

*Pesticide Residue Contamination*

pesticide, even though the loss may be occasioned by the use of pesticide by a previous owner of the land. The farmer must take steps against reducing the loss. He is forced to take action in a court against the distributor of the pesticide. There is no indication as to what kind of a lawsuit he must bring. There is no indication of what action at law he will have to bring forward, or what shall be the burden of proof with regard to any loss.

This measure will force the farmer to look into the requirements of registration of pesticide used by a previous owner of the land, about which he may have no knowledge. Yet the minister says he will not pay any compensation unless the farmer has taken the steps that the minister deems necessary to reduce the loss, or has taken action against the manufacturer. What sort of thing is the government giving on one hand and putting out both hands to take back? Rights! Again, this is the iron heel of bureaucracy on the neck of the poor farmer.

The farmer may have to sue not only the manufacturer of the pesticide but the hired man of the previous owner whose act of omission or commission was responsible for the misuse of the pesticide. I ask the minister to be fair in this regard. I trust the minister will never be in the position of having to face such a provision as this if he is a poor farmer caught in the meshes of this act.

Let us look at clause 7, which says:

An inspector may at any reasonable time

(a) enter any place or premises in which he reasonably believes there is any agricultural product, pesticide or thing that will enable him to carry out any investigation that may be required by the minister for the purposes of paragraph (b) of subsection (2) of section 3, and may open any container or package found therein or examine anything found therein that the inspector has reason to believe will assist him in such investigation, and take samples thereof, and—

The inspector may do all sorts of things. He does not need a search warrant or writ of assistance. He needs nothing. But in this day and age, when the police are seeking marijuana, hashish, l.s.d. or what have you, they must have a writ of assistance. A writ of assistance must be issued to an R.C.M.P. constable before he can enter a place where drugs are being distributed. Which is worse, a pesticide or narcotics? Which is worse, pesticides or drugs of the kind that are so popular today?

The powers given an inspector under this bill are more than those given to a policeman

searching for narcotics. An inspector can look for pesticides without receiving the permission of anyone; he does this merely on his own judgment, at a reasonable time. I suppose that is anywhere between six o'clock in the morning and midnight. He can visit a farm at any reasonable time. You have only to read clause 7 to see what the inspector can do. He can take samples of the commodities. He may require any person in such place or premises to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading, documents containing mixing instructions, or other documents or papers, and so on. Yet it is said there is no trampling on rights here. The inspector walks in and on his own judgment says that he wants this and that. Why does he not require the same sort of authority that a policeman must obtain when he is going after something that is much more noxious?

We are looking for pesticides here. I admit that they can do harm. But gracious me, they are nothing compared with narcotics. Yet the hands of the police are tied when dealing with narcotics. I will have something to say to the Minister of National Health and Welfare (Mr. Munro) about the Food and Drugs Act in regard to these matters. Why in matters of, shall we say, routine administration for the purposes of the Department of Agriculture do we give these absolute powers to representatives of the minister?

I now come to the point raised by my colleague the hon. member for Peace River (Mr. Baldwin) and others with regard to appeals against compensation awarded. I admit that the judges will come from the Exchequer Court and the superior courts, but I do not agree that the finding of the assessor should be final and not subject to appeal. I have raised questions about compensation, the question of law, the ownership of land, the nature of a certificate of indemnification, whether there is any notice, the degree of responsibility on the purchaser of land to determine whether there should or should not be pesticide used in connection with his farming operations. I have raised the question of the publication of regulations and why a farmer should be held responsible for ascertaining that a pesticides manufacturer has complied with all the regulations regarding the registration of the pesticide. Under this bill the farmer is the one who is responsible.