



**East Coast Environmental Law Association
Comments on February 2012 draft Fur Industry Regulations**

1. Section 2

- **Wetlands** are not defined or mentioned in the Regulations. I find this very concerning, considering the possibility that saturated wetlands may be one of the causes of infiltration to the lakes. Also there is no reference to the Wetland Conservation Policy, no separation distances from wetlands and no provisions to ensure wetlands are protected from runoff.
- **Constructed surface water treatment systems:** The definition and reference to “constructed surface water treatment system” (aka constructed wetlands) included in the earlier draft regulations have been removed. Why were all references to the constructed surface water treatment systems removed from the regulations, including the former 23(k) requirement that they not discharge water exceeding concentrations in table B.? There are numerous such systems currently in place on fur farms that are not properly functioning and likely discharging. Should this not be addressed?
- **Watercourse:** The Nova Scotia *Environment Act* defines “watercourse” and vests watercourses in the Crown. The definition of watercourse should not be amended to meet the goals of specific legislation, especially given enforcement activities relating to watercourses under the EA are relevant to activities regulated by the Fur Industry Regulations. Further, the amendment creates confusion as the original definition of watercourse includes only “natural” bodies of water and therefore a specific exclusion for “man-made features” is unnecessary.
- **2(i)** “Holding tank” is defined but not referenced in the regulation.
- **2(k)** The reference to “land application plan” includes as acceptable a nutrient management plan (which is defined and must meet specific requirements) or a soil/manure analysis. Why is the simple analysis considered equivalent to a NMP? Only Nutrient Management Plans approved by a designated professional should be acceptable under the regulations.
- **2(s)** Regarding the definition of “significant change” - Is the increase cumulative from year to year? If an operator purchases 400 females in 2012 and 500 in 2014 will he or she have met the significant change definition in 2014? Also, does the construction of animal housing include additions to units that already exist? It should be made clear in the regulations that the “significant change” definition is cumulative year to year. It should also be made clear that renovations to existing animal housing that enables an increase in the number of mink housed in that building is a significant change.

2. **Section 3**

- **3(2)** Does subsection 3(2) mean that the individual carrying out the work on behalf of the designated professional corporation does not have to meet the requirements of designated professional? This should not be the case; the individual carrying out the work should meet the qualifications.

3. **Section 5**

- **5(2) (d)** What is the difference between a watercourse (defined in the regs) and a water body (not defined)? This should be clarified.
- **5(2) (d)** Wetlands need to be included in 5(2) (d) (iii) and (iv).

4. **Section 7**

- **7(2) (c)** What are the “baseline monitoring results” referenced in this licensing application section? This needs to be clarified.

5. **Section 8**

- The **terms and conditions of the licence** leave a significant amount of discretion with the Minister. If this information is not made publically available community members and other concerned citizens will have no way of monitoring operations. Terms and conditions of a licence must be made available to the public (see public registry comments below).
- **8(1) (c)** This provision specifically addresses the frequency and method of manure, waste feed and carcass storage, treatment, and disposal, indicating that as a term or condition of the approval the Minister can “amend” this. What does this mean? Does it mean that the Minister can establish lower standards in the terms and conditions of an approval than those required by the regulations? The Minister should not have the discretion to lower any standard established by the regulations.

6. **Section 13**

- **13(2)** According to this provision, “renovations” are not considered new construction; however the provision does not define “renovations”? Would it include increasing the size of the building or creating an addition to the building? A definition of “renovation” with clear limitations should be included in the regulations.

7. **Section 14**

- This section addresses **land application of manure** and composting but does not require land applied manure to be composted. Only composted manure should be eligible for land application and only in accordance with an independently approved nutrient management plan.

- The approach taken in section 14 leaves significant discretion with the Minister and very little in the way of assurances for the community or the environment. This section should be more prescriptive including requirements that ensure compliance with the 2006 Manure Management Guidelines, as amended.
- **14(2)** Surface water discharge is not defined in the regulations. Is surface water discharge intended to include runoff from buildings, manure storage areas, etc? The term should be defined in the regulations. Given the already compromised ecology in the area, all surface discharge (aka runoff) from the regulated operations should be contained.

8. Section 15

- The regulations define and reference manure storage systems and manure deposit areas. Section 15 should detail the frequency of removal of manure from the manure storage system and should include requirements for the size of the storage area.
- **15(g)** This provision is very confusing. Is it referring to the traditional style animal housing as a solid manure storage system or is it simply attempting to set a separation distance for the building? If the later is the case it should be re-worded for clarification. Sep distance issue appears to be covered in 13(2), so why is it necessary to include this in 15?

9. Section 16

- **16(a)** What is the difference between “manure runoff” used in this provision and “surface water discharge” used in section 14? These terms should be clarified or defined.

10. Surface run off – former section 17

- The former section 17 in the earlier version of the Regulations was a critical provision to address some of the primary concerns raised by community members and concerned citizens. This provision should be re-instated with some clarification, as follows:

Surface run-off from a manure storage system or manure deposit area must be captured and contained; no discharge of direct or indirect surface run-off is permitted from the manure storage system of manure deposit area to a watercourse.

11. Section 18

- 18(2) Would it not make more sense to be specific about how and where carcasses can be deposited on-farm? This provision appears to make dumping in a field, a wetland or a watercourse OK. This is not acceptable.

12. Section 19

- A surface water monitoring plan alone does not address one of the most significant run-off concerns – seepage into wetlands, groundwater and ultimately lake water. On-site investigations by EC and NSE indicated that heavy surface water flow and run-off was

not a frequent occurrence. Why were all of the groundwater monitoring requirements removed from the regulations?

- Groundwater sampling and monitoring should not have been eliminated.
- The surface water monitoring program does not appear to be part of the license and is not approved by or acceptable to the Minister – what is the regulatory oversight? If it is to be approved by the Minister or a designated professional this should be stated in the regulations.
- **19(b)** Do many of the operations actually have “flowing watercourses” within the separation distances? Man-made structures such as ditches and diversions should be included.
- **19(d)** What surface water are they sampling? Does this include surface runoff? This needs to be clarified.
- **19(e)** Does the “independent” person taking the surface water monitoring samples require any training or qualifications? In the past, NSE would not accept samples from community members because they were not “trained”. Water sampling must be undertaken by an independent qualified individual.

13. Section 20

- **20(3)** Should the reference here be to 19(g) not 19(f)?

14. Public Registry

The following information should be made available to the public in a public registry:

- Site approval permits and revised site approval permits
- Licence to operate
- Waste management plans
- Approved disposal facilities
- Approved on-farm disposal plans for waste feed and carcasses
- Surface water monitoring program
- Land application plan

These are all activities that are approved in some manner under the Regulations and therefore should be made available to the public to assist in community monitoring and oversight. Similar information is made available under the Nova Scotia *Environment Act*. If there are questions to be addressed in the context of FOIPOP the Minister should address these prior to passing the regulations.

15. Approved Activities

The following items must be approved according the Regulations, but the Regulations do not state who has the authority to issue the approval. These require clarification.

- 14(3) Land application of manure in an approved manner (approved by?)
- 17(2) Waste feed disposed of on-farm in an approved manner/on-farm approved disposal plan (approved by ?)
- 18(1) Carcass disposal on farm in an approved manner (approved by ?)