

## Chapter 42

# Agriculture—Livestock Waste Regulation

### 1.0 MAIN POINTS

The Ministry of Agriculture (Ministry) is responsible for administering the intensive livestock provisions under *The Agricultural Operations Act* and regulations (law) to ensure intensive livestock operators are storing and managing livestock waste in a manner that protects water resources.

By July 31, 2015, the Ministry had developed and implemented a risk-based re-inspection policy. The Ministry was in the process of confirming the operating status of all intensive livestock operation approvals made prior to 1996 and including them in the new re-inspection process. The Ministry expects to complete this work by March 31, 2016.

### 2.0 INTRODUCTION

This chapter describes our follow up of management's actions on the recommendations we made in 2013.

Our 2013 Report – Volume 2, Chapter 28 concluded that, for the period from September 1, 2012 to August 31, 2013, the Ministry of Agriculture had effective processes to regulate waste generated from intensive livestock operations (ILOs) except for the following matters. It needed to confirm intensive livestock operations, approved prior to 1996 (pre-1996 approvals) have sufficient controls to protect water resources; and to create and use a risk-based inspection policy for re-inspection of ILOs.

To conduct this review engagement, we followed the standards for assurance engagements published in the *CPA Canada Handbook – Assurance*. To evaluate the Ministry's progress towards meeting our recommendations, we used the relevant criteria from the original audit. The Ministry's management agreed with the criteria in the original audit. To do our follow up, we had discussions with management on the progress they made in meeting our recommendations, and reviewed supporting reports and information to verify the progress.

### 3.0 STATUS OF RECOMMENDATIONS

This section sets out each recommendation including the date on which the Standing Committee on Public Accounts agreed to the recommendation, the status of the recommendation at July 31, 2015, and the Ministry's actions up to that date.



### **3.1 Review Pre-1996 Approvals Partially Completed**

We recommended that the Ministry of Agriculture confirm that intensive livestock operations, that it approved prior to 1996, have sufficient controls to protect water resources. (2013 Report – Volume 2; Public Accounts Committee agreement November 26, 2014)

**Status** – Partially Implemented

At July 2015, the Ministry was in the process of reviewing all ILO pre-1996 approvals. The Ministry is using its review to confirm whether these ILOs continue to operate. Permits issued pre-1996 are deemed valid and approved plans under the current law. ILOs managed in accordance with the approved plans are compliant with the law. All operating ILOs are subject to the Ministry's new re-inspection process described below.

For operating ILOs whose operations no longer comply with the original permit, the operator is required to make changes (such as implementing of the original plans or amendments as approved, implementation of maintenance or repair, or submission of an application for a new plan). ILOs that are required to implement changes are required to implement the changes in accordance with current standards. The Ministry is cancelling its pre-1996 approvals for ILOs no longer operating.

As of July 31, 2015, the Ministry had confirmed over 860 (52%) of the 1,665 known pre-1996 approvals. Of those, it has cancelled 308 (18%) pre-1996 approvals. The Ministry expects to complete its review of the remaining pre-1996 approvals by March 31, 2016.

### **3.2 Revised Inspection Policy in Place and Re-Inspection Rates Improving**

We recommended that the Ministry of Agriculture set a risk-based inspection policy for re-inspections of intensive livestock operations. (2013 Report – Volume 2; Public Accounts Committee agreement November 26, 2014)

**Status** – Implemented

We recommended that the Ministry of Agriculture inspect intensive livestock operations in accordance with its policy. (2013 Report – Volume 2; Public Accounts Committee agreement November 26, 2014)

**Status** – Implemented

In September 2014, the Ministry developed a risk-score matrix. In this matrix, it assessed all valid and operating ILOs in the Ministry database and gave them a corresponding risk score.

Our review of inspections conducted in 2014 and early 2015 (prior to the new re-inspection policy described below) found that the Ministry consistently followed its policy for re-inspections within the five-year timeline. For the re-inspections conducted, the Ministry documented its findings using the re-inspection checklist, and sent a letter of summary inspection findings to the ILO operator.

In April 2015, the Ministry finalized a new re-inspection policy that set priority levels based on risk scores. At July 2015, the Ministry was using these risk scores to identify high-risk operations for re-inspection.

Under its new re-inspection policy, the Ministry is to conduct an on-site re-inspection of ILOs with high-risk scores at least once every five years. For all other ILOs without complaints made against them, the Ministry will ask the operators to give updated information at least once every ten years. For ILOs with complaints made against them, the Ministry is to conduct additional inquiries as set out in the *Intensive Livestock Pollution Inquiries Policy*.<sup>1</sup>

Our review of inspections conducted in May to July 2015 indicates that the Ministry is complying with its new re-inspection policy.

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<sup>1</sup> This policy is similar to those used in Alberta and Manitoba.

