

AOPA Red Tape Reduction Regulatory Review What We Heard Report

Message from the Minister

I want to thank everyone who took the time to offer their feedback during the *Agricultural Operation Practices Act* Regulation Red Tape Reduction engagement process.

Our government remains committed to engaging with our partners on ways to improve the regulations and reduce red tape, which is why we conducted this engagement process before making changes.

The result is direct feedback from interested parties and a clear understanding of expectations regarding the proposed changes.

I look forward to having more conversations on how to further reduce red tape and administrative burden related to the *Agricultural Operation Practices Act* and associated regulations.

Sincerely,

Devin Dreeshen
Minister of Agriculture and Forestry



Overview

The Government of Alberta is focused on creating the economic conditions that allow all Albertans to thrive. These conditions include ensuring government rules and laws are necessary, effective, efficient and proportional to the outcome they are intended to achieve. This initiative includes a legislative review of the *Agricultural Operation Practices Act* (AOPA) and its associated regulations.

The Act and associated regulations set out how nuisance issues are managed in Alberta and provide manure management standards for agricultural operations.

In addition, AOPA is intended to set minimum and consistent environmental performance standards, which are developed using a science-based approach and an inclusive stakeholder process.

The purpose of AOPA Part 2 is “to ensure that the province’s livestock industry can grow to meet the opportunity presented by local and world markets in an environmentally sustainable manner.”

Purpose of engagement

The objectives of engagement were to:

1. Ensure the purpose and objectives of AOPA regulations remain current and relevant, and continue to meet stakeholder expectations.
2. Clarify the intent of regulatory requirements for all AOPA stakeholders.
3. Address tangible actions to reduce burden on agricultural producers, specifically livestock confined feeding operations.

Engagement summary

The *AOPA Red Tape Reduction Regulatory Review* included an introductory virtual meeting with interested parties that are required to adhere to the requirements of the Agricultural Operations, Part 2 Matters Regulation and Standards and Administration Regulation.

After the meeting, an online survey ran from September 9 - 21, 2020 to collect feedback to better understand respondents' unique perspectives and needs. Participants included representatives from the livestock and crop industry, municipalities, non-governmental organizations, as well as custom manure applicators.

The following topics were presented to obtain respondents' level of support and feedback.

1. Livestock type changes within a category

Respondents supported the proposed change to combine some existing livestock categories to create a new feedlot category, reducing red tape and allowing producers to capitalize on market opportunities.

Some respondents cited possible neighbour concerns, as a change in the type of livestock can result in a change in the nature of the odour. The proposed change would allow for efficiencies and increased flexibility as long as manure and odour production are considered.

2. Notification for change in livestock type

The majority of respondents were supportive of removing the requirement to notify the Natural Resources Conservation Board (NRCB) when changing livestock types within a category. They felt this would cut red tape and reduce the burden on the industry.

However, others felt notification was necessary so the NRCB is aware of what producers are doing with their operations.

3. Manure record keeping requirements

Most respondents were supportive of adding clarity in the manure record keeping requirements. This will ensure confined feeding operation owner/operators and land managers are responsible to keep records and what records are to be kept.

4. Access to sufficient land for manure application

Respondents were supportive of removing redundancies in the regulation, while requiring that applicants and operators can demonstrate that they have sufficient land for the manure produced or have a manure management or nutrient management plan in place.

5. Freeboard for liquid manure storages

The majority of respondents supported clarifying that an open liquid "earthen" manure storage facility must have a freeboard of not less than 0.5 metres when the facility is full, and that an above ground concrete or steel manure storage facility must have a freeboard of not less than 0.15 m (15 cm or 6") when the facility is full. A respondent indicated that 0.15 m may not be enough, however others stated this change recognizes the differences in storage facilities, and their corresponding effects on odour and associated costs.

6. Manure incorporation within 48-hours

Most respondents supported the proposed change to clarify that the 48-hour timeframe to incorporate manure begins when the manure is first applied.

Some indicated there needs to be discretion afforded to the regulator to account for uncontrollable circumstances, such as weather and equipment delays, that would result in non-compliance by the operator.

7. Administrative amendments

Survey respondents also reviewed ten proposed administrative amendments to the Standards and Administrative Regulation. They were supportive of most changes but expressed feedback related to removing section 27(2): “A person must not apply liquid manure or catch basin contents on a crop that is grown for human consumption and intended to be eaten uncooked.”

The feedback indicated that despite this section being addressed in federal legislation, it is important to keep the intent in provincial legislation.

8. Future opportunities

Respondents were provided the opportunity to share ideas to reduce the regulatory burden of the *Agricultural Operations Practices Act* and its associated regulations. This information was recorded and will be considered as part of a future legislative review.

Below are some opportunities identified:

- Ensure the legislation protects and strengthens the rights of farmers and agricultural producers.
- Clarify the intent of the legislation, e.g., manure storage and natural water and well requirements, and who they apply to.
- After an NRCB investigation is complete, ensure follow-up with the complainant to increase education and improve neighbour relations.