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Book Note

GREENER PASTURES: DECENTRALIZING THE REGULATION OF AGRICULTURAL POLLUTION, by Elizabeth Brubaker

JUDY BANG

FOR THE PAST SEVERAL DECADES, agricultural pollution (groundwater, surface water, and air contamination) has been on the rise due to the intensification of Canada’s farming operations. In her book Greener Pastures: Decentralizing the Regulation of Agricultural Pollution, Elizabeth Brubaker demonstrates that agriculture ministries prioritize economic growth to the detriment of the environment. She specifically identifies the increasing centralization of agricultural regulation by provinces across Canada as the gas pedal to the growing pollution problem. To achieve sustainable farming practices, Brubaker advocates the opposite: deregulation and placing the control in the hands of private citizens.

To ground this proposal, Greener Pastures narrates Canada’s history of controlling agricultural pollution and settling disputes between farmers and the community. Prior to the 1970s, the common law rule—using one’s property so as not to harm another’s—acted as the principal tool for courts to apply in resolving conflict in farming practices. In effect, this gave the affected community the ability to seek remedies for agricultural hazards. However, in the 1970s and onward, provincial governments instituted statutes (i.e., right-to-farm legislation) that shielded farmers from the threat of common law liability so long as they followed the procedure-based (rather than outcome-based) regulations. By taking control out of the hands of citizens and placing it into the hands of administrative bodies that deliberate on the question of whether farming practices are “normal” rather than “harmful,” questionable agricultural

1. (Toronto: University of Toronto Press, 2007) 152 pages [Greener Pastures].
practices with adverse environmental impacts have been, and continue to be, deemed "acceptable." This has created a situation in which farmers have little incentive to invest in environmentally responsible farming practices or to be accountable to their communities.

As Brubaker travels through the decades of increasing centralization in regulating agricultural pollution, she poses basic questions that serve as a framework for her discussion: How can sustainable farming operations be encouraged and maintained? What is the "acceptable" amount of agricultural pollution and who should decide? How can different institutions and levels of government contribute to the solution? Her answers are provocative and engage readers in an intimate conversation about the story of agricultural pollution in Canada.