



May 10, 2024

Brenda Tangen  
Farmers' and Property Rights Advocate Office  
J.G O-Donoghue Building  
7000 113 Street  
Edmonton, Alberta T6H 5T6  
Via email: [Brenda.Tangen@gov.ab.ca](mailto:Brenda.Tangen@gov.ab.ca)

Re: Farm Implement Regulation Review

Dear Brenda,

Alberta Grains is a farmer funded and directed organization that represents the interests of over 18,000 wheat and barley farmers across Alberta. We work within our mandate under the *Alberta Marketing of Agricultural Products Act* to direct funds toward the long-term economic sustainability of Alberta's grain farmers through investments in activities and programs in areas related to research, agronomy, extension market development, policy development and advocacy.

We are reaching out in response to your email dated May 01, 2024, concerning the proposed amendments to the *Farm Implements Regulations*. Following consultation with our farmer members, we are pleased to provide our feedback below.

## **1. Administrative Changes**

Alberta Grains agrees to the Farm Implement and Dealership Administration (FIDA) addition of "Proposed Delivery Date" to Form G. Although there is no financial penalty proposed at this time, this addition enhances accountability and helps farmers plan for their equipment's arrival. Implements are critical tools in farm operations and need to be available at very specific times of the year. This information would serve farmers in their purchase decisions and in their choice of dealer.

We had a farmer note that the lack of penalties may cause some concerns. Without penalties, there is some question as to whether there would be sufficient incentives for dealers and manufacturer to alter their practices. This raises doubt about whether the addition to Form G will yield the desired outcome.

## 2. Exemptions

From what is presented, there are no significant issues with the proposed amendments to the existing exemptions that proposes to further exempt farm implements from *the Act* which have: a retail selling price of \$10,000 (or less) an adjustment from \$7000 or less, and engine power capability of 29.42 kilowatts (40 horsepower) or less and adjustment from 30 horsepower.

It is our understanding that broad acre grain farmers that we represent, typically purchase, or own equipment with a net engine power capability over 40 horsepower based on the size of their operations and equipment requirements. Based on our understanding, this amendment would most likely impact horticultural operations, due to their smaller scale operations. We also understand that there is value in aligning with the *Saskatchewan's Agricultural Regulations* given the interconnection between farming operations, close to the Saskatchewan border

## 3. Suggested Addition to Exclusions

With respect to the below proposed modifications to the exclusions in the regulations:

“Implements that have been modified from their original OEM standards to illegally alter or delete emissions systems and/or increase horsepower higher than the OEM intended or specified.”

Alberta Grains supports the Farm Implement Board’s (FIB) recommendation that there not be a blanket exemption. These situations should be reviewed on a case-by-case basis.

There is a need to ensure safeguards for farmers that act in good faith and follow warranties. As farmers rely heavily on these implements and are conscious of the associated warranties due to significant investment in these implements, we support the FIB’s concern that this exclusion as proposed could exempt dealer/manufacturers for defects in functionality. The review process would permit greater evaluation of specific circumstances that farmer’s may face and provide them support on a case by case basis.

Overall, farmers benefit from regulations that provide safeguards in their interactions with dealers and manufacturers. Alberta Grains supports FIDA’s and FIB’s recommendation in these proposed changes. Alberta Grains appreciates the opportunity to participate in the review of *the Regulations* and share farmer perspectives. We look forward to assisting the Farmer’s Advocate Office when possible and would gladly participate in future consultations. Alberta Grains has been a leading proponent for the right to repair for farmers in Canada, as such we are eagerly watching federal Bill C-244, an act to amend the Copyright Act (diagnosis, maintenance, and repair) which completed second reading in the Senate on May 9, 2024. This bill, if passed, would be the first step toward enabling right to repair of many implements including farm machinery.

As we understand, supporting provincial legislation would then need to be enacted to complement the bill, presumably the *Farm Implement and Dealership Act* in Alberta. When appropriate, we'd welcome an opportunity to discuss this further.

Thank you for your consideration of our feedback. Please do not hesitate to follow up with any questions or concerns.

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