
 1. the scope and efficacy of existing Acts, regulations, programs, policies, and practices that impact local food access;
 2. challenges and opportunities for ecological and organic agriculture;
 3. promotion of ecological farming practices, ecological goods and services, and healthy food production and processing practices, including,
 - i. the feasibility of establishing markets for ecological services from farmland and ecological farming practices among farmers, including necessary quantification research;
 - ii. the development of additional and improved healthy food production and processing practices; and
 - iii. science supporting the development of ecological farming practices, including improved methods for the reduction or elimination of herbicides, pesticides, or fossil fuel derived input use on farms;
 4. Strategy goals and objectives under section 9;
 5. opportunities to increase local food planning and coordination; and
 6. such other matters as may be designated by regulation;
- (i) convene and conduct conferences, seminars and educational programs relating to local food systems in the province;
- (j) develop, implement, and facilitate training courses and programs relating to local food systems in the province;
- (k) collect, test, publish and otherwise disseminate information on local food systems in the province;
- (l) provide technical assistance to persons responsible for local food systems in the province;
- (m) engage in joint discussions and initiatives with other levels of government to facilitate local food systems in the province;
- (n) make grants and loans in such amounts and on such terms as the Minister considers advisable to support research and training relating to local food systems in the province; and
- (o) perform such other functions or carry out such other duties as may be assigned from time to time by the Lieutenant Governor in Council relating to local food systems in the province.

Delegation

(2) The Minister may delegate in writing any of his or her powers or duties under this Act to an employee of the ministry specified in the delegation, other than the power to make regulations.

Exception

(3) Subsection (2) does not apply to the Minister's powers or duties regarding,

- (a) establishing a target under section 8; or
- (b) establishing the Strategy under section 9.

Agreements

(4) The Minister may enter into agreements with such persons, entities, including the Council established under section 7, as well as governments, as the Minister considers appropriate for the purposes of this Act.

5. Directors

5. (1) The Minister shall in writing appoint such directors as the Minister considers necessary, in respect of one or more provisions of this Act or the regulations, as specified in the appointment.

Same

(2) In making an appointment under this section, the Minister shall appoint only,

- (a) a public servant employed under Part III of the Public Service of Ontario Act, 2006 who work in the Ministry or a member of a class of such public servant; or
- (b) any other person or member of any other class of person, if the appointment is approved by the Lieutenant Governor in Council.

Directors as local food system facilitators

(3) The Minister may designate directors to serve on a network of local food system facilitators, whose responsibilities will include,

- (a) coordinating relationships between suppliers of local food and public sector organizations, including,
 - i. maintenance of a directory of suppliers of local food, products, resources and/or other supplies for public sector organizations;

- ii. assistance to food producers, distributors, and intermediaries, including the provision of information about procurement opportunities, bid procedures, public sector organization purchasing criteria and requirements and assistance in relation to meeting necessary output/supply quantities as required by public sector organizations;
 - iii. support to public sector organizations, including, identification of seasons, sources and suppliers of Ontario produce, development of requests for proposals, bidding, purchasing, and product transportation; and
 - iv. development and provision of resources, training and assistance for both suppliers and public sector organizations.
- (b) Providing support to schools, including,
- i. assistance in coordinating the design, provision of professional development materials, and training to boards, schools, and teachers;
 - ii. horticultural guidance and technical assistance for school gardens, including soil testing; and
 - iii. identification and development of existing curricula, programs and publications relating to agriculture, food, and garden-based education, including school gardens and experiential learning projects.

Limitation of authority

(4) The Minister may in an appointment of a director or regional local food facilitator, limit the authority in such manner as the Minister considers necessary.

6. Ontario Local Food Systems Committee

6. (1) The Minister shall establish a Local Food Systems Committee to provide advice to, and assist the Minister with, the planning, implementation, and evaluation of actions taken to fulfill the purposes of the Act.

Membership and Organization

- (1) The Local Food Systems Committee shall consist of representatives of,
- (a) the Minister;
 - (b) the food system ministers;
 - (c) municipalities; and
 - (d) Aboriginal communities.

Committee functions

- (2) The Local Food Systems Committee shall meet at least once each year, and report to the Minister on,
- (a) coordination of government action on local food and food systems and the health of Ontarians;
 - (b) identification of priorities for actions to achieve the purposes of this Act;
 - (c) facilitation of information sharing to achieve the purposes of this Act;
 - (d) identification of potential funding measures and partnerships in relation to projects to achieve the purposes of this Act;
 - (e) consultation with the Advisory Council on Ontario Local Food Policy established under section 7;
 - (f) meetings and consultations with the public organized to obtain public input on matters relating to the purposes of this Act, including,
 - i. the establishment of targets under section 8;
 - ii. the development and implementation of the Ontario Local Food Strategy under section 9;
 - iii. the development and implementation of programs under section 13;
 - (g) coordination, monitoring, and annual reporting on government progress toward achieving the purposes of the Act.

Invitations to meetings

- (3) Before a meeting of the Committee is held, the Minister shall, as the Minister considers advisable, extend written invitations to individuals, groups and organizations to attend and participate in the meeting, including,
- (a) the other Local System Ministers;
 - (b) Directors designated by the Minister;
 - (c) representatives of the interests of municipalities;
 - (d) representatives of the interests of Aboriginal communities;
 - (e) representatives of the interests of farmers' organizations, poverty organizations, health organizations, food policy organizations, environmental organizations, community economic development organizations, and the scientific community; and
 - (f) representatives of any other interests that the Minister considers should be represented on the Committee.

7. Advisory Council on Ontario Local Food Policy

7. (1) The Minister shall establish an advisory body known as the Advisory Council on Ontario Local Food Policy.

Appointment of members

(2) The members of the Advisory Council shall be appointed by the Minister and shall consist of twenty-one individuals as follows:

- (a) four individuals who are active farmers or who represent agricultural organizations;
- (b) one individual representing sustainable or organic food farming;
- (c) one individual representing traditional ecological knowledge of food systems;
- (d) one individual representing food waste management;
- (e) one individual representing an organization engaged in farmland protection and conservation;
- (f) one individual representing an organization engaged in the development of new farm businesses;
- (g) one individual representing urban and community supported agriculture, or community gardening;
- (h) one individual representing immigrant and refugee farming;
- (i) one individual representing food distribution;
- (j) one individual representing food processing;
- (k) one individual representing marketing interests;
- (l) one individual representing a school or organization engaged in nutritional or public health activities;
- (m) one individual representing a community-based coalition, or health care provider addressing obesity and chronic disease;
- (n) two individuals representing low-income or vulnerable populations; and
- (o) three individuals from the general public, two of whom must be nominated from local non-governmental environmental organizations that have dealt with issues relating to toxic substance contamination of food in the community.

Advisory Council purposes and duties

(3) The purposes and duties of the Advisory Council are to make recommendations to the Minister to advance the purposes of this Act.

Same

(4) The Advisory Council shall also advise the Minister and the Local Food Systems Committee, established under section 6, on all aspects of the local food economy in Ontario, including with respect to,

- (a) development of the Ontario Local Food Strategy;
- (b) a local food assessment;
- (c) a survey of best practices and innovative local food system activities, including an assessment of Ontario's capacity to replicate these activities across the province;
- (d) identification of strategies to increase local food access;
- (e) increased collaboration and communication between government ministries, departments, and agencies;
- (f) increased collaboration and communication between provincial and local governments;
- (g) development of innovative public-private partnerships;
- (h) institutional procurement agreements and targets;
- (i) recommendations for amendments to federal, provincial or municipal laws or regulations;
- (j) recommendations for changes to the manner in which government programs are implemented;
- (k) research on additional federal, provincial, local or private investments; and
- (l) benchmarks and criteria for measuring progress toward achieving each goal set out in subsection (3).

(5) Administration of the Council will be prescribed by regulation.

Advisory committees

(6) The Minister may, at the request of the Council, establish one or more technical advisory committees to assist the Council in the performance of its duties under subsections (3) and (4).

Principles

(7) The Council, under subsection (4), and any technical advisory committees established under subsection (5), shall use the principles set out in section 2 of the Act in providing their recommendations and advice.

PART III – LOCAL FOOD STRATEGY AND TARGETS

8. Targets

8. (1) Within twelve months of the coming into force of this Act the Minister shall to further the purposes of this Act and in consultation with the local food system committee, the Advisory Council on Ontario Local Food Policy, and such other groups and individuals the Minister considers advisable, establish targets in relation to:

- (a) local food procurement;
- (b) local food distribution; and
- (c) local food education.

Same

(2) To achieve one or more purposes of this Act, the Minister shall, after undertaking the consultation outlined in subsection (1), establish qualitative or quantitative targets relating to local food, specifying in each target the purpose(s) to which it applies and the manner in which, in his or her opinion, public sector organizations and ministries with jurisdiction in that area shall take them into consideration.

Minister's direction re targets

(3) The Minister may direct a public sector organization or a ministry with jurisdiction in an area specified in the direction to provide the Ministry of Agriculture, Food and Rural Affairs with any information,

- (a) specified in the direction to assist in establishing a target;
- (b) relevant to determining the actions required to achieve a target; or
- (c) relevant to determining the progress made in achieving a target.

Amendment of targets

(4) The Minister may from time to time amend the targets established under this section after consultation in accordance with subsections (1) and (2).

9. Ontario Local Food Strategy

9. (1) Within 18 months of the coming into force of this Act, the Minister shall, in consultation with the Local Food System Committee, the Advisory Council on Ontario Local Food Policy, and such other groups and individuals as the Minister considers advisable, develop an Ontario Local Food Strategy.

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- (2) Every new or modified Ontario Local Food Strategy will include,
- (a) Ontario's vision for achieving the purposes of this Act; and
 - (b) the targets established under this Act and how those targets assist in achieving the Act's purposes.

Review

(3) The Ontario Local Food Strategy shall be reviewed at least every five years and, where appropriate, amended to reflect new and improved targets and developments in Ontario in respect of health, environmental protection, access, and education in relation to local food.

Five-year reporting

(4) The Minister shall, after consulting with the local food system committee, the Advisory Council on Ontario Food Policy, and such other groups and individuals as the Minister considers advisable, table a report with the Legislative Assembly on the Ontario Local Food Strategy at least every five years, with the first five-year report to be tabled by December 31, 2017.

Annual progress reports

(5) Notwithstanding subsection (4), the Minister also shall provide annual progress reports to the Legislative Assembly, with the first being due no later than December 31 of the year following the coming into force of the Act.

Contents of reports

(6) The contents of reports referred to in subsections (4) and (5) shall include a description of actions taken to support the Ontario Local Food Strategy and progress made in achieving targets established under section 8 of the Act, and such other matters as the Minister considers advisable.

PART IV –LOCALFOODASSESSMENT, DISTRIBUTION AND PROCUREMENT

10. Local Food Assessment

10. Within 18 months of the coming into force of this Act, the Minister shall undertake a local food assessment that shall consist of an,

- (a) examination of Ontario's baseline agricultural production output, including data on:
 - i. the amount of food produced annually within Ontario;
 - ii. the amount of food that is purchased and consumed by Ontario residents; and the extent to which the food produced in Ontario is processed, distributed and marketed locally);
 - iii. the amount of Ontario produced food that is purchased by public sector organizations;
- (b) identification of barriers that limit the access of the food and farming sector to production, distribution and consumer markets within Ontario, including, but not limited to,
 - i. data on the distribution and processing infrastructure of scale appropriate for small- and medium-sized food and farm operations;
 - ii. examination of the manner in which provincial and local laws, regulations, policies, and practices may impede the ability of the food and farming sector to engage in food production, processing, distribution, and marketing activities, and
 - iii. research into the potential role of regional food hubs in improving market access for producers; and
- (c) identification of barriers that limit the access by consumers to available local food stocks, and an examination of the potential of regional food hubs for expanding the availability of healthy, fresh food in communities, including low-income, vulnerable, and underserved communities.

11. Local Food Distribution

11. (1) Following completion of the local food assessment described in section 10, the Minister shall, in consultation with the local food ministers in order to meet the purposes of the Act and improve the distribution of local food in Ontario, establish regional distribution measures including, but not limited to, regional food hubs that are locally developed, sustainable, and based in the community.

Funding

(2) To assist in the establishment of regional distribution measures described in subsection (1), the Minister may establish a funding program to provide cost-sharing support for the development of food aggregation, coordination, and distribution systems, including regional food hubs, across Ontario.

Same

(3) Funding provided pursuant to subsection (2), shall be used to support regions of the province in,

- (a) identifying barriers and gaps in regional food systems;
- (b) implementing solutions in closing identified barriers and gaps; and
- (c) documenting and sharing inter-regional resources and data obtained.

Same

(4) The Minister may also establish a mini-grant program to provide incentives for alternative distribution methods by farmers and food processors.

12. Local Food Procurement

12. (1) Public sector organizations and ministries shall aim to increase the percentage of their food budgets spent on local, local sustainable, or local organic food, annually, until such local food procurements constitute a percentage of their overall food budgets specified through relevant targets.

Cost to be no more than 10 per cent greater

(2) To meet the goals set forth in this section, a public sector organization or ministry contract for the purchase of food may give preference to an otherwise qualified bidder who provides local, local sustainable, or local organic food, provided that the cost included in the bid is not more than 10% greater than the cost included in a bid that is not for local, local sustainable, or local organic food.

Identifying, tracking and reporting system

(3) All public sector organizations and ministries that purchase food and food products shall, with the assistance of the Local Food Systems Committee develop a system for,

- (a) identifying the percentage of local farm or food products purchased for fiscal year 2013 as the baseline;
- (b) tracking and reporting local food purchased on an annual basis; and
- (c) drafting requests for proposals for food tenders that respect the terms of trade agreements to which Ontario is bound by agreement with Canada.

Procurements subject to trade agreements

(4) This section does not apply to procurements that are contrary to national or international trade agreements to which Ontario is bound by agreement with Canada.

PART V – HEALTHY FOOD AND FARMS

13. Programs for Ecological Farming Practices, Goods and Services Markets, Healthy Food Production, and Processing

13. (1) The Minister shall maintain, and establish where necessary, programs to encourage,

- (a) ecological farming practices;
- (b) ecological goods and services markets for farmers; and
- (c) healthy food production and processing practices by food producers and processors.

Consultation

(2) The necessity of establishing programs to encourage ecological farming practices, ecological goods and services markets for farmers, and healthy food production and processing practices by food producers and processors shall be determined by the Minister based on consultation with the Local Food Systems Committee established under section 6, the Advisory Council on Ontario Local Food Policy, established under section 7, and such other groups and individuals as the Minister considers advisable, including,

- (a) environmental, agricultural, local food, and health organizations;
- (b) consumers; and
- (c) food production, processing, and distribution industry organizations.

Contents of programs

(3) The programs referred to in subsection (1) may consist of any, or all, of the following measures,

- (a) pilot programs;
- (b) financing;
- (c) tax incentives;
- (d) grants;
- (e) training;
- (f) education;
- (g) research;
- (h) certification;
- (i) labeling;

- (j) marketing; and
- (k) such other measures as prescribed by regulation.

PART VI – HEALTHY FOOD EDUCATION IN SCHOOLS

14. Definition

14. In this Part, “ministers” means the Ministers of Agriculture and Food, Education, Child and Youth Services, and Health and Long Term Care.

15. Food, Agriculture, and Garden-based Education

15. (1) In respect of schools under the jurisdiction of a board, the ministers shall require that schools establish a policy to promote healthy food education.

Same

(2) The ministers shall promote food, agriculture, and garden-based educational activities in schools maintaining kindergarten, or any of grades 1 to 12, inclusive, including,

- (a) curricula and experiential learning opportunities which are integrated into regular subjects in the curriculum of elementary and secondary schools, including classroom instruction, local food tasting and sampling, participation in school gardens, composting programs, food preparation, and farm tours or other direct educational experiences;
- (b) a focus on locally produced, packed and processed food produced on Ontario farms and harvested from forest and fresh water food systems; and
- (c) family and community involvement, including parent, caregiver and community group participation in education activities.

16. Professional development for teachers and education staff

16. (1) The ministers shall assist schools and school boards to incorporate food, agriculture, and garden-based educational activities into their curriculum and to develop related programming for the professional development of teachers and education staff.

Information

(2) The ministers shall provide information to schools on how the policy on healthy food education will improve the implementation of curriculum guidelines and policies mandated by the Ministry of Education.

Professional development

(3) Professional development provided by the Ministry of Education shall provide instruction to teachers and education staff on how to deliver healthy food education including food, agriculture, and garden-based learning opportunities to students.

17. Healthy food education mini-grants program established

17. (1) The ministers are authorized to establish a program to award healthy food education grants in amounts not exceeding \$15,000 per grant for the purpose of assisting schools to develop and implement food, agriculture, and garden-based curricula and related experiential learning opportunities.

Eligibility

(2) Any school with a kindergarten or grade one program is eligible to submit a grant application to the ministers.

Program scope

- (3) A school may apply to the ministers for a grant award to,
- (a) provide food, agriculture, or garden-based education, which is integrated into regular subjects in the curriculum, and that focuses on local food and farming practices and impacts, healthy food choices, and food-related life skills;
 - (b) build on existing educational activities or extend existing programs to include parents, caregivers, and community groups in the educational process;
 - (c) purchase items, including materials needed for school garden development or maintenance, or other products that will provide experiential learning to students and teach them the relationship between food, health, and agriculture;
 - (d) provide field trips to farms and other direct agricultural experiences that educate students about the relationship between food, health, and agriculture;
 - (e) purchase food products to complement food, agriculture, and garden-based curricula for the purpose of student tasting and sampling of Ontario foods;
 - (f) provide professional development and technical assistance for teachers and education staff in order to assist them in better educating students about the relationship between food, health, and agriculture;
 - (g) enable professional development trainees to extend training and technical assistance to the school and school board level;

- (h) develop and operate school gardens that are planted, cared for, and harvested by students and staff at eligible schools;
- (i) offset the cost of buying local products for use in school cafeterias or, to implement, or improve existing school nutrition programs; and
- (j) such other requirements prescribed by regulation.

Program evaluation criteria

(4) The ministers shall evaluate applications annually based on the potential of the proposed program to increase knowledge about,

- (a) Ontario food and farming;
- (b) food-related life skills;
- (c) local food systems and their impacts on health and the environment; and
- (d) such other criteria prescribed by regulation.

Exception

(5) Notwithstanding subsection (4), priority consideration shall be given to schools having the following characteristics,

- (a) located in priority areas designated by regulation;
- (b) in the early stages of incorporating food, agriculture, and garden-based curricula and in need of financial assistance;
- (c) implementing the Strategy and related policy guidelines;
- (d) proposing programs capable of replication; and
- (e) such other criteria as prescribed by regulation.

Program administration

(6) In administering the program described under this section, the ministers shall develop a competitive application process, and make such information available to eligible schools concerning the availability of grants as prescribed by regulation.

PART VII – MISCELLANEOUS

18. Public consultation and notice

Environmental Bill of Rights, 1993

18. (1) The following documents are policies for the purposes of the *Environmental Bill of Rights, 1993*:

- (a) a target established under section 8;
- (b) the Strategy established under section 9.

Notice on Internet, etc.

(2) The Minister shall make each of the documents mentioned in subsection (1) and every five-year report and annual progress report prepared under section 9 available to the public by posting a copy of it on the Government of Ontario site on the Internet and in such other manner as he or she considers appropriate.

19. Binds the Crown

19. This Act binds the Crown.

20. Effect of Minister's direction

20. If the Minister directs a public sector organization to do something under this Act, the public sector organization shall comply with the direction.

21. Offences

21. Every public sector organization who contravenes a direction issued under this Act is guilty of an offence.

22. Penalties

22. (1) A public sector organization that is guilty of an offence under section 20 is liable, on conviction,

- (a) in the case of a first conviction, to a fine of not more than \$25,000 for each day or part of a day on which the offence occurs or continues; and
- (b) in the case of a subsequent conviction, to a fine of not more than \$100,000 for each day or part of a day on which the offence occurs or continues.

Directors, officers, employees and agents

(2) If a public sector organization commits an offence under section 20, a director, officer, employee or agent of the public sector organization who directed, authorized, assented to, acquiesced in or failed to take all reasonable care to prevent the commission of the offence, or who participated in the commission of the offence, is also guilty of the offence, whether or not the corporation has been prosecuted for the offence.

Limitation

(3) A proceeding under this section shall not be commenced more than two years after the later of the following days:

- (a) the day on which the offence was committed;
- (b) the day on which evidence of the offence first came to the attention of the Minister.

23. Conflict

23. If there is a conflict between this Act or regulations and a provision of another Act, regulation, or municipal by-law dealing with local food, food education, ecological farming practices, food production, procurement, or distribution, the provision that is the most protective of human health or the environment prevails.

24. Non-application of certain Acts

24. Part III (Regulations) of the *Legislation Act, 2006* does not apply to targets under section 8, or the Strategy under section 9.

25. Regulations

25. The Lieutenant Governor in Council may make regulations,

- (a) clarifying any definitions included in section 3;
- (b) governing and clarifying any powers and duties of the Minister under section 4(1);
- (c) governing the terms of any agreements entered into pursuant to subsection 4(3);
- (d) governing the operation of the Local Food Systems Committee under section 6;
- (e) governing the operation of the council and any advisory committees thereto under section 7;
- (f) governing the development of targets and any directions of the Minister with respect thereto under section 8;

- (g) governing the development of the Strategy under section 9;
- (h) governing the development of local food assessments under section 10;
- (i) governing the development and implementation of local distribution measures under section 11;
- (j) governing the development and implementation of local food procurement measures under section 12;
- (k) governing the development of ecological farming practices, ecological goods and services markets for farmers, and healthy food production and processing practices by food producers and processors under section 13;
- (l) governing the development of educational, professional development, and grants programs under sections 15, 16, and 17;
- (m) governing any other matter that, in the opinion of the Lieutenant Governor in Council, is necessary or desirable to facilitate the implementation of this Act in light of its purposes.

PART VIII – COMMENCEMENT AND SHORT TITLE

26. Commencement

26. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

27. Short Title

27. The short title of this Act is the *Ontario Local Food Act, 2013*