

Further Burden Reduction Opportunities

Discussion Paper

Summary of Proposal

Ontario's agri-food sector is an important component of the provincial economy, contributing \$47.3 billion in Gross Domestic Product (GDP) and employing more than 860,000 people in 2019. Primary agriculture accounted for roughly 17 per cent of the sector's GDP (\$8.2 billion), generating \$14.74 billion in farm cash receipts and employing 74,000 people in 2019 while producing a diverse range of over 200 different commodities.

The Nutrient Management Act (NMA) was made in 2002 and its stated purpose is to provide for the management of nutrients in ways that enhance the protection of the natural environment and provide a sustainable future for agricultural operations and rural development. The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and Ontario Ministry of the Environment, Conservation and Parks (MECP) jointly administer the *Nutrient Management Act* (NMA) and its associated regulations. OMAFRA is responsible for approvals, training and certification, whereas MECP is responsible for inspections and compliance.

The General Regulation ("the Regulation") under the NMA regulates the management of nutrients (e.g. agricultural source materials and non-agricultural source materials) including their storage and land application on agricultural operations. The Regulation requires certain agricultural operations to have a nutrient management strategy (NMS), nutrient management plan (NMP) or a non-agricultural source material plan (NASM plan) when certain thresholds are met. The NMS covers the management of nutrients at certain livestock operations that generate manure. The NMP covers the land application of nutrients at certain types of livestock operations. NASM plans generally cover the management of non-agricultural source materials that are stored and land applied at an agricultural operation. The Regulation also provides for the certification and licensing of certain activities, including for preparing an NMS or NMP. Individuals can be obtain an Agricultural Operation Planning (AOP) certificate if they own, operate, or are employed at an agricultural operation, or an Agricultural Operation Strategy or Plan Development Certificate (AOSPD) if they are a consultant. The Nutrient Management Protocol ("the Protocol") provides technical and scientific details and standards in addition to those set out in the Regulation and is incorporated by referenced into the Regulation. The Protocol contains information required to develop and implement NMSs, NMPs and NASM plans that comply with regulatory requirements.

The Ontario Government is committed to cutting red tape and reducing regulatory burden for all businesses, to lower business operating costs and improve Ontario's competitiveness. As part of this effort, OMAFRA and MECP are proposing changes to the Regulation and the Protocol made under the NMA to reduce administrative burden, simplify rules and streamline processes while ensuring environmental protections are maintained.

1. Reducing Administrative Burden

Remove Five-Year Expiry of Agricultural Operation Planning (AOP) Certificates

Individuals who own, operate, or are employed at an agricultural operation who wish to prepare their own NMS and/or NMP must obtain an Agricultural Operation Planning (AOP) certificate from OMAFRA. Individuals may choose to hire a consultant to prepare their NMS and/or NMP. Consultants, or anyone else preparing a NMS or NMP who are not the person who owns or operates the agricultural operation, or employed by that person, must obtain an Agricultural Operation Strategy or Plan Development (AOSPD) certificate. To obtain an AOP certificate, the applicant must pay a fee, attend two courses, and apply for the certificate. No exam is required. There are additional requirements to obtain an AOSPD certificate outlined in the Regulation. Both AOP and AOSPD certificates expire after five years.

Prior to amendments made in 2019, agricultural operations were required to submit a NMS every five years. It was the intention that individuals who prepared NMSs would need to obtain their AOP certificates every five years so that they were able to successfully complete an NMS and adhere by all requirements. Given that the five-year automatic cessation of an NMS was removed, the ministries are now proposing to amend the Regulation to remove the automatic five-year cessation associated with an AOP certificate for farmers who prepare their own NMS or NMP. Instead, it is proposed that those AOP certificates will never expire. This will reduce costs and training burden for farmers who prepare their own nutrient management strategies and plans. The proposed amendments would not affect AOSPD certificates

Environmental protections will also remain unchanged. All operations with an NMS will still be required to complete an annual review and update of their NMS.

2. Simplifying Rules and Streamlining Processes

General Protocol Amendments

The Protocol was established in 2003 and was last updated in 2012. Since this time there have been numerous updates to the Regulation. Some references in the protocol need to be updated to reflect these amendments, other updates are required to fix broken web links. Further, the

Protocol could be improved by clarifying some requirements. By updating the Protocol, we will ensure the rules are clear and we will make the protocol easier to read, reducing confusion and ensuring that up to date resources are provided. This will make it easier to comply with existing regulatory requirements.

Summary

The ministry is seeking your feedback on the proposed amendments as outlined in this paper. Your feedback will be considered during the development of possible amendments.

Questions for Consultation

- i. Do you agree with the changes described in this proposal? Why or why not?*
- ii. Do you have any specific concerns with any of the items discussed in the proposal?*
- iii. Would the proposed changes reduce burden or contribute to additional opportunities for your business?*

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