

Draft Regulations

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Agricultural operations — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation to amend the Agricultural Operations Regulation, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The first purpose of the draft Regulation is to make certain adjustments to the rules concerning the sending of the yearly phosphorus report and its updates. It provides that the yearly phosphorus report and subsequent updates must be sent to the Minister electronically, by an agrologist mandated for that purpose by the operator of a raising site or spreading site covered by that requirement, using the electronic services implemented for that purpose. In addition, it specifies the documents to be signed by the operator or agrologist and those that must be kept by the operator.

The draft Regulation also amends certain rules relating to crop cultivation in municipalities located in the watersheds whose water quality is degraded by phosphorus, provided for in Schedule II, III or V to the Regulation. The draft Regulation adds the cultivation of fruit trees and certain conifers referred to in the list of crops considered in the calculation of the area that may be cultivated in the territory of those municipalities. The draft Regulation also adds the possibility, on the written recommendation of an agrologist, to resort to crop rotation of forage or small grain cereals, other than corn, on areas where trees other than fruit trees and certain conifers concerned, shrubs, blueberry, cranberry, strawberry or raspberry plants, and vines are cultivated. That measure is intended to break disease and insect cycles and reduce the environmental impact resulting from the crop of those areas.

Lastly, the draft Regulation clarifies Schedules VI and VII by amending certain categories of animals or the annual phosphorus production of certain categories of animals used to produce the yearly phosphorus report of raising sites or spreading sites whose operator has chosen

not to characterize animal waste or to determine the raising or spreading sites covered by various regulatory requirements.

The amendments have no significant financial impact for farm operators.

Further information on the draft Regulation may be obtained by contacting Didier Bicchi, Director, Direction du secteur agricole et des pesticides, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 9^e étage, boîte 71, Québec (Québec) G1R 5V7; telephone: 418 521-3950, extension 4852; fax: 418 644-8562; email: didier.bicchi@mddep.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to the same contact information.

PIERRE ARCAND,
*Minister of Sustainable Development,
Environment and Parks*

Regulation to amend the Agricultural Operations Regulation

Environment Quality Act
(R.S.Q., c. Q-2, a. 31, 1st par., subpars. c, d, e and h)

1. Section 35 of the Agricultural Operations Regulation (c. Q-2, r. 26) is amended

(1) by replacing “provided by the Minister” at the end of the fifth paragraph by “prescribed by the Minister, available on the website of the Ministère du Développement durable, de l'Environnement et des Parcs”;

(2) by inserting “and area of parcels available” in the sixth paragraph after “information on the fertilization”;

(3) by striking out the seventh and eighth paragraphs.

2. The following is inserted after section 35:

“**35.1.** As of 1 January 2011, every operator of a raising site or spreading site referred to in section 35 must send the yearly phosphorus report to the Minister not later than 15 May of each year.

The report and any update established in accordance with section 35 must be sent electronically using the electronic services, by an agrologist mandated for that purpose by the operator.

When the yearly phosphorus report or update is sent electronically, the agrologist certifies that

(1) the report or update was established in accordance with this Regulation;

(2) the operator's signature on the report and each subsequent update certifies that the information provided to the agrologist is accurate;

(3) a copy of the yearly phosphorus report and each subsequent update signed and dated by the agrologist was given to the operator.

Once the yearly phosphorus report or update has been sent to the Minister, the Minister acknowledges its receipt and admissibility by email. The agrologist prints the email and gives a copy of the email to the operator.

35.2. The operator must keep a copy of the yearly phosphorus report and, as the case may be, of each subsequent update for a minimum of 5 years from the date of signature by the agrologist.

The operator must also keep for a minimum of 5 years

(1) a copy of the notice given to the agrologist pursuant to the fourth paragraph of section 35, as of the date on which the notice is sent;

(2) a copy of the email confirming the receipt and admissibility of the yearly phosphorus report or update sent to the Minister, as of the date on which it was received by the agrologist in accordance with the fourth paragraph of section 35.1.”

3. Section 50.1 is amended

(1) by replacing “for crop cultivation” in the first paragraph by “for the crop cultivation concerned”;

(2) by striking out everything that follows “each cultivated parcel” in the first paragraph.

4. Section 50.3 is amended

(1) by adding the following sentence at the end of the first paragraph: “The prohibition does not apply to the following crop cultivation: trees, other than the types referred to in subparagraph 2.1 of the second paragraph, shrubs, blueberry, cranberry, strawberry or raspberry plants and vines.”;

(2) by inserting “to which the prohibition applies” in the introductory sentence of the second paragraph after “cultivation”;

(3) by replacing “for crop cultivation” in subparagraphs 1 and 2 of the second paragraph by “for such crop cultivation”;

(4) by inserting the following after subparagraph 2 of the second paragraph:

“(2.1) in a raising site or spreading site situated in the territory of a municipality listed in Schedules II to V and existing on (*insert the date of coming into force of this Regulation*) over an area that does not exceed the area of that site used for crop cultivation during the 2011 growing season for the cultivation of fruit trees or conifers cultivated and used for ornamental purposes and harvested without their root systems.”;

(5) by adding the following paragraph at the end:

“On a parcel or land used for crop cultivation to which the prohibition does not apply, the cultivation of forage or small grain, other than corn, is also permitted for a maximum of 24 months between 2 production cycles if an agrologist recommends it to the person cultivating such crop. The agrologist specifies, in the written recommendation, the type of crop and its duration. The recommendation must be kept by the person for a minimum of 5 years from the date of signature by the agrologist or be attached to the agro-environmental fertilization plan where the person is required to establish an agro-environmental fertilization plan under section 22.”.

5. Section 50.4 is amended

(1) by replacing “1 or 2” by “1, 2 or 2.1”;

(2) by inserting “to which the prohibition applies” after “crop cultivation”.

6. Section 50.5 is amended by replacing “Any document” by “Subject to section 35, any document”.

7. Schedules VI and VII are replaced by the Schedules attached to this Regulation.

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE VI

(s. 28.2)

ANNUAL PHOSPHORUS (P₂O₅) PRODUCTION

Type of animal	Category ¹	Factor ((P ₂ O ₅)/animal space (kg)) ²
Dairy cattle	Dairy cow and its 11-day calf	62.2
	Dairy heifer (> 15 months)	38.8
	Dairy heifer calf (from 12 days to 15 months)	16.4
	Dairy bull	25.1
Beef cattle	Slaughter cow and its calf	32.9
	Slaughter heifer (> 15 months)	23.5
	Slaughter heifer calf (from 8 months to 15 months)	15.7
	Feeder cattle	30.5
	Backgrounding cattle	19.1
	Finishing cattle	37.7
	Slaughter bull (≤ 12 months)	22.9
	Slaughter bull (> 12 months)	30.8
	Buffalo – male or female	29.9
	Grain-fed calf	12.0
	Grain-fed calf nursery	5.46
	Finishing grain-fed calf	14.4
	Veal calf	5.56
Suidae	Sow and unweaned piglets	12.7
	Gilt	8.04
	Weanling	1.49
	Feeder pig – male or female (weight gain > 80.3 kg)	4.60
	Feeder pig – male or female (weight gain ≤ 80.3 kg)	5.70
	Boar	21.5
	Wild boar – male or female	16.6
Poultry	Broiler – male (≤ 3.0 kg)	0.313
	Broiler – female (≤ 3.0 kg)	0.246
	Roaster – male or female (> 3.0 kg)	0.362
	Broiler turkey – male or female (≤ 9.9 kg)	0.724
	Heavy turkey – male or female (> 9.9 kg)	1.57
	Pullet – eggs for consumption	0.188
	Laying hen – eggs for consumption	0.456
	Pullet – hatching eggs	0.185
	Rooster – hatching eggs	0.226
	Laying hen – hatching eggs	0.710
	Quail (meat) – male or female	0.054
	Pheasant – male or female	0.214
	Guinea fowl – male or female	0.223
Peacock – male or female	0.600	

Type of animal	Category ¹	Factor ((P ₂ O ₅)/animal space (kg)) ²
Ovine	Ewe and its unweaned offspring	6.54
	Ram	7.25
	Replacement ewe lamb	1.61
	Light lamb – male or female	0.292
	Heavy lamb – male or female	0.894
Caprine	Angora goat (≥ 1 year)	7.20
	Dairy goat (≥ 1 year)	7.20
	Slaughter goat	7.20
	Billy goat	7.20
	Nanny goat or kid (from 3 days to 364 days)	2.76
Anatidae	Goose – male or female	0.708
	Duck – male or female	0.769
	Peking duck – male or female	0.595
Cervidae	Red deer – male or female	2.84
	White-tailed deer – male or female	2.84
	Elk – male or female	5.81
	Fallow deer – male or female	2.84
Equidae	Stallion	22.6
	Gelding	27.8
	Mare and its unweaned offspring	32.2
	Colt or filly	16.1
Struthionidae and ratitae	Ostrich – male or female	31.0
	Feeder ostrich – male or female	12.0
	Rhea – male or female	12.0
	Emu – male or female	10.1
	Feeder emu – male or female	3.56
Leporidae	Female rabbit and its offspring	6.61
Fur animals	Female chinchilla and its unweaned offspring	0.132
	Female mink and its offspring until slaughter	0.983
	Mink – male	0.502
Other types	Llama – male or female	2.76

(1) A category of animal not listed in the Schedule is deemed to have an annual phosphorus (P_2O_5) production/animal space referred to in the following table based on the live weight of the animal at the end of the raising period:

Live weight of the animal at the end of the raising period (kg)	Factor $((P_2O_5)/\text{animal space (kg)})^2$
< 1	0.12
≥ 1 and < 5	0.6
≥ 5 and < 10	1.2
≥ 10 and < 20	2.4
≥ 20 and < 100	12
≥ 100 and < 500	30
≥ 500	60

(2) Where the animals are not raised in a raising facility, the factor “ $(P_2O_5)/\text{animal space (kg)}$ ” is replaced by the factor “ $(P_2O_5)/\text{animal (kg)}$ ”.

SCHEDULE VII

(ss. 35 and 50.01)

ANNUAL PHOSPHORUS (P₂O₅) PRODUCTION

Type of animal	Category ¹	Factor ((P ₂ O ₅)/animal space (kg)) ²
Dairy cattle	Dairy cow and its 11-day calf	51.8
	Dairy heifer (> 15 months)	32.3
	Dairy heifer calf (from 12 days to 15 months)	13.7
	Dairy bull	20.9
Beef cattle	Slaughter cow and its calf	27.4
	Slaughter heifer (> 15 months)	19.6
	Slaughter heifer calf (from 8 months to 15 months)	13.1
	Feeder cattle	25.4
	Backgrounding cattle	15.9
	Finishing cattle	31.4
	Slaughter bull (≤ 12 months)	19.1
	Slaughter bull (> 12 months)	25.7
	Buffalo – male or female	24.9
	Grain-fed calf	10.0
	Grain-fed calf nursery	4.55
	Finishing grain-fed calf	12.0
	Veal calf	4.63
Suidae	Sow and unweaned piglets	10.6
	Gilt	6.70
	Weanling	1.24
	Feeder pig – male or female	4.75
	Boar	17.9
	Wild boar – male or female	13.8
Poultry	Broiler – male (≤ 3,0 kg)	0.261
	Broiler – female (≤ 3,0 kg)	0.205
	Roaster – male or female (> 3,0 kg)	0.302
	Broiler turkey – male or female (≤ 9,9 kg)	0.603
	Heavy turkey – male or female (> 9,9 kg)	1.31
	Pullet – eggs for consumption	0.157
	Laying hen – eggs for consumption	0.380
	Pullet – hatching eggs	0.154
	Rooster – hatching eggs	0.188
	Laying hen – hatching eggs	0.592
	Quail (meat) – male or female	0.045
	Pheasant – male or female	0.178
	Guinea fowl – male or female	0.186
Peacock – male or female	0.500	
Ovine	Ewe and its unweaned offspring	5.45
	Ram	6.04
	Replacement ewe lamb	1.34
	Light lamb – male or female	0.243
	Heavy lamb – male or female	0.745

Type of animal	Category ¹	Factor ((P ₂ O ₅)/animal space (kg)) ²
Caprine	Angora goat (≥ 1 year)	6.00
	Dairy goat (≥ 1 year)	6.00
	Slaughter goat	6.00
	Billy goat	6.00
	Nanny goat or kid (from 3 days to 364 days)	2.30
Anatidae	Goose – male or female	0.590
	Duck – male or female	0.641
	Peking duck – male or female	0.496
Cervidae	Red deer – male or female	2.37
	White-tailed deer – male or female	2.37
	Elk – male or female	4.84
	Fallow deer – male or female	2.37
Equidae	Stallion	18.8
	Gelding	23.2
	Mare and its unweaned offspring	26.8
	Colt or filly	13.4
Struthionidae and ratitae	Ostrich – male or female	25.8
	Feeder ostrich – male or female	10.0
	Rhea – male or female	10.0
	Emu – male or female	8.45
	Feeder emu – male or female	2.97
Leporidae	Female rabbit and its offspring	5.51
Fur animals	Female chinchilla and its unweaned offspring	0.110
	Female mink and its offspring until slaughter	0.819
	Mink – male	0.418
Other types	Llama – male or female	2.30

(1) A category of animal not listed in the Schedule is deemed to have an annual phosphorus (P_2O_5) production/animal space referred to in the following table based on the live weight of the animal at the end of the raising period:

Live weight of the animal at the end of the raising period (kg)	Factor $((P_2O_5)/\text{animal space (kg)})^2$
< 1	0.1
≥ 1 and < 5	0.5
≥ 5 and < 10	1
≥ 10 and < 20	2
≥ 20 and < 100	10
≥ 100 and < 500	25
≥ 500	50

(2) Where the animals are not raised in a raising facility, the factor " $(P_2O_5)/\text{animal space (kg)}$ " is replaced by the factor " $(P_2O_5)/\text{animal (kg)}$ ".