

MEMORANDUM OF UNDERSTANDING

Between the

NATURAL RESOURCES CONSERVATION BOARD

And

**AGRICULTURE AND RURAL DEVELOPMENT
REGULATORY ASSURANCE DIVISION**

June 21, 2013

Background:

This memorandum of understanding (MOU) replaces in its entirety the April 30, 2010 MOU between the Natural Resources Conservation Board (NRCB) and the Regulatory Assurance Division, Agriculture and Rural Development (ARD).

Prior to 2002 Alberta's confined feeding operations (CFOs) were permitted by municipal governments. The NRCB assumed this permitting role with the proclamation of the *Agricultural Operations Practices Act* (AOPA) on January 1, 2002.


Permits issued by municipalities prior to January 1, 2002 are grandfathered under AOPA. Many municipal permits included conditions related to the disposal of dead animals at CFOs. Under AOPA, conditions in permits originally issued by municipalities remain in effect and are enforceable by the NRCB. However, jurisdiction for administering the Destruction and Disposal of Dead Animals Regulation under the *Animal Health Act* (Alta. Reg. 229/2000) falls under ARD's Regulatory Assurance division. Concurrent oversight of dead animal disposal by the NRCB would be inefficient and might lead to inconsistent approaches with ARD.

Conditions issued by municipalities that relate to the disposal of dead animals fall into three categories when compared to the requirements of the *Animal Health Act*: 1) less stringent, 2) meet current legislation, and 3) more stringent. Regulatory Assurance has indicated that it will follow up and enforce all complaints sent to them by the NRCB and ensure compliance with the Animal Health Act. However, Regulatory Assurance will not enforce municipal conditions that are more stringent than the *Animal Health Act*.

Agreement for regulating municipal conditions related to the disposal of dead animals:

1. The NRCB agrees to refer all matters (complaints) relating to the disposal of dead animals to Regulatory Assurance for follow-up, with the exception of operations that have a municipal condition for disposal of dead animals that is more stringent than the *Animal Health Act*. The NRCB will continue to provide regulatory oversight for the disposal of dead animals for permits that have municipal conditions that are more stringent than the *Animal Health Act*.
2. The NRCB will direct all other complaints regarding disposal of dead animals to Regulatory Assurance.
3. The NRCB also agrees to provide Regulatory Assurance with a list of permits that have municipal conditions for the disposal of dead animals that are more stringent than the *Animal Health Act*. Regulatory Assurance agrees to forward to the NRCB all complaints regarding the disposal of dead animals related to these permits.


Signed and dated by Agriculture and Rural Development (Regulatory Assurance Division) and the Natural Resources Conservation Board at EDMONTON, ALBERTA.



Cliff Munroe, Executive Director

Agriculture and Rural Development (Regulatory Assurance Division)

Date: JUNE 24/2013



Peter Woloshyn, CEO

Natural Resources Conservation Board

Date: JUNE 24/2013

**Addendum to the June 21, 2013 MOU Between the Natural Resources Conservation Board (NRCB)
and the ARD Animal Health and Assurance Division, Inspection and Investigation Branch (IIB)
Relating to Dead Animal Disposal Complaints**

Background

Some grandfathered CFOs contain animal disposal requirements that are more stringent than requirements in the *Animal Health Act*. According to a June 21, 2013 MOU between the NRCB and the ARD Animal Health and Assurance Division, Inspection and Investigation Branch (IIB). The NRCB agreed to refer all matters relating to disposal of animals to the IIB for follow-up, with the exception of operations that have a municipal permit condition for disposal of dead animals that is more stringent than that of the *Animal Health Act*. Under the MOU, the NRCB was to provide the IIB with a list of operations that have animal disposal conditions more stringent than the *Animal Health Act*. The IIB was to forward any complaints relating to operations on the list to the NRCB for follow-up. There was a concern that having two agencies involved in the regulation of dead animal disposal may be confusing to operators and is not the best use of resources.

Process

NRCB and ARD management met on October 9, 2014 to discuss roles and responsibilities in responding to dead animal disposal complaints. As a result of the meeting, the NRCB and the IIB agreed to the following division of responsibilities:

- IIB investigators will respond to all animal disposal complaints.
- If the condition requires compliance with the *Animal Health Act* – IIB investigators only
- If the condition contains dead animal disposal requirements that are more stringent than the *Animal Health Act*:
 - The IIB investigators will inform the operator that the matter will be referred to the NRCB. The IIB investigator will contact the appropriate NRCB inspector.
 - If requested, the IIB investigator will work with the NRCB inspectors to confirm that the more stringent standards are met.
 - Reluctant operators (probably a very low number) would be dealt with by NRCB inspectors using the Compliance and Enforcement Policy.
 - In situations where an operator does not agree with a more stringent condition, the NRCB would inform them that they can apply to the NRCB for an amendment to modify or delete the condition.

It was also agreed that the NRCB and the IIB would monitor the success of the above process over the next year. In addition, the NRCB will identify this as a possible AOPA amendment issue to ARD.



Lyle Marianchuk, Director
Inspection and Investigation Branch
Agriculture and Rural Development

Date: December 12, 2014



Walter Ceroici, Director, Compliance, Science and Technology
Natural Resources Conservation Board

Date: December 9, 2014