

IN THE MATTER OF THE
FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT, RSBC 1996, c. 131
AND IN THE MATTER OF COMPLAINTS
ARISING FROM THE OPERATION OF A POULTRY FARM
IN ALDERGROVE, BRITISH COLUMBIA

BETWEEN:

EDWARD BARAN
KEVIN AND ROBERTA BARAN

COMPLAINANTS

AND:

HENRY ROBERTS

RESPONDENT

AND:

BC BROILER HATCHING EGG PRODUCERS' ASSOCIATION

INTERVENOR

DECISION

APPEARANCES:

For the British Columbia
Farm Industry Review Board

Christine Elsaesser, Panel Chair
Satwinder Bains, Member
Sandra Ulmi, Member

For the Complainants

Edward Baran
Kevin Baran

For the Respondent

Henry Roberts

For the Intervenor
British Columbia
Broiler Hatching Egg Producers' Association

Calvin Breukelman, President

Date of Hearing

April 27, 2005

Place of Hearing

Abbotsford, British Columbia

INTRODUCTION

1. Under the *Farm Practices Protection (Right to Farm) Act* (the “Act”), a person who is aggrieved by any odour, noise, dust or other disturbance resulting from a farm operation conducted as part of a farm business, may apply to the British Columbia Farm Industry Review Board (the “Provincial board”) for a determination as to whether the disturbance results from a normal farm practice. If, after a hearing, the Provincial board is of the opinion that the odour, noise, dust, or other disturbance results from a normal farm practice, the complaint is dismissed. If the practice is not a normal farm practice, the Provincial board is empowered to order the farmer to cease or modify the practice.
2. These complaints were first initiated by Elise Baran (the mother of Edward Baran and grandmother of Kevin Baran) in May 2001. In her letter to the then Ministry of Agriculture, Food and Fisheries (“the Ministry”), she complained about certain farm practices on the broiler breeder operation operated by the Respondent, Henry Roberts, on the acreage adjacent to her property on 48th Avenue in Aldergrove, BC. By way of a letter dated August 18, 2004, Edward Baran filed a formal complaint with the Provincial board.
3. By letter dated August 9, 2004 and received September 9, 2004, Roberta and Kevin Baran, who now also reside on the 48th Avenue acreage previously owned by Mrs. Baran, filed their own complaint about the mismanagement of the Roberts’ breeder operation. They allege that the farm causes major dust problems as well as fly and rodent infestations on their property. Edward Baran, now the registered owner of 48th Avenue property where both families reside, wrote to the Provincial board on August 18, 2004, complaining about vermin and the venting of the exhaust from the breeder farm which was causing health problems to his family.
4. The British Columbia Broiler Hatching Egg Producers’ Association (“BHEPA”) asked for and was granted Intervenor status in these complaints in support of the Respondent farm. Calvin Breukelman, President, spoke on their behalf at the hearing.
5. In order to ensure that all necessary evidence was before the Panel, the parties agreed to have knowledgeable persons, Stewart Paulson, Poultry Industry Development Specialist with the Ministry, and Angela Ryder, Food Safety Coordinator with the British Columbia Broiler Hatching Egg Commission (the “Commission”) attend the hearing to give evidence.
6. The matter proceeded to hearing on April 27, 2005 in Abbotsford, BC.

ISSUES

7. Does the dust emitted by the exhaust fans from the Roberts’ breeder barn result from normal farm practices?

8. Is the pest management of flies and rodents carried on according to normal farm practices?
9. Is the noise and odour from the removal of manure and litter from the barn and the spreading of manure on the farm and removal from the farm normal farming practice?
10. Are the barn clean-out and catching operations, the noise and lack of prior notice, a normal farming practice?
11. Is the location of the barn a normal farming practice?

FACTS

12. Edward Baran and his wife are the registered owners of a blueberry farm located at 25955 48th Avenue in Aldergrove, BC. Mr. Baran's father purchased the property in about 1980 and the family has resided there ever since. Mr. Baran's father grew blueberries and at one time raised chickens and horses. There has not been any livestock on the property since 1990. There are presently four generations of the Baran family living on this 10-acre property.
13. Kevin Baran, Edward's son, lives in a home also located on the Baran property. The home was built in 2002 and is situated ten feet from the property line, immediately adjacent to the Roberts' breeder barn.
14. Mr. Roberts runs a broiler breeder operation¹ under the name Country Drive Poultry Farm Ltd. In 2000, Mr. Roberts built a 428' x 82' broiler breeder barn on his 10-acre property. The barn was constructed in a standard configuration and is set back 50 feet from the property line with the Baran's and is in accordance with municipal guidelines. The barn came into production in the summer of 2000. The barn is divided lengthwise. Each side has the capacity for approximately 8000 birds but presently it houses two flocks of about 5500 birds/year. Because of Avian Influenza (AI), the barn was empty at the time of the hearing. A smaller barn on the property houses pullets.
15. The interior of each side of the barn is divided into thirds. The outer two thirds of the barn floor is raised with slats over a nine-inch pit. Birds eat and drink in this area. The remaining one-third of the floor area runs down the centre of the barn and is covered with four inches of sawdust providing a scratch area for the birds. The barn is cleaned out twice a year after a flock is removed. The clean-out process takes four to six hours and four to six truckloads of manure are removed.

KNOWLEDGEABLE PERSONS' SUBMISSIONS

16. The parties agreed that two knowledgeable persons would present their observations before the parties made their submissions.

¹ Broiler breeders are laying hens used to produce the eggs which are hatched into broiler (meat producing) chickens.

(a) Stewart Paulson, BSc, MSc, PAg, Poultry Industry Development Specialist, Ministry of Agriculture, Food and Fisheries (Ministry)

17. Mr. Paulson first became aware of the Baran complaint in May 2001 when he received a letter from Mrs. Baran complaining about dust and the lack of covers on the barn vents. Mr. Paulson inspected the Baran's farm and did not observe any dust on cars, fences, or buildings. The air appeared clean and, as such, he did not agree with Mrs. Baran that there was a dust problem. At this time, he did speak to Mr. Roberts and suggested he install fan hoods.
18. Mr. Paulson's second investigation in May 2004 was in response to a rodent complaint from the Complainants. He inspected the Roberts' barn and found evidence of a rodent problem even though the barn was empty. Mr. Roberts attributed the problem to a feed spill. Mr. Paulson recommended removal of some old buildings on the Roberts' farm and cutting the grass on both sides of the property line. He also recommended the installation of T-tubes with rodent bait. Mr. Paulson did not observe a fly problem at this time. As for dust, he recommended the planting of a six to eight foot hedge along the east side of the Roberts' property to help alleviate any dust problem.
19. Mr. Paulson stated that Mr. Roberts' facility is not out of line with poultry operations today. Operations in the US can be much larger and house up to 60,000 birds. The Lower Mainland is a high land cost area. A chicken farmer does not need that much land to operate as he can ship manure off the farm.
20. Mr. Paulson describes the Roberts' barn as "state of the art". It is a split barn where the manure drops through slats and the litter is pushed out the end of the barn. He noted that poultry operations do produce dust and dust can spread 90-100' without fan hoods. While the municipal guidelines suggest a 50' setback, he has historically recommended that poultry facilities have as much as a 300' setback depending on their size and the sensitivity of the area. He recognises that this is difficult to do in the Fraser Valley but he feels 50' is "awfully close" to the property line.

(b) Angela Ryder, BSc, Food Safety Coordinator for the Commission

21. Ms. Ryder is implementing the CHEQ™ (Canadian Hatching Egg Quality) program of best management practices for the BHEC. Part of her role is inspecting farms. In February of 2005, she visited the Roberts' farm with Paul Janzen (BHEPA) and Wayne Wickens (Provincial board member).
22. Ms. Ryder recently visited the Roberts' farm again to assist Mr. Roberts in implementing the CHEQ™ best management practices program dealing with food safety issues and record keeping of medications, chemical use, pest control and clean-out procedures. The goal of the program is to have all farms audited and certified by July 2006.
23. Ms. Ryder stated that in the last inspection of the Roberts' farm in 2003, it received a mark of 87/100 and 5/5 for pest control.

SUBMISSION OF THE COMPLAINANTS

24. The Complainants have observed a massive infestation of flies since 2001. They have also had a problem with rodents. Kevin Baran recalls that he killed 12-13 mice in three days when the barns were cleaned out in May 2004. He believes the problems emanate from the Roberts' barns. This is confirmed by the fact that since the barns were emptied after AI, the fly and rodent problems disappeared.
25. Kevin Baran argues that as the Roberts' farm is intensive with mass production, it should follow different rules than for small family-run farms. He argues that this is not a farm but a business and it creates extreme conditions.
26. The Complainants produce blueberries. They do not use any sprays or pesticides on their blueberries but are now faced with spraying to control the fly problem. Significantly, there were no fly problems prior to the barn being constructed. Now their window and door screens are sometimes covered with flies that seem to migrate in clusters. The Baran's are unable to leave their car windows open because of the fly infestation. Sprays and fly strips have not helped the fly problem. Their observation is that the flies are much worse in the spring and summer and when the barn is being cleaned out. They are unable to use their deck in the summer.
27. Edward Baran stated that when he went to see Mr. Roberts to see if he had a fly problem, Mr. Roberts denied any problem. However, upon entering the barn, there were pockets of flies concentrated on the ceilings. Although the barns were empty, there were dead birds on the floor in the barn. When Mr. Roberts turned on the lights in the other side of the barn, the surface of the manure pit was a mass of rodents. The sight of so many rodents overshadowed the fly problem for Mr. Baran, as he was very concerned that when the barn was opened the rodents would come to his farm.
28. The Complainants are also very concerned about the possible health impacts caused by irritants in the barn dust. Since the barn was built just 50' from their property line, they have been exposed to pollution from the barn exhaust fans. Their review of literature suggests that the exhaust from a chicken operation contains dust, viruses and particles of litter. The ammonia in the dust has caused the Complainants irritation of the eyes and throat and flu-like symptoms. The Complainants report that these problems disappeared after the barn was emptied in 2004 and had not reappeared at the time of the hearing. The Complainants feel that the odour, dust, pollutants and flies impact the entire neighbourhood and the local community. They tendered as part of their evidence a letter written by the principal of a local school who also complained of fly and mice infestations.
29. The Complainants stated that the building permit for the barn was issued before they knew about it and when they asked the municipality about the proximity of the barn to the property line were told that it met the guidelines and that the wind would take the dust away. The municipality imposed a special condition that Mr. Roberts plant trees along

the boundary of the property but this did not happen until they raised their concerns. Since then, 3-4' evergreens were planted along the boundary but these are not large enough to make any difference.

30. Although they reference noise as part of their complaints, the Complainants did not address this issue in their submission.
31. The Complainants argue that the scale of farming carried on by the Roberts' operation is not farming but rather large scale agri-business. It has decreased their property value. They too want to live on and enjoy their property but cannot do so. They have attempted to resolve the issue for four years but feel that the Roberts must be held accountable. The economics of the farm should not have precedence over the health and welfare of the Complainants' family.

SUBMISSION OF THE RESPONDENT

32. Mr. Roberts concedes that he has made a few mistakes with his operation since starting up in 2000. He admits that he has been learning as he goes along. He concedes that he did have a fly problem created by a water leak which he did not act fast enough to repair. He is now aware of Integrated Pest Management ("IPM") and plans to implement such a program on his operation. He also intends to use fans to dry the manure in the barn. Mr. Roberts regularly inspects the barns at least twice daily for dead birds. These are incinerated daily and the remaining bone meal is used in the garden.
33. Mr. Roberts is also aware of the rodent problem. He is trying to deal with that. He fumigated the barn on the side exhausting away from the Baran's property in recognition of their concerns about the noxious fumes. As suggested by Mr. Paulson, he has also put out more bait stations and now does regular maintenance on them.
34. Mr. Roberts has planted trees along the property line to create a buffer. They have grown two to three feet and will continue to do so. Mr. Roberts had agreed to install fan hoods on the fans that exhaust towards the Baran property but he withdrew the offer after the Baran's filed their complaint and after being advised by Mr. Paulson that there was no dust problem. Mr. Roberts feels his driveway is the source of the dust and not his barn.

SUBMISSION OF THE INTERVENOR

Calvin Breukelman, President of the BHEPA

35. Mr. Breukelman has been to the Respondent's farm; the breeder barn was built according to the latest technology and is considered to be a very modern facility. The barn is situated according to required setbacks of the municipality and the land is situated within the Agricultural Land Reserve ("ALR").
36. All poultry barns require ventilation. Given that only one-third of a broiler breeder barn's floor is covered in shavings, the amount of dust exhausted is considerably less

than other types of poultry operations. Most farms have fan hoods directing the exhaust to the ground where grass will help to contain it.

37. Mr. Breukelman noted that most new barns are almost rodent proof, but as rodents need so little space to enter a barn, rodent control programs are needed to minimize the impact of these pests. He also mentioned the need for IPM to control fly populations. Regular spraying of pesticides combined with a predator wasp program are both necessary.
38. Mr. Breukelman noted that clean-out and catching operations on breeder farms usually occur once or twice a year over a relatively short time frame. Manure is pushed to one end of the barn and then loaded onto a truck or spreader, taking about 6-8 hours. He emphasized the need for extra measures on clean-out days to keep the dust down, including trying to ensure that prevailing winds are blowing away from neighbours. He also recommends planting a hedge to act as a buffer and using a tarp over the truck and clean-out area to mitigate the dust.
39. In summary, the BHEPA concluded that:
 - The dust coming from the Country Drive Poultry Farm Ltd. is not out of the normal realm for a broiler breeder farm
 - Country Drive Poultry Farm Ltd. should continue in its plan to be a CHEQ™ certified farm using best farm management practices.
 - The BHEPA has committed to be involved with any monitoring of the Country Drive Farm Ltd. to ensure compliance with the best management practices as set out in the CHEQ™ program.

DECISION:

40. A complaint under the *Act* involves a two-step analysis. A panel must first be satisfied that the complainant is aggrieved by odour, dust, noise, or some other disturbance emanating from a farm operation. If the complainant fails to establish that he is aggrieved, the complaint is dismissed without need to consider whether the alleged source of the grievance results from a normal farm practice. If however, the panel finds that the initial threshold question is met, it must go on to make a determination as to whether the grievance results from a normal farm practice.
41. Section 1 defines “normal farm practice” as follows:

"normal farm practice" means a practice that is conducted by a farm business in a manner consistent with

 - (a) proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances, and
 - (b) any standards prescribed by the Lieutenant Governor in Council,

and includes a practice that makes use of innovative technology in a manner consistent with proper advanced farm management practices and with any standards prescribed under paragraph (b).

42. In various decisions, the Provincial board has considered the meaning of “normal farm practice” and “proper and accepted customs and standards as established by similar farm businesses under similar circumstances”. In determining whether a complained of practice falls within the definition of “normal farm practice”, the panel generally looks to whether it is consistent with “proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances”. This analysis involves an examination of industry practices but also includes an evaluation of the context out of which the complaint arises. This evaluation may include factors such as the proximity of neighbours, their use of their lands, geographical or meteorological features, types of farming in the area, and the size and type of operation that is the subject of the complaint.
43. The Panel is satisfied that the Complainants have met the initial threshold of demonstrating that they are aggrieved by the Respondent’s farm management practices relating to dust and pest control, particularly with respect to flies and rodents. The proximity of the Complainants’ homes to the complained of operation, the ongoing nature of their complaints, and the magnitude of the disturbance all demonstrate sufficient personal interest in the subject matter of the complaints. Having found the threshold question met on these issues, the Panel must determine whether the dust, flies and rodents result from normal farm practice. With respect to the issue of noise, the Complainants did not address this issue in their evidence. As such the Panel finds that the Complainants are not aggrieved by the noise from this breeder operation and this aspect of the complaint is dismissed.
44. The Complainants’ evidence with respect to normal farm practice was limited and consisted primarily of evidence relating to the degree of disturbance they experience as a result of this operation. Further, they are regularly bothered by dust, flies and rodents and their day-to-day lifestyles have been greatly affected by the broiler breeder operation next door. Their use of their property has been impacted and there are concerns that the operation may in fact be impacting on their blueberry operation. Much of their argument focussed on the fact that the Respondent’s farm is intensive agriculture, that the barn is “out-of-size” and does not belong in this area. They also tendered a letter from the principal of a local school to Mr. Collins of the Provincial board complaining of an unbearable fly problem and a rodent infestation. However, he does not identify a source of the fly and rodent problem. The Complainants are of the opinion that as this school is in close proximity to them, the flies and rodents complained of must come from the Respondent’s farm.
45. The Panel had the benefit of evidence of normal farm practice from two knowledgeable persons, Mr. Paulson and Ms. Ryder and from the Intervenor, Mr. Breukelman. These witnesses provided experience in poultry farm management including dust and pest control. Mr. Paulson recommended several changes to the Roberts’ farming practices, including installation of fan hoods especially down the side of the barn closest to the Complainants’ residences, maintaining a six to eight foot hedge along the east side of the property, mowing the grass along the side of the barn, and installing T-tubes to control

rodents. It should be noted that in his two visits to the farm, Mr. Paulson did not observe a dust problem.

46. The evidence of Mr. Breukelman, a fellow broiler breeder producer and a representative of the industry, was very instructive on normal farm practices. He stated that most farms have exhaust fan hoods directing the dust to the ground where grass can absorb it. In addition, farms need to have rodent control programs including regular checks for rodents and need to call on the advice of professionals as needed. A fly control program needs to be in place including both regular use of sprays and an IPM program. Dust can be managed through the use of a hedge buffer and a dust cover over the truck when loading manure. For his part Mr. Breukelman did not identify deficient areas of this farm but indicated that the BHEPA would work with Mr. Robert to ensure compliance with industry practices and standards.
47. Mr. Roberts was quite candid in his evidence. He does not dispute that there have been problems with his on-farm management in the past. However, he indicated that he has willingly made changes to improve farm management issues such as implementing a rodent control program. He intends to install a fan in the barn to dry the manure to assist with fly control and also implement an IPM program to control flies.
48. Based on the foregoing, the Panel has several comments. First of all, this farm is located within the ALR. Intensive agriculture is permitted in this area and as such that in and of itself is not a basis for a complaint to the Provincial board. That said, the Panel must look at the farm management practices occurring on this farm and ascertain whether those practices which are the source of the complaints accord with “proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances. On this branch of the test, the Panel has no difficulty concluding that the Respondent has not been following “normal farm practice” with respect to some aspects of his breeder farm operation.
49. Since commencing operation he has been learning as he goes, by trial and error. Much of the time this learning has been at the expense of his neighbours. While the barn is state of the art and well designed, the problem has been farm management. Unfortunately, the placement of the barn at statutory minimum distances requires more rigorous management than would otherwise be necessary if the barn was situated at a greater setback. There is less margin for error in farm management techniques. In such a situation, the farmer has to be on top of his operation at all times as a small error in management can result in a significant disruption for the neighbour. The Panel finds that the failure of the Respondent to implement pest control measures common in the industry has exposed the Complainants to ongoing problems with rodents and flies. Accordingly, the Panel finds that the Respondent farm’s management practices relating to fly and rodent control do not fall within the definition of “normal farm practice” as defined in s.1 of the *Act*.
50. The Complainants also raised concerns about dust. On this point the evidence is equivocal. Mr. Paulson did not observe a dust problem on his two visits; Ms. Ryder did

not observe a dust problem, Mr. Roberts thinks the dust is from his driveway. However, the Complainants lived on the property before and after the construction of the barn. They have testified as to the increase in dust especially in the summer months when they observe a haze along the barn. They also report finding small white chicken feathers in the dust on their property. The Panel is satisfied that the farm operation does produce dust and that the farm operation does not have fan hoods directing dust downwards as is the norm within the industry. We find that in this aspect of the complaints, the Respondent is not following normal farm practices.

51. We do note that the Respondent has planted a hedge along the property line. This is a good start and we encourage the Respondent to maintain the hedge as it will assist in buffering noise and dust from the operation in the longer term.
52. The Complainants also raised health concerns. The Panel's jurisdiction covers normal farming practices and does not extend to issues relating to health. As they were advised during the pre-hearing process, if they so wish the Complainants can take their issues relating to alleged health issues to the public health officials for possible action under the *Health Act* if the public health officials consider the farms' conduct to give rise to a "health hazard".²
53. As mentioned above, the Complainants also raised concerns about noise in their complaints but spent little if any time addressing this aspect of their complaint during the hearing. We earlier held that the Complainants did not meet the threshold of establishing that they were aggrieved by the noise from the Respondent farm. However, in the event that we are wrong in this conclusion, we have turned our minds to the issue of whether the noise emanating from the Respondent farm results from normal farm practice. Based on the evidence of the Mr. Roberts and Mr. Breukelman, we have no difficulty finding that it does. In his complaint, Kevin Baran took issue with the noise from late night catching of birds. We note that it is industry practice for catching to occur in the late evening when birds are more docile. Further, the catching and clean-out on a breeder operation occurs less frequently than on broiler operations where shipments and barn clean-outs occur six or seven times per year. Here, the disruption from noise is significantly lower as bird shipments and clean-out from each side of the barn occur just once per year. Nevertheless, as a good neighbourly gesture, the Panel recommends that Mr. Roberts provide notice to the Baran's of his shipment dates so that they can take any necessary steps to minimise any disturbance.
54. While the location of the barn is a municipal by-law matter and does not fall under the jurisdiction of the Provincial board, some comment is warranted. Intensive agriculture brings with it a whole host of considerations not always necessary with other types of development. Various municipal and government bodies need to be sensitive to issues relating to the siting of proposed agricultural operations. Setbacks of 50' may be unrealistic

² The *Health Act* defines a "health hazard" as:

- (a) a condition or thing that does or is likely to
 - (i) endanger the public health, or
 - (ii) prevent or hinder the prevention or suppression of disease,...

where what is proposed is an intensive agriculture operation, especially where there is a neighbouring home in close proximity. In this case, where more land was available, a greater setback or a site offset from the neighbour's home could have prevented some of these problems from arising. Where farmers choose to take advantage of minimum setbacks for their farm operations, they may need to consider a whole range of options and practices to minimise farm impact which would not otherwise be necessary where a larger setback is used. It goes without saying that what is normal farm practice where there are few neighbours is not necessarily normal farm practice where neighbours live in close proximity. Land use planning is also important for those living next to agricultural operations or agricultural land. The decision to place a house only ten feet from the property line where there is an adjacent farm operation can be expected to exacerbate any problems caused by intensive farming.

55. Finally, the Panel has an observation. Mr. Roberts constructed his breeder barn in 2000 at which time he was new to the industry. Over the past few years he has been learning how to run his breeder operation, sometimes through trial and error. Just as there is a role for local government, the Commission and the BHEPA can both play a role in educating their producers, both new and old. Some knowledgeable advice from those with considerable experience in the industry could go a long way to minimise complaints like these.

ORDER

56. Given that we have found a breach of the *Act* insofar as the farm management practices complained of result in excessive fly and rodent populations as well as dust concerns, s. 6(1)(b) of the *Act* confers upon the Panel the jurisdiction to order the farm to modify the practice in the manner set out in the order, to be consistent with normal farm practice. Normal farm practice with respect to these issues requires the implementation of reasonable measures to attempt to mitigate these complained of practices.
57. Accordingly, the Panel orders the Respondent to modify his farm management practices to reduce pests, specifically flies and rodents, as follows:
1. Implement fly and rodent control systems to maintain populations at appropriate levels.
 2. Maintain appropriate records in support of the foregoing management plans.
 3. Employ the necessary qualified technical professionals to assist in the design and implementation of the foregoing management plans including the implementation of any spray program.
 4. Maintain CHEQ™ certified farm status with the Commission and continue ongoing monitoring by the BHEPA to ensure compliance with the best management practices as set out in the CHEQ™ program.

58. With respect to the dust problem on the farm the Panel orders the Respondent to modify his farm management practices as follows:
1. Install fan hoods on all fans on both sides of the barn to reduce dust surrounding the farm.
 2. Use of a tarp system over the truck and clean-up area when cleaning out the barns to reduce dust levels.
 3. Maintain the health and growth of the hedge between the two properties.
 4. Maintain a grass barrier along the side of the barn facing the Baran property and keep this grass cut to a reasonable length to discourage rodents using long grass as a cover.
59. The Panel's modification order in paragraph 57 will take effect immediately. Within 30 days, Mr. Roberts is directed to submit his pest and rodent control programs to the Provincial board office, including the names and qualifications of the professionals who approved the plans and an outline of the records which he will maintain. Mr. Roberts is also directed to forward a schedule of the monitoring to be done by the BHEPA with respect to his compliance with the CHEQ™ program.
60. In respect to the Panel's modification order in paragraph 58, Mr. Roberts has 60 days in which to install the fan hoods and to send confirmation of this to the Provincial board office. Within 60 days, he is also directed to show evidence to the Provincial board of the tarp system which will be employed during clean-out periods.
61. Finally, the complaints as they relate to noise are dismissed.

Dated at Victoria, British Columbia, this 30th day of September, 2005.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD
Per

(Original signed by)

Christine Elsaesser, Panel Chair
Sandra Ulmi, Member