



Ontario

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news release

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BACKGROUNDER

NUTRIENT MANAGEMENT ACT

Context

As part of the Ontario government's Clean Water Strategy, the *Nutrient Management Act* provides for province-wide standards to address the effects of agricultural practices on the environment, especially as they relate to land-applied materials containing nutrients.

The legislation provides authority to establish province-wide standards for the management of materials containing nutrients and sets out requirements and responsibilities for farmers, municipalities and others in the business of managing nutrients.

The sources of these nutrients include manure and other materials generated through agricultural operations, commercial fertilizers, biosolids generated by municipal sewage treatment and pulp and paper sludge. The land application of these materials is governed by an array of legislative and regulatory provisions, guidelines, voluntary best management practices and a patchwork of municipal by-laws.

There is a need for a comprehensive, clear, provincewide approach that protects the water, environment and well-being of communities in rural Ontario, while ensuring farmers can invest in and operate their farms with confidence. This need was confirmed by farmers themselves, municipalities, environmental groups and others during consultations held by the Task Force on Intensive Agricultural Operations in Rural Ontario during early 2000. The legislation responds to the results of these consultations.

The Act also addresses the issues and risks identified in the Environmental Commissioner's special report of July 2000, "The Protection of Ontario's Groundwater and Intensive Farming." It is consistent with Commissioner Dennis O'Connor's final Walkerton Inquiry report and it builds on the government's Smart Growth Strategy that calls for well-planned and environmentally sensitive development.

What will the legislation do?

The *Nutrient Management Act* was developed by the Ministry of Agriculture and Food (OMAF) and the Ministry of Environment and Energy (MOEE) using the recommendations of many private and public sector sources. It:

- sets out a comprehensive and integrated approach to all land-applied materials and the safe disposal of deadstock;
- ensures that all land-applied materials will be managed in a sustainable, beneficial manner which results in environmental and water quality protection;
- provides for clear, province-wide standards so that farmers can invest with confidence in their businesses; and
- increases public confidence in a sustainable future for agricultural and rural development.

What's in the legislation?

This is enabling legislation that supports the implementation of a comprehensive regulatory framework regarding nutrient management and other related farm practices in Ontario.

The key to this framework is the Nutrient Management Plan (NMP), which is a science-based tool identifying how manure, commercial fertilizers, other nutrients and existing soil fertility are effectively managed in an environmentally responsible manner. Different types of operations will have different requirements and eventually all land-applied materials containing nutrients will be managed according to NMPs. Generators of materials such as municipal biosolids and pulp and paper sludge, will be required to complete a Nutrient Management Strategy (NMS), which outlines how they are managing materials.

Many guidelines and other reference documents have already been developed which could provide a good basis for these standards. Examples include the Ontario Farm Environmental Coalition's Environmental Farm Plan and many best management practices.

The legislation also provides authority for clear, strong enforcement. In line with other environmental legislation, provincial government officers who are knowledgeable in agriculture and the environment will have the authority to inspect and issue compliance and preventive orders. The legislation also establishes the right to appeal to the Environmental Review Tribunal.

Municipal responsibilities will be clarified under the Act. New standards will replace the patchwork of municipal by-laws regarding nutrient management. Municipalities will have the Act as support for their continued responsibility for land use planning and building code approvals. The Act also allows for the creation of local advisory committees to promote awareness of the new rules, and mediate local nutrient management issues that are not related to enforcement.

Administratively, the legislation provides for alternate delivery of the review and approval of NMPs and for the establishment of a registry for NMPs. It also provides the authority to establish fees for any activity undertaken. Initially, the province will review and approve nutrient management plans and other requirements for large livestock operations. The legislation requires the delivery of enforcement by the Ontario government.

The Act re-affirms the ultimate authority of the *Environmental Protection Act*, the *Ontario Water Resources Act* and the *Pesticides Act*. It effects complementary amendments to these Acts, and the *Farming and Food Production Protection Act*.

How will it work?

The *Nutrient Management Act* provides the authority to develop and implement new, enforceable standards, supported by new inspection and compliance measures and new authority for remedial action and provincial enforcement. The Act provides a framework for the Ministry of Agriculture and Food and the Ministry of Environment and Energy to work with a broad range of stakeholders to develop the specific standards.

It provides authority for regulations governing several areas, including:

- establishing requirements for NMPs and NMSs, including record keeping and filing;
- enhancing regulations for the use, quality and application of land applied nutrients;
- establishing minimum distance separation requirements for land application and buildings to protect land and water;
- establishing categories of agricultural operations and standards relating to the management of materials containing nutrients;
- establishing requirements for the collection, storage, handling, use and transportation of materials containing nutrients;
- establishing qualifications, education, training and certification for farmers and others applying materials containing nutrients to land;
- providing for the use, establishment and access to a registry in which NMPs/NMSs would be recorded;
- using innovative technologies (e.g. composting) to manage materials containing nutrients; and
- locally mediating issues that are not related to enforcement, including establishing local advisory committees.

The government remains committed to banning the land application of untreated septage over a five year period. This will be done through the *Environmental Protection Act*.

How will it be implemented?

Different categories of operations will be regulated in different ways, focusing a greater level of attention and resources where the risk to the environment is greatest. The Act provides for a framework to phase in standards over time, depending on the size of the operations and the kinds of practices that are carried out.

Any number of sub-categories could also be defined to ensure that different types of operations would be regulated in the most effective way.

All farms will eventually be governed by new regulations which incorporate best management practices and standards for the management of materials containing nutrients.

The Act establishes authority for a range of new approval and review requirements designed to minimize environmental risks. These will be most stringent for large livestock operations, which will need provincial certification, including approval for their NMPs. These operations will be inspected by a team of provincial government staff who are knowledgeable in agriculture and the environment.

Mid-size livestock operations wanting to build or expand will be subject to provincial review. These and other agricultural and smaller livestock operations will be responsible for having up-to-date NMPs available for inspection and review.

The Act provides authority for several functions including the review and approval of NMPs, education, training and certification.

Education and training requirements are an integral part of the new legislation, so that farmers and others with new responsibilities will be well-equipped to adhere to its standards and regulations.

Next Steps

Consultations regarding the provincial standards and regulations will be conducted in the near future.

- 30 -

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[| Return to Index |](#)

[| version française disponible |](#)

[| Top of Page |](#)

[| Information & Resources Home Page |](#)

[| Central Site | Feedback | Search | Site Map | Français |](#)
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