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## **Technical Bulletin: Burial of Animals on Farms as a Drinking Water Threat (Deadstock Disposal)**

Date: December 2009

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The *Clean Water Act, 2006* provides source protection committees (SPCs) with the authority to protect their municipal drinking water supplies by developing collaborative, locally driven, science-based protection plans. SPCs identify potential risks to local water sources and take action to set out policies in source protection plans that reduce or eliminate these risks. Regulations and technical rules governing the content of the assessment report became law in late 2008 and were amended in November 2009.

Regulation 287/07, under the Clean Water Act, includes a list of prescribed activities that must be considered when identifying activities that pose a risk to sources of drinking water. The technical rules include Tables of Drinking Water Threats that set out the circumstances under which the activities in the regulation pose a significant, moderate, or low drinking water threat.

Until recently the burial of dead animals was governed under Part V of the Environmental Protection Act (EPA) with respect to the disposal of on farm animals and the Deadstock Disposal Act, 1968 (DDA) for the use of deadstock. The November 2008 technical rules under the Clean Water Act included the burial of farm animals as a circumstance in which the “Establishment or Maintenance of a Waste Disposal Site within the meaning of Part V of the Environmental Protection Act” was considered a threat to drinking water. In March 2009, amendments were made to regulations under the EPA, the DDA was repealed, and a new regulation was made under the Nutrient Management Act, 2002 (NMA) such that the burial of farm animals on farms is now regulated through Ontario Regulation 106/09, Disposal of Dead Farm Animals. Changes were also made to the Food Safety and Quality Act, 2002 (FSQA) to govern off farm animal use and disposal. The Clean Water Act (CWA) and its regulations stipulate that an activity can only be identified as a drinking water threat if it is listed in O. Regulation 287/07 or added locally with the approval of the director. With the change in the regulatory framework, the deadstock burial no longer falls under any of the 21 activities listed in the regulation and therefore, circumstances in the Technical Rules: Tables of Drinking Water Threats had to be removed. These tables only list circumstances related to activities in the O. Regulation

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287/07. Without amending Regulation 287/07, the only option for identifying deadstock burial as a threat is to add this activity locally through Director's approval.

Background information on the new framework regulating deadstock can be found at the following link  
<http://www.omafra.gov.on.ca/english/nm/regs/deadstock/summary.htm>

### **INCLUDING DEADSTOCK DISPOSAL THREATS IN ASSESSMENT REPORTS**

Although burial of farm animals is no longer in the Tables of Drinking Water Threats, the Clean Water Act, regulations and technical rules provide a mechanism by which SPCs can add drinking water threats or add additional circumstances to activities the province has already listed as a prescribed drinking water threat. Therefore, an SPC can request that "burial of farm animals on a farm under the O. Regulation 106/09 of the Nutrient Management Act" be added as a drinking water threat by making a request to the Director under the Clean Water Act. The activity can only be considered a local threat, according to the technical rules, if:

- (1) *the activity has been identified by the SPC as an activity that may be a drinking water threat;*
- (2) *in the opinion of the Director,*
  - (a) *the chemical hazard rating of the activity is greater than 4, or*
  - (b) *the pathogen hazard rating of the activity is greater than 4; and*
- (3) *the risk score for an area within the vulnerable area in respect of the activity calculated in accordance with rule 122 is greater than 40.*

Rules 120 and 121 set out how the hazard rating is determined by the province:

120. *The chemical hazard rating of an activity that is not prescribed to be a drinking water threat under O. Reg. 287/07 (General) shall be a rating that in the opinion of the Director reflects the hazard presented by the chemical parameter associated with the activity, if any, considering the following factors:*

- (1) *Toxicity of the parameter.*
- (2) *Environmental fate of the parameter.*
- (3) *Quantity of the parameter.*
- (4) *Method of release of the parameter to the natural environment.*
- (5) *Type of vulnerable area in which the activity is or would be located.*

121. *The pathogen hazard rating of an activity that is not prescribed to be a drinking water threat under O. Reg. 287/07 (General) shall be a rating that in the opinion of the Director reflects the hazard presented by*

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*pathogens associated with the activity, if any, considering the following factors:*

- (1) The frequency of the presence of pathogens that may be associated with the activity.*
- (2) Method of release of the pathogen to the natural environment.*
- (3) Type of vulnerable area in which the activity is or would be located.*

Before adding a deadstock disposal threat to the assessment report, Director's approval of the hazard rating and the risk score must be obtained. A request can be made by the SPC through the provincial liaison officer to the SPC.

Once a new threat is added, the SPC must follow the same process in the technical rules to identify where the threat is significant, moderate or low and how many significant drinking water threats exist within each vulnerable area.

Background on the new framework regulating deadstock is provided below.

### **NUTRIENT MANAGEMENT ACT, 2002**

The NMA came into force in 2002 and enhances the protection of Ontario's water resources by minimizing the effects of livestock manure and other nutrients that are stored on farm properties or land applied. The preparation of nutrient management plans, non-agricultural source material (NASM) plans, and nutrient management strategies is a key requirement of the NMA. The NMA provides clear requirements for environmental protection for Ontario's agricultural industry, municipalities and other generators and receivers of materials that contain nutrients.

### ***Application of the NMA for Deadstock Disposal***

The regulation under the NMA sets out requirements for the disposal of dead farm animals on the farm. This regulation applies to all farm operations, regardless of the requirement to have a nutrient management strategy or plan under O. Regulation 267/03. The DDA and its regulations were repealed and replaced by the Disposal of Dead Farm Animals regulation under the NMA and the Disposal of Deadstock Regulation under the FSQA. The new regulations came into force on March 27, 2009. They provide more disposal options for livestock producers and meat plant operators, with measures that will protect the environment.

The new framework builds on the past requirements in the DADA and continues to focus on minimizing potential food safety and animal health risks while also minimizing environmental impacts and disease threats. The regulation under the NMA addresses on-farm disposal. The regulation under the FSQA addresses

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disposal when the animal dies at places other than the farm. Both regulations provide greater flexibility for industry in the disposal of deadstock.

The regulations sets out requirements for the disposal of not only cattle, goats, sheep, horses and swine as per the DADA, but also deer, elk, alpacas, llamas, bison, yaks, donkeys, ponies, rabbits, poultry and fowl, ratites, and fur bearing animals.

The operator of the farm is responsible for disposing of the animal within 48 hours of its death, which was the requirement within the DADA. The two exceptions to this rule are:

- If a delay occurs in order to perform a post mortem on the animal, or
- If the animal is put into temporary storage conditions as specified in the regulation.

Additional disposal options for greater flexibility to manage deadstock include:

- Burial
- Incineration
- Composting
- Disposal vessels
- Collection by a licensed collector
- Anaerobic digestion
- Delivery to a waste disposal site approved under the EPA
- Delivery to a disposal facility as defined under the FSQA
- Delivery to a licensed veterinarian for post mortem and disposal.