

Responding to Agricultural Nuisance Complaints

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INTRODUCTION

Ontario's farmers work hard to grow and produce food. Sometimes, farming activities create nuisances like noise, odour, dust, light, vibration, smoke or flies. These nuisances can disturb nearby neighbours, who may complain.

Many complaints can be avoided through better communications and more engagement with surrounding neighbours. Neighbours often complain because they are frustrated and feel overwhelmed by a nuisance they have no way to control. "Why is the grain dryer whining 24/7 when it has always been so quiet?" "Why are the flies suddenly unbearable; we cannot open the doors or have people over?" Communicate openly and often with surrounding neighbours to promote an understanding of your normal farm operations.

Use this factsheet as a guide when responding to complaints. Maintain good relations with neighbours by demonstrating interest and willingness to find solutions when complaints arise. Share information about farm practices likely to cause nuisances. Keep records of any complaints received and all actions taken to address nuisance issues.

STEPS TO TAKE

The following steps may help reduce nuisances and respond to any complaints.

Be S.M.A.R.T. — Is there a better way? Are there any changes that could reduce or eliminate a potential nuisance from the farming practice, before it even begins? Follow these S.M.A.R.T. principles to consider ways to reduce the potential for nuisances:

- **Separation** — Isolate buildings, livestock and storage as far from neighbours as possible. Use trees, shrubs and other landscaping features to reduce odour and noise drift. Keep the farm property well maintained; the aesthetics of a farm can improve its acceptance level.
- **Magnitude reduction** — Reduce the amount of farm odour or noise with some simple practices. For example, to reduce noise from crop-drying fans, use sound-absorbing materials, or park a truck or wagon in front of the fan to deflect sound away from nearby houses.
- **Alteration** — Consider changing the design or management of facilities to reduce nuisance. For example, manure composting can reduce storage volume, odour and nuisance pests. Filling liquid manure storages from the bottom rather than the top allows the surface to crust over, reducing the release of odours.

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- **Reduction of occurrences** — Reduce the number of nuisance “events.” Most rural residents accept occasional odours from farming activities, but persistent odours are likely to generate complaints. Minimize the frequency of manure spreading, and use recommended incorporation strategies.
 - **Timing** — Try to keep nuisance “events” limited to times when neighbours are less likely to be disturbed. For example, avoid spreading manure immediately before a holiday or long weekend. Keep noise-generating practices during daytime hours at a minimum where possible.

Inform nearby neighbours before conducting a farm practice. Planning to spread manure, use bird bangers or another farming practice that might cause a disturbance? Contact all nearby neighbours a few days in advance to give them time to take appropriate action. Send a letter/e-mail to all nearby neighbours with the farm phone number, so they know who to call if there is a problem. Open communication shows the farmer is concerned and considerate, which reduces neighbours’ feelings of helplessness.

Respond to all complaints quickly and professionally. If someone calls with a complaint, write down their name, phone number and then listen to their story. Don’t get defensive. Try to understand the situation from their point of view. Let them know their complaint has been received and heard. Be willing to consider changes to your plans if their concerns are valid.

Understand the complaint fully. Collect all information related to the nuisance, including:

- Time and date the nuisance was experienced by the caller
- Type(s) of nuisance (odour, noise, dust, smoke, light, flies, vibration)
- Wind direction, wind speed and other weather conditions
- Activities taking place on the farm during the nuisance

Identify the cause of the nuisance. Find out what created the nuisance (e.g., odour – manure spreading; noise – bird banger, grain dryer, etc.). The source might be obvious to a farmer, but might not be so obvious to neighbours.

Identify possible changes to reduce the nuisance and take action! Is there a better way that could reduce the impact of the nuisance on neighbours? Think through the S.M.A.R.T. principles above. If immediate action is not possible (e.g., manure has already been spread), consider future changes (e.g., manure injection system to reduce odour).

Follow up with the original caller. Inform them what caused the nuisance (e.g., dust from grain drying) and describe any changes that have or will be made to reduce future nuisance impacts (e.g., screening fines before grain enters the dryer).

Inform farm employees about complaints. Keep employees aware of potential nuisance sources so they can look for ways to prevent them.

Keep a written record. Use the Agricultural Nuisance Complaint Log to keep track of any complaints received and the actions taken. These records are valuable evidence of changes made to address complaints.

Contact OMAFRA if complaints cannot be resolved. Sometimes, neighbours are not satisfied even after corrective actions are taken. Ontario’s *Farming and Food Production Protection Act, 1998*, (FFPPA) protects farmers from legal action concerning nuisances, provided they follow “normal farm practice.” If complaints cannot be resolved directly, contact the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). An OMAFRA specialist will work with all parties involved to try and resolve the dispute through mediation.

If mediation fails, complainants can apply to the Normal Farm Practices Protection Board (NFPPB), which has the authority to decide whether the farmer is following a “normal farm practice.” If the farmer is following a “normal farm practice,” the operation may continue and is protected from further similar complaints. However, if not, the NFPPB can order the farmer to change or adjust their practice to reduce the nuisance.

Contact the Agricultural Information Contact Centre (1-877-424-1300 or ag.info.omafra@ontario.ca) for any additional questions and assistance in resolving agricultural nuisance complaints.

AGRICULTURAL NUISANCE COMPLAINT LOG

Respond to all complaints quickly and professionally:

Date and time complaint was reported: _____

Name of caller: _____ Phone number: (____) ____ - _____

(check) Initial response on (date): _____

Notes: _____

Understand the complaint fully:

Date and time the nuisance occurred: _____

Location where the nuisance occurred: _____

Type of nuisance (check all that apply):

odour noise dust smoke light

flies vibration other: _____

Farm activities on date of complaint: _____

Weather on date of complaint: _____

Notes: _____

Identify the cause of the nuisance:

Source(s) of nuisance: _____

Identify and act on changes to reduce nuisance:

Immediate change(s): _____

Future change(s): _____

Follow up with the caller about status and changes made:

(check) Final response on (date): _____

Notes: _____

Inform farm employees:

(check) Employees informed on (date): _____

Notes: _____

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