



December 5, 2008

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***RE: EBR Registry Number: 010-4842 Regulations for the Management and Disposal of  
Deadstock in Ontario***

Dear Mr. Tremblay,

On behalf of the Ontario Cattlemen's Association, the body that represents the 19,000 beef producers in Ontario, I would like to thank you for the opportunity to comment on the proposed regulations for the management and disposal of deadstock in Ontario. Our requests and comments are as follows:

- We recommend that government continue to explore means of providing cost effective licensed dead animal collection services for all Ontario livestock producers. In most situations off-farm disposal through a licensed dead animal disposal collector is the preferred option.
- We recommend an extension to the consultation and the Environmental Bill of Rights (EBR) comment period. The 46-day interval between the release of the Regulations (October 20/08), the closure of the comment period (December 5/08) and the stakeholder 'consultation' sessions (Oct. 30 – Nov. 21) is too short to provide meaningful analysis and producer feedback on the proposal.
- We recommend that government consider amending the existing 'Dead Animal Disposal Act' rather than bringing this issue under the 'Nutrient Management Act'. The Nutrient Management Act should remain focused on the core objective of agronomic rates of all nutrients rather than livestock-specific issues. What are the implications for the Nutrient Management Strategy approval, inspection and enforcement process?

- We recommend that government complete a thorough Regulatory Impact Analysis modeled after the federal government's mandatory Regulatory Impact Analysis Statement. This protocol should define the level of business impact analysis required for government to justify moving forward with proposed regulations, and could provide the forum for meaningful regulatory issue discussion. Where is the cost-benefit analysis for this regulatory proposal?

\*Recommendation 4: The government should undertake a cost-benefit analysis of all regulatory proposals before bringing them forward to decision makers.

Source: Opportunities for Ontario's Agri-Food Sector: The Minister's Strategic Advisory Committee Report. Report to the Ontario Minister of Agriculture, Food and Rural Affairs. Minister's Strategic Advisory Committee February 6th, 2007

- We recommend that the government develop appropriate financial assistance programs to assist producers in making the transition to full compliance with the dead-animal-disposal requirements of the Nutrient Management Act. The Nutrient Management Financial Assistance Program offered up to 90% funding (up to \$90,000) per farm unit for the >300 Nutrient unit farms. All impacted farms and all on-farm mortality disposal options should be eligible for this funding program e.g. incinerators, disposal vessels, freezers meeting 'cold storage' specifications, etc.
- We recommend that the 'cold storage' and 'frozen storage' definitions and the maximum number of days for mortality storage be re-evaluated based on the capacity of residential freezers. The Act should enable frozen storage (less than 0-degrees Celsius) of mortalities of up to 120-days following death. [Note: It is our understanding that the typical residential freezer may not consistently meet the 'frozen storage' criteria of minus-18-degrees-Celsius or less. Further, the 'minus-18-degrees-Celsius' appears to be related to the Canadian Food Inspection Agency (CFIA) standards for food products - not a scientifically determined standard for dead animals]
- We recommend more flexibility on the conditions for closure of burial pits. We agree with the principle that burial pits should be immediately closed after 120-days or after the placement of 2500 kilograms of dead farm animals. Under frozen soil conditions it may be impossible to meet this condition. We suggest that the difficulty in meeting the immediate closure condition under frozen conditions be recognized. "Frozen soil" is defined elsewhere in the Nutrient Management Act.

*"frozen soil" means soil that is consolidated by the presence of frozen moisture in the soil, in any layer with a minimum thickness of five centimeters, where the layer is located within the top 15 centimeters of the soil;*

- We are concerned about the lack of practical options for livestock producers in Central and Northern Ontario without feasible access to a license dead animal disposal collector and

with less than 2 m of soil over bedrock. We recommend more flexibility for the 2 m depth to bedrock requirement for burial, composting and disposal vessels. Specifically, we recommend consideration of the following.

- i) Linkage with the Clean Water Act. It may be more reasonable to apply the depth to bedrock requirements in the wellhead protection areas identified in Source Water Protection Plans.
  - ii) Consistency with Section 8.7.3.2 of the Code & Guide for Sewage Systems. The burial, composting and disposal vessels requirements should not be more restrictive than the .9 m depth to bedrock required for sewage system absorption trenches.
  - iii) 'CSA'-approved disposal vessels should not be subject to more restrictive requirements than septic tanks. [Note: Septic tanks are often placed directly on top of bedrock] The requirement for an impermeable surface for disposal vessels placed above ground should be removed.
- We recommend the development of more flexible provisions to enable off-farm transfer of composted mortalities under specific circumstances and conditions. While we agree with the principle that composted mortalities should remain on the farm, we recognize that in some situations this will not be practical or feasible.
  - We recommend that there be more flexibility for the separation distance to tile drains. In many situations the bottom of the burial excavation will be much deeper than the tile drain depth. Further, there should be recognition that separation distance should vary based on hydrologic soil group. Subject to additional scientific review, we suggest consideration of the following.

Hydrologic Group	A	B	C	D
Separation to tile drain for burial greater than .5 m below the depth of the tile	3 m	3 m	3 m	3 m
Separation to tile drain for composting and burial above less than .5 m below depth of tile	6 m	5 m	4 m	3 m

Again, I would like to thank you for this opportunity to comment. Please do not hesitate to contact me for further information.

Yours Truly,



Dave Stewart  
Executive Director