

## Schedule “A”

### Regulations Respecting the Fur Industry made by the Governor in Council under Section 36 of Chapter 4 of the Acts of 2010, the *Fur Industry Act*

#### Interpretation

##### Citation

1 These regulations may be cited as the *Fur Industry Regulations*.

##### Definitions for Act and regulations

2 (1) In these regulations,

“accredited laboratory” means a laboratory that is accredited under the International Organization for Standardization/International Electrotechnical Commission Standard 17025:2005, entitled *General requirements for the competence of testing and calibration laboratories*, as amended, or any subsequent edition of it;

“Act” means the *Fur Industry Act*;

“animal housing building” means a structure where fur-bearing animals are housed on a fur farm;

“approved disposal facility” means a disposal facility approved by the Minister of Environment under the *Approvals Procedure Regulations* made under the *Environment Act*;

“closed-style animal housing building” means an animal housing building with cages enclosed within the building;

“covered”, in relation to a liquid feces storage structure, means covered by

- (i) a concrete cover,
- (ii) a solid trussed roof,

(iii) high-density polyethylene material over the surface of the stored liquid feces and anchored to the storage structure, or

(iv) any other cover acceptable to the Administrator;

“designated professional” means an individual designated by the Minister under subsection 33(1A) of the Act for the purpose of approving a management plan as required by subsection 33(2) of the Act;

“dwelling” includes a house, condominium, cottage, mobile home or trailer occupied as a residence;

“existing” in relation to a fur farm, means existing at the time of the coming into force of the Act;

“feces” means the excrement of a fur-bearing animal;

“feces storage system” means a system for storing feces on a fur farm before disposing of the feces, and includes pipes, holding tanks and earthen storage structures;

“feed” means feed provided to fur-bearing animals on a fur farm;

“licence” means a licence issued under the Act that authorizes the operation of a fur farm;

“liquid feces” means feces that has a moisture content equal to or greater than 84%;

“management plan” means a management plan for a fur farm required by Section 33 of the Act;

“prescribed fee” means the applicable fee set out in Section 50;

“site approval permit” means a site approval permit issued under Section 11 of the Act for a fur farm on which prescribed animals are held;

“solid feces” means feces that has a moisture content of less than 84%;

“total herd” on a fur farm means all of the male and female prescribed animals held on the fur farm, including prescribed animals that are under 6 months old;

“traditional-style animal housing building” means an animal housing building that contains cages with the bottom and 1 end of each cage exposed to the outside;

“waste feed” means uneaten feed that has become inedible;

“watercourse” means the natural bed and shore of a river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water in it, whether it contains water or not, and includes groundwater but does not include manufactured features.

- (2) For the purposes of subsection 35(2) of the Act and in these regulations, “breeding herd” means all of the male and female prescribed animals held on a fur farm, excluding prescribed animals that are under 6 months old.
- (3) For the purposes of Section 35A of the Act, “owner” includes an operator but does not include Her Majesty in right of the Province or any board or agency of Her Majesty, including the Nova Scotia Farm Loan Board.

#### **Prescribed animals**

- 3 For the purposes of the Act and these regulations, fox and mink are designated as prescribed animals.

#### **Increase for purposes of subsection 35(2) of Act**

- 4 For the purposes of subsection 35(2) of the Act, an increase in the breeding females or breeding herd on a fur farm is an increase within a calendar year over the maximum number of prescribed animals held on the fur farm during the previous calendar year, as recorded at any 1 time during that previous year, of the lesser of

- (a) 875 in the number of breeding females; and
- (b) 10% in the number of prescribed animals in the breeding herd.

#### **Qualifications and Training Requirements**

##### **Qualifications for designated professionals**

- 5 An individual must meet all of the following qualifications to be designated as a designated professional:
  - (a) current status as a practising member in good standing with the Association of Professional Engineers of Nova Scotia;

- (b) practical experience in agricultural, bioresource, civil, environmental or resource engineering, demonstrated in the manner determined by the Administrator;
- (c) completion of the seminar conducted by the Department respecting fur industry requirements.

### **Training for monitoring programs**

**6** For the purpose of subsection 34(1) of the Act, all training in monitoring and testing water and soil must be conducted to the satisfaction of the Administrator.

## **Operating Licences**

### **Applying for licence**

**7 (1)** For a fur farm on which prescribed animals are held, in addition to the site approval permit confirmation required by subsection 10(5) of the Act, an application for a licence must include or be accompanied by all of the following:

- (a) a statement of the anticipated maximum number of
  - (i) prescribed animals that will be in the breeding herd of the fur farm during the upcoming 12 months, and
  - (ii) prescribed animals that will be in the total herd of the fur farm during the upcoming 12 months;
- (b) if a groundwater monitoring program is required under Section 29, the baseline data from the initial water sample testing conducted under that Section;
- (c) payment of the prescribed fee.

**(2)** For a fur farm where no prescribed animals are held, an application for a licence must include or be accompanied by

- (a) a statement of the anticipated number of fur-bearing animals that will be on the fur farm during the upcoming 12 months; and
- (b) payment of the prescribed fee.

### **Separate licence for each species of prescribed animal on fur farm**

**8 (1)** A separate licence is required for each species of prescribed animal on a fur farm.

- (2) All operators of a fur farm must operate under a single licence for each species of prescribed animal on the fur farm.
- (3) All non-prescribed fur-bearing animals on a fur farm may be covered by a single licence.

**Terms and conditions imposed by Administrator**

**9** The Administrator may impose any of the following terms and conditions on a licence for a fur farm on which prescribed animals are held:

- (a) the maximum number of prescribed animals allowed in the fur farm's breeding herd;
- (b) amendments to the methods set out in the fur farm's management plan for storing, treating or disposing of feces, waste feed or carcasses, including the minimum frequency of disposal;
- (c) additional requirements for testing surface water and soil monitoring.

**Expiry and renewal**

**10** (1) Unless it has already been renewed under subsection 10(6) of the Act, an operating licence expires 2 years less a day from the date of issuance.

(2) For a fur farm on which prescribed animals are held, an application for renewal of a licence must include or be accompanied by all of the following:

- (a) a statement of the anticipated maximum number of
  - (i) prescribed animals that will be in the breeding herd of the fur farm during the upcoming 12 months, and
  - (ii) prescribed animals that will be in the total herd of the fur farm during the upcoming 12 months;

(b) payment of the prescribed fee.

(3) For a fur farm where no prescribed animals are held, an application for renewal of a licence must include or be accompanied by

- (a) a statement of the anticipated number of fur-bearing animals that will be on the fur farm during the upcoming 12 months; and

- (b) payment of the prescribed fee.
- (4) In addition to paying the prescribed fee required under clause (2)(b) or (3)(b), as applicable, an operator who renews their licence later than 30 days after the licence's expiry date must pay a late fee of \$50.00, not including any applicable tax.

**New licence on issuance of amended site approval permit**

**11** On issuing an amended site approval permit as referred to in subsection 11(6) of the Act, the Administrator must also issue a new licence, but no fee is required for the new licence until it is renewed at the beginning of the next licence period.

**Refusing to issue or transfer licence**

**12** The following enactments are prescribed for the purpose of the Administrator's power to refuse to issue or transfer a licence in subsection 13(2) of the Act:

- (a) any applicable provision of the *Environment Act* and its regulations;
- (b) any applicable provision of the *Occupational Health and Safety Act* and its regulations;
- (c) any applicable provision of the *Health Protection Act* and its regulations.

**Suspending or revoking licence**

**13 (1)** For the purpose of Section 14 of the Act, the Administrator may suspend for up to 1 year or revoke a licence if an inspection discloses an operator is not in compliance with any of the following:

- (a) the Act or these regulations;
  - (b) any applicable provision of the *Environment Act* or its regulations;
  - (c) any applicable provision of the *Occupational Health and Safety Act* or its regulations;
  - (d) any applicable provision of the *Health Protection Act* or its regulations.
- (2) If there is more than 1 operator under a single licence, a suspension or revocation of that licence applies to all operators under that licence.

## Site Approval Permits

### Application of Sections 15 to 20

14 Sections 15 to 20 apply only to a fur farm on which prescribed animals are held.

### Exemption from requirement for site approval permit and management plan

- 15 (1) An operator with fewer than 100 prescribed animals in their breeding herd is exempt from the requirement in subsection 9(1A) of the Act to hold a site approval permit and the requirement in Section 33 of the Act to develop and follow a management plan.
- (2) The Administrator may exempt an operator from the requirements referred to in subsection (1) if the Administrator determines that the proposed activity of the fur farm will have minimal impact on the surrounding environment.
- (3) If the Administrator determines that the environmental impact of the activities of a fur farm given an exemption under subsection (2) is no longer minimal, the Administrator may require the operator to obtain a site approval site approval permit and develop and follow a management plan.

### No construction or alteration without site approval permit

- 16 (1) A person must not construct or authorize the construction of a fur farm except in accordance with the terms and conditions of a site approval permit that is issued by the Administrator for that purpose and is in force.
- (2) Subject to subsections 35(1) and (2) of the Act and subsections 22(2) and 24(3) respecting the time period within which an existing fur farm is required to meet certain requirements of the Act and these regulations, a person must not alter or authorize the alteration of an existing fur farm except in accordance with the terms and conditions of a site approval permit or amended site approval permit that is issued by the Administrator for that purpose and is in force.

### When more than 1 site approval permit required

- 17 The Administrator may require more than 1 site approval permit for a fur farm if the Administrator determines that a single site approval permit does not adequately address the management of waste at the fur farm.

### When amended site approval permit required

- 18 For the purpose of 11(6) of Act, an amended site approval permit is required for a fur farm if there is an increase within a calendar year over the maximum number of prescribed animals held on the fur farm during the previous calendar year, calculated as set out in Section 4.

### **Applying for site approval permit or amended site approval permit**

- 19 (1)** An application for a site approval permit must include or be accompanied by all of the following:
- (a) the name of the proposed operator and, if the proposed operator is a partnership, the name of each of its partners;
  - (b) the civic address of the proposed fur farm and the property's parcel identification number under the *Land Registration Act* or its global positioning system coordinates;
  - (c) a map showing the boundaries of the property on which the proposed fur farm is located and the locations of all of the following:
    - (i) each building on the property,
    - (ii) each road on the property,
    - (iii) each watercourse, body of water and well on the property,
    - (iv) each watercourse, body of water and well that is reasonably known to the operator to be within 100 m of either side of the boundary line of the property on which the proposed fur farm is located, as measured perpendicularly to the boundary line;
  - (d) a copy of the management plan for the proposed fur farm, completed in accordance with Section 20 and approved by a designated professional as required by subsection 33(2) of the Act;
  - (e) payment of the prescribed fee.
- (2)** An application for an amended site approval permit must be accompanied by
- (a) all of the information specified in subsection (1) for a site approval permit application, including a new management plan; and
  - (b) payment of the prescribed fee.

### **Required content for management plan**

- 20** A management plan must contain all of the following:

- (a) a description of each of the requirements set out in Sections 21 to 44, with an explanation of how the requirement will be met;
- (b) an indication of the total number of prescribed animals that can be housed on the fur farm under the management plan while meeting the requirements of the Act and these regulations;
- (c) an explanation of how the operator will control flies and odour using normal farm practices;
- (d) any additional information that the Administrator requires.

### **Facility and Monitoring Requirements for Fur Farms With Prescribed Animals**

#### **Application of Sections 22 to 39**

**21** Sections 22 to 39 apply only to a fur farm on which prescribed animals are held.

#### **Animal housing buildings**

- 22** (1) Each animal housing building must be a closed-style animal housing building.
- (2) Despite clause 35(1)(b) of the Act, until there is an increase in the number of breeding females or the number of prescribed animals in the breeding herd on an existing fur farm, calculated as set out in Section 4, the Administrator may exempt the operator from the requirements of subsection (1) after the end of the 3-year period referred to in Section 35 of the Act.

#### **Solid feces storage system**

**23** Each feces storage structure in a solid feces storage system must have a level concrete pad base.

#### **Liquid feces storage system**

- 24** (1) A liquid feces storage system must be able to accommodate 120% of the anticipated volume of liquid feces from the total herd.
- (2) Each feces storage structure in a liquid feces storage system must be constructed of concrete, must be covered and must meet any requirements specified by the Administrator.
- (3) Despite clause 35(1)(b) of the Act, until there has been an increase in the number of breeding females or number of prescribed animals in the breeding herd on an existing fur farm, calculated as set out in Section 4, the Administrator may exempt the operator from the requirements of

subsection (2) after the end of the 3-year period referred to in Section 35 of the Act.

### **Feces disposal**

- 25 (1)** Feces must be disposed of in 1 of the following ways:
- (a) by disposal to an approved disposal facility;
  - (b) by applying it to land in accordance with a land application plan prepared by a certified nutrient management planner or an accredited laboratory using soil and feces analyses;
  - (c) by on-farm composting in accordance with Section 44.
- (2)** An operator must have an alternative feces disposal plan in place to be used if there is an interruption of the primary feces disposal plan.

### **Carcass storage**

- 26** Each prescribed animal that dies on a fur farm must be stored frozen until disposed of in accordance with Section 27.

### **Carcass disposal**

- 27** Each carcass of a prescribed animal that has died on a fur farm must be disposed of at an approved disposal facility or by on-farm composting.

### **Surface water monitoring program**

- 28** A water monitoring program required by subsection 34(1) of the Act to be established by an operator must meet all of the following requirements:
- (a) it must include a description of sampling locations;
  - (b) it must include a schedule for surface water testing;
  - (c) it must include baseline data from the initial water sample testing;
  - (d) surface water discharges must be sampled and tested in May and November each year that the fur farm licence is in effect unless otherwise directed by the Administrator.

### **Groundwater monitoring program**

- 29 (1)** If the Administrator determines that the circumstances require a groundwater monitoring program for a fur farm, the Administrator may give the operator notice of that requirement.

- (2) A groundwater monitoring program must provide for groundwater to be tested in May and November each year that the fur farm licence is in effect unless otherwise directed by the Administrator.

**Administrator may order random water tests**

**30** At any time, on a random basis, the Administrator may require tests of any of the following to be conducted at the operator’s expense:

- (a) surface water on a fur farm;
- (b) if a fur farm has a groundwater monitoring program, water samples from the monitoring wells.

**When substances in surface water exceed concentration limits**

**31** If a test of a water sample taken from any surface water discharge on a fur farm indicates that a level of a substance listed in the following table is higher than the concentration limit listed in the table for the substance, the Administrator may place any measures on the operator that the Administrator considers necessary to reduce the level of the substance.

<b>Surface Water Concentration Limits</b>	
<b>Substance</b>	<b>Concentration Limit</b>
Total phosphorus	20 µg/L
Nitrate (as nitrate nitrogen)	3.0 mg/L
Ammonia (as ammonia-nitrogen)	1 mg/L
Total suspended solids	50 mg/L
E. coli	100 CFU per 100mL

**When substances in groundwater exceed concentration limits**

**32** If a test from a water sample taken from any groundwater monitoring well on a fur farm indicates that a level of a substance listed in the following table is higher than the concentration limit listed in the table for the substance, the Administrator may place any measures on the operator that the Administrator considers necessary to reduce the level of the substance.

<b>Groundwater Concentration Limits</b>	
<b>Substance</b>	<b>Concentration Limit</b>
Total dissolved solids	500 mg/L
Total phosphorus	0.1 mg/L
Nitrate (as nitrate-nitrogen)	13 mg/L
Ammonia (as ammonia-nitrogen)	4 mg/L
Chloride	250 mg/L

**Accredited laboratory to sample tests**

**33** All testing of surface water samples and samples of water from groundwater monitoring wells must be performed by an accredited laboratory.

**Water monitoring reporting requirements**

- 34** (1) An operator must submit the results of tests scheduled as part of the water monitoring program to the Administrator no later than 5 business days after the date the operator received the test results.
- (2) If a random water test required by the Administrator under Section 30 indicates that the sample exceeds a concentration limit set out in Section 31 or 32, the Administrator may require that further tests be conducted and that the results be provided to the Administrator by the testing service at the operator's expense.

**Soil monitoring program**

**35** A soil monitoring program required by subsection 34(1) of the Act to be established by an operator must meet all of the following requirements:

- (a) it must include a description of sampling locations;
- (b) it must include baseline data from the initial soil sample testing;
- (c) soil must be sampled and tested every 3 calendar years while a licence is in effect for the fur farm.

**Administrator may order random soil tests**

**36** At any time, on a random basis, the Administrator may require tests of soil samples on a fur farm to be conducted at the operator's expense.

**When soil sample phosphate level exceeds concentration limits**

**37** If a test of a soil sample taken on a fur farm indicates that the level of phosphorous, expressed as P<sub>2</sub>O<sub>5</sub>, is higher than the concentration limit of 800 kg/ha, the Administrator may place any measures on the operator that the Administrator considers necessary to reduce the level of the phosphorous.

**Accredited laboratory to sample tests**

**38** All testing of soil samples must be performed by an accredited laboratory.

**Soil monitoring reporting requirements**

- 39 (1)** An operator must submit the results of tests scheduled as part of the soil monitoring program to the Administrator no later than 5 business days after the date the operator received the test results.
- (2)** If a random soil test required by the Administrator under Section 36 indicates that the sample exceeds the concentration limit set out in Section 37, the Administrator may require that further tests be conducted and that the results be provided to the Administrator by the testing service at the operator's expense.

**Facility Requirements for All Fur Farms**

**Application of Sections 41 to 44**

**40** Sections 41 to 44 apply to all fur farms.

**Minimum separation distances**

**41** Each animal housing building, feces storage structure and on-farm compost site on a fur farm must be located in compliance with the minimum separation distances set out in the following table:

<b>Minimum Separation Distances</b>			
<b>Structure or Building</b>	<b>Distance from Watercourse or Off-Farm Well</b>	<b>Distance from Off-farm Dwelling</b>	<b>Distance from Property Line or Public Highway</b>
	<b>(metres)</b>		
Solid feces storage structure	100	100	50
Uncovered liquid feces storage structure	50	300	50

Covered liquid feces storage structure	50	100	50
Closed-style animal housing building	100	100	50
Existing closed-style animal housing building	50	50	--
Existing traditional-style animal housing building	100	50	--
On-farm compost site	100	100	50

### **Feed storage**

**42** All feed must be stored in a fully-enclosed container.

### **Waste feed disposal**

**43** All waste feed must be disposed of at an approved disposal facility or by on-farm composting.

### **On-farm composting requirements**

**44** Any composting carried out on a fur farm must meet all of the following requirements:

- (a) it must be in accordance with composting guidelines established by the Department;
- (b) each on-farm compost site must be located in compliance with the minimum separation distances set out in the table in Section 41;
- (c) each composting site must have a level concrete pad base;
- (d) the operator must demonstrate to the Administrator's satisfaction that at least 1 employee has been trained in proper composting procedures.

## **Appeals**

### **Appeal to Minister about licence decision**

**45 (1)** A licence holder may appeal a decision of the Administrator by serving the Minister with a notice of appeal accompanied by a non-refundable fee of

\$200 no later than 30 days after the date the licence holder is advised of the Administrator's decision.

- (2) No later than 5 days after the date the Minister receives a notice of appeal, the Minister must send a copy of the notice to the chair of the appeal panel established under Section 46.

#### **Appeal panel**

- 46**
- (1) The Minister may establish an appeal panel to review appeals and make recommendations to the Minister on an appeal.
  - (2) The appeal panel must be made up of at least 4 persons, 1 of whom is a professional agrologist, 1 of whom is an environmental inspector specialist, 1 of whom is a person representing the fur industry, and 1 of whom is a person representing the community.
  - (3) The appeal panel must appoint a chair from among its members and must determine its own practices and procedures.
  - (4) The quorum for the appeal panel is 1 person.

#### **Review by appeal and recommendations to Minister**

- 47** The appeal panel must review an appeal and make a recommendation to the Minister about the appeal no later than 10 days after the date the appeal panel receives a copy of the notice of appeal.

#### **Decision on appeal**

- 48**
- (1) The Minister must decide an appeal no later than 10 days after the date that the Minister receives the recommendations of the appeal panel.
  - (2) The decision of the Minister is final and binding.

### **Administration**

#### **Books and records**

- 49**
- (1) For the purpose of Section 16 of the Act, books and records to be kept by an operator with respect to a fur farm must include all of the following:
    - (a) a record of the total number of prescribed animals pelted in each calendar year;
    - (b) a record of the total number of prescribed animals in the breeding herd in each calendar year;

- (c) for fur farms housing prescribed animals, the results of water and soil tests referred to in monitoring program reports submitted under Sections 34 and 39;
  - (d) for fur farms housing prescribed animals, feces, waste feed and carcass storage clean-out records.
- (2) An operator must keep each required book and record for at least 5 years following the date of the last entry in the book or the date the record was created.

**Fees**

**50** The prescribed fees for licences and site approval permits, not including any applicable tax, are as set out in the following table:

Document or Service	Fee
initial permit	\$500
amended permit required under Section 18 because of increase in number of breeding females or prescribed animals in breeding herd	\$500
amended permit required for any other reason	\$50
initial licence* or licence renewal (*except no fee for a new licence being issued with an amended permit, in accordance with Section 11)	\$100
amendment of licence terms and conditions	\$100
addition or removal of operator from licence	\$100
transfer of licence to another operator	\$100