

# Food Safety and Quality Act, 2001

## ONTARIO REGULATION 105/09 DISPOSAL OF DEADSTOCK

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*This is the English version of a bilingual regulation.*

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**PART I**  
**INTERPRETATION**

**Interpretation**

1. (1) In this Regulation,

- “approved waste disposal site” means a waste disposal site operating under an environmental compliance approval within the meaning of the *Environmental Protection Act*, that permits the disposal of dead animals; (“lieu d’élimination des déchets autorisé”)
- “broker” means a person who engages in the business of obtaining meat obtained from regulated dead animals and distributing that meat; (“courtier”)
- “captive wildlife” means a member of a non-domesticated species of animal that is wild by nature and kept in captivity, but does not include a member of any species of animal described in paragraph 1 of subsection 2 (1); (“animal sauvage en captivité”)
- “captive wildlife establishment” means an establishment where captive wildlife is kept; (“établissement voué à la garde d’animaux sauvages en captivité”)
- “carrier” means a carrier within the meaning of Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the *Environmental Protection Act*; (“transporteur”)
- “cold storage” means storage in a location that has a continuous temperature of 4 degrees Celsius or less; (“entreposage frigorifique”)
- “collector” means a person who engages in the business of collecting deadstock from one location and transporting it to another location; (“ramasseur”)
- “composting” means all stages in the process of treating organic matter through aerobic decomposition by bacterial action to produce an end product of finished compost; (“compostage”)
- “composting facility” means a facility at which deadstock is composted but does not include,
  - (a) a place at which dead farm animals are composted in accordance with Ontario Regulation 106/09 (Disposal of Dead Farm Animals) made under the *Nutrient Management Act, 2002*,
  - (b) an approved waste disposal site, or
  - (c) a place, except a place that would otherwise fall within this definition, where a regional veterinarian, acting under the authority of clause 91 (3) (d) of Ontario Regulation 31/05 (Meat) made under the Act, permits inedible material under that regulation to be disposed of by composting; (“installation de compostage”)
- “composting material” means material for composting that contains only substrate and regulated dead animals; (“matières de compostage”)
- “cured compost” means compost that has been cured in accordance with section 77 and that satisfies the requirements set out in subsection 77 (4), but does not include finished compost; (“compost mûr”)
- “custodian” means a person who was responsible for the care of and had control over an animal that is deadstock immediately before the animal died but does not include an operator as defined in Ontario Regulation 106/09 (Disposal of Dead Farm Animals) made under the *Nutrient Management Act, 2002*, with respect to an animal the operator is required to dispose of under that regulation; (“gardien”)
- “deadstock” means an animal that is specified as deadstock under section 2; (“animal mort”)

“denature” means to treat meat by giving it an appearance or character so that it cannot be mistaken for food for human beings; (“dénaturer”)

“disposal facility” means a transfer station, salvaging facility, rendering facility or composting facility, the operator of which is a licensee; (“installation d’élimination”)

“E. coli test” means the test provided for in clause 79 (2) (b); (“test de détection d’E. coli”)

“facility” means any place that is used in any way for the purposes of the disposal of deadstock; (“installation”)

“fallen animal” means an animal listed in paragraph 1 of subsection 2 (1) that has been disabled by disease, emaciation or another condition that is likely to cause its death; (“animal invalide”)

“foreign matter test” means the test provided for in clause 79 (3) (c); (“test de détection de matières étrangères”)

“frozen storage” means storage in a location that has a continuous temperature that is sufficient to maintain the dead animal in a frozen solid state; (“entreposage congelé”)

“highway” has the same meaning as in the *Highway Traffic Act*; (“voie publique”)

“high water table”, in relation to land, means the highest level of water found in the ground, as recorded in the water well records for the nearest water wells to the land or as determined by a digging a test hole; (“nappe phréatique près de la surface du sol”)

“licensed”, when used to describe a broker or collector, means that the broker or collector is a licensee; (“agréé”)

“licensee” means the holder of a licence under this Regulation; (“titulaire de permis”)

“meat”, except in clause 29 (c), means the raw meat of a regulated dead animal, and includes the bones, if any, in the raw meat; (“viande”)

“poultry” means one or more of any of the following:

1. Chickens.
2. Turkeys.
3. Geese.
4. Ducks.
5. Guinea fowl.
6. Quail.
7. Pigeons.
8. Partridges.
9. Pheasants; (“volaille”)

“post mortem activity” means a post mortem examination, an investigation or a loss adjustment; (“activité post mortem”)

“regulated dead animal” means,

- (a) deadstock,
- (b) any dead animal or part of a dead animal other than deadstock that is or has been transported by a collector or received by a transfer station, salvaging facility, rendering facility or composting facility,
- (c) uncomposted residue that has been separated from cured compost,
- (d) inedible material within the meaning of Ontario Regulation 31/05 (Meat) made under the Act that is or has been transported by a collector or received by a transfer station, salvaging facility, rendering facility or composting facility, and
- (e) a condemned meat product from a registered establishment within the meaning of the *Meat Inspection Act* (Canada) that is or has been transported by a collector or received by a transfer station, salvaging facility, rendering facility or composting facility,

but does not include a skin or hide once removed from a regulated dead animal, a rendered product, a salvaged product, finished compost, composting material or cured compost; (“cadavre d’animal réglementé”)

“rendered products” means any products produced through the rendering of regulated dead animals, including fats and meals; (“produits d’équarrissage”)

“rendering facility” means a facility at which deadstock is rendered by heating it into one or more rendered products; (“installation d’équarrissage”)

“Salmonella test” means the test provided for in clause 79 (2) (a); (“test de détection de salmonelles”)

“salvage” means,

- (a) to feed regulated dead animals to captive wildlife, or
- (b) to process regulated dead animals into one or more salvaged products; (“récupérer”)

“salvaged products” means any saleable raw products obtained through the salvaging of regulated dead animals, including raw meat and fat, but not including skins and hides once the skin or hide is removed from the regulated dead animal; (“produits de récupération”)

“salvaging facility” means a facility at which deadstock is received for the purpose of salvaging; (“installation de récupération”)

“sanitize” means to clean for the purpose of controlling disease causing micro-organisms and “sanitized” and “sanitary” have corresponding meanings; (“assainir”, “assainissement”)

“sell” includes to sell, to offer to sell, to agree to sell, to barter, to possess for the purposes of sale, to sell on consignment and to dispose of or to agree to dispose of by any method to any person for valuable consideration; (“vendre”)

“sharp foreign matter test” means the test provided for in clause 79 (3) (b); (“test de détection de matières étrangères tranchantes”)

“substrate” means one or more of the following materials:

1. Sawdust, shavings or chips derived from wood that is clean, uncontaminated and has not been treated in any way or come into contact with any chemical.
2. Straw consisting of dried stalks and leaves of cultivated grain, corn or beans.
3. Clean hay or silage.
4. A mixture of livestock bedding or poultry bedding, or any combination of the two, that contains only materials described in paragraphs 1, 2 and 3 and manure, if the mixture is at least 30 per cent dry matter by weight.
5. Subject to subsection 72 (2), composting material that has fully undergone initial composting in accordance with section 76; (“substrat”)

“transfer station” means a facility at which deadstock is received for the sole purpose of temporarily storing it before it is sent to a permitted disposal destination; (“station de transfert”)

“uncomposted residue” means uncomposted or partially composted soft tissue, feathers, bones, horn, teeth or any other carcass parts greater than 25 millimetres in diameter that remain in or are separated from cured compost; (“résidus non compostés”)

“uncomposted residue test” means the test provided for in clause 79 (3) (a); (“test de détection de résidus non compostés”)

“veterinarian” means a person licensed under the *Veterinarians Act*. (“vétérinaire”) O. Reg. 105/09, s. 1 (1); O. Reg. 258/11, s. 1.

(2) When a collector transports composting material or regulated compost, or a composting facility receives composting material or regulated compost, as those terms are defined in Ontario Regulation 106/09 (Disposal of Dead Farm Animals) made under the *Nutrient Management Act, 2002*, from an operator as defined in that regulation, the material shall, for all purposes of this Regulation, be deemed to be composting material, as defined in this Regulation, that has not completed initial composting. O. Reg. 105/09, s. 1 (2).

#### **Deadstock**

2. (1) Subject to subsection (4), every dead animal that satisfies the following criteria is specified as deadstock for the purposes of the Act:

1. The animal belongs to any of the following groups or is a hybrid of an animal that belongs to any of the following groups:
  - i. Alpaca, bison, cattle, deer, elk, goats, llamas, sheep or yaks.
  - ii. Horses, ponies or donkeys.
  - iii. Pigs or other porcine animals.
  - iv. Poultry.
  - v. Ratites.
  - vi. Rabbits.

2. The animal was raised, bred or kept in captivity.
  3. The animal did not die from slaughter. O. Reg. 105/09, s. 2 (1).
- (2) For the purposes of the definition of “deadstock” in the Act, and of this section, “slaughter” means to kill for the purpose of human consumption. O. Reg. 105/09, s. 2 (2).
- (3) For greater certainty, every part of a dead animal that is deadstock is specified as deadstock, except the contents of the rumen that have been removed from a dead ruminant. O. Reg. 105/09, s. 2 (3).
- (4) A dead animal is not deadstock if one of the following applies:
1. The dead animal is disposed of under,
    - i. the *Meat Inspection Act* (Canada),
    - ii. the *Health of Animals Act* (Canada),
    - iii. the *Health Protection and Promotion Act*,
    - iv. Ontario Regulation 31/05 (Meat) made under the Act,
    - v. Ontario Regulation 222/05 (General) made under the Act, or
    - vi. Ontario Regulation 106/09 (Disposal of Dead Farm Animals) made under the *Nutrient Management Act, 2002*.
  2. The animal is a rabbit and immediately before the animal dies its custodian is the custodian of no more than 300 rabbits in total, dead or alive.
  3. The animal is poultry or a poultry hybrid, other than a turkey or a turkey hybrid, and at the time the animal dies its custodian is the custodian of no more than 300 poultry or poultry hybrids in total, not including turkeys or turkey hybrids, dead or alive.
  4. The animal is a turkey or a turkey hybrid, and immediately before the animal dies its custodian is the custodian of no more than 50 turkeys or turkey hybrids in total, dead or alive. O. Reg. 105/09, s. 2 (4).

## **PART II**

### **GENERAL RULES: PROHIBITION AGAINST SALE FOR HUMAN FOOD, RULES RE FALLEN ANIMALS**

#### **Prohibition against sale for human food**

**3.** No person shall process as food for human consumption, or distribute, sell, transport or deliver to any person as food for human consumption, a regulated dead animal or meat or other materials or products obtained from a regulated dead animal, whether raw, cooked or otherwise processed. O. Reg. 105/09, s. 3.

#### **Fallen animals**

**4.** (1) Every person who is responsible for the care of and has control over a fallen animal shall promptly kill it or arrange for it to be killed, in a humane manner in either case. O. Reg. 105/09, s. 4 (1).

(2) No person shall move a fallen animal before it is killed. O. Reg. 105/09, s. 4 (2).

## **PART III**

### **DISPOSAL OF DEADSTOCK**

#### **DISPOSING OF DEADSTOCK LIMITED TO CERTAIN PERSONS**

#### **Limitation on disposal**

**5.** (1) No person shall dispose of deadstock unless the person is,

- (a) the custodian of the deadstock;
- (b) a licensed collector;
- (c) the operator of a disposal facility;
- (d) the operator of an approved waste disposal site; or
- (e) an inspector, or a person authorized by an inspector to perform the disposal. O. Reg. 105/09, s. 5 (1).

(2) A person described in clause (1) (a), (b), (c) or (e) shall only dispose of deadstock in accordance with the requirements of this Regulation. O. Reg. 105/09, s. 5 (2).

#### **CUSTODIAN’S DUTY WHEN AN ANIMAL DIES**

#### **Duty to dispose of deadstock**

6. (1) Every custodian of deadstock is responsible for ensuring that the deadstock is disposed of in accordance with the requirements of sections 7 to 12. O. Reg. 105/09, s. 6 (1).

(2) An inspector or a person authorized by an inspector acting under clause 5 (1) (e) is deemed to be a custodian for the purpose of ensuring the disposal of deadstock. O. Reg. 105/09, s. 6 (2).

#### CUSTODIAN DISPOSAL OPTIONS

##### Disposal options

7. (1) A custodian shall, in accordance with the relevant requirements set out in this Regulation, dispose of deadstock by,

(a) using the services of a licensed collector;

(b) delivering it to a disposal facility;

(c) delivering it to an approved waste disposal site; or

(d) delivering it for the purposes of a post mortem activity to a veterinarian who agrees to accept the responsibilities of a custodian with respect to the deadstock. O. Reg. 105/09, s. 7 (1).

(2) If a custodian transporting one or more animals arrives at the premises of a commercial operation and if an animal being transported has died while in transit,

(a) the custodian may deposit the dead animal for disposal purposes with the operator of the commercial operation, with the consent of the operator; and

(b) once the operator receives the dead animal, the operator is deemed to be its custodian from the time of that receipt, and the transporter is no longer its custodian. O. Reg. 105/09, s. 7 (2).

(3) Where an operator of a commercial operation becomes a custodian under subsection (2), the operator shall deal with the dead animal as if it were deadstock and as if it died on the land used by the operator for its commercial operation. O. Reg. 105/09, s. 7 (3).

(4) The transporter of the dead animal referred to in subsection (2) shall advise the operator of the commercial operation who receives the dead animal of the transporter's best estimate of time of the animal's death, and any other information required to be recorded under Part VIII. O. Reg. 105/09, s. 7 (4).

(5) For the purposes of subsections (2) to (4),

“animal” means a live animal that, if dead, would be deadstock under this Regulation; (“animal”)

“commercial operation” means a business that receives and handles animals for the purpose of sale or distribution or for the purpose of feeding, watering or resting the animals while in transit. (“exploitation commerciale”) O. Reg. 105/09, s. 7 (5).

##### General rule — 48 hours

8. Subject to sections 9 to 11, the custodian shall dispose of deadstock within 48 hours of death. O. Reg. 105/09, s. 8.

##### Exception — immediate disposal

9. Subject to section 10, deadstock must be disposed of immediately if it begins to putrefy. O. Reg. 105/09, s. 9.

##### Exception — storage for post mortem activities

10. (1) A custodian may hold deadstock for more than 48 hours but not more than seven days following its death, even if it begins to putrefy, for the purposes of a post mortem activity if,

(a) someone with the legal authority to require that a post mortem activity be performed indicates to the custodian within 48 hours of the animal's death that he or she intends to require the activity be performed; or

(b) the custodian clearly demonstrates within 48 hours of the animal's death his or her intention to have a post mortem activity performed. O. Reg. 105/09, s. 10 (1).

(2) Deadstock that is held under this section must be disposed of immediately following the completion of the post mortem activity. O. Reg. 105/09, s. 10 (2).

(3) A veterinarian who receives deadstock for the purposes of conducting a post mortem activity is deemed to be a custodian of the deadstock from the time the deadstock is received. O. Reg. 105/09, s. 10 (3).

##### Exception — cold or frozen storage

11. (1) A custodian may store deadstock for more than 48 hours following its death in cold or frozen storage in accordance with the requirements of this section. O. Reg. 105/09, s. 11 (1).

(2) The cold or frozen storage must commence within 48 hours of the death. O. Reg. 105/09, s. 11 (2).

(3) The deadstock must be stored,

- (a) if in cold storage, for no more than 14 days following the death; or
- (b) if in frozen storage, for no more than 240 days following the death. O. Reg. 105/09, s. 11 (3).
- (4) The deadstock must not be kept in cold or frozen storage anywhere other than the registered parcel of land on which it died, and if it died on land that did not belong to the custodian, may only be kept in cold or frozen storage with the written consent of the owner of the land, or of the occupier of the land, if the occupier is not the owner. O. Reg. 105/09, s. 11 (4).
- (5) The deadstock must be stored in a manner that,
  - (a) prevents liquids that escape from it from leaking onto the ground;
  - (b) protects it from scavengers, insects, rodents and other pests; and
  - (c) conceals it from public view. O. Reg. 105/09, s. 11 (5).
- (6) If there are any signs that liquid is leaking from stored deadstock onto the ground, the custodian must immediately contain the leakage and take all reasonable steps to prevent further leakage. O. Reg. 105/09, s. 11 (6).
- (7) The custodian of deadstock in cold or frozen storage must immediately dispose of the deadstock when he or she permanently removes it from storage and, in any event, no later than the end of the 240-day period that follows its death, unless a post mortem activity is to be performed, in which case the post mortem activity must be performed immediately upon the removal from storage, and the deadstock disposed of immediately upon the completion of the post mortem activity. O. Reg. 105/09, s. 11 (7).

#### COLLECTION FROM CUSTODIAN BY A LICENSED COLLECTOR

##### Collection requirements

- 12.** (1) A custodian who disposes of deadstock by using the services of a licensed collector shall,
  - (a) place the deadstock for collection in accordance with subsections (2) to (8); or
  - (b) deliver the deadstock directly to the collector, while ensuring that the transfer takes place outside of public view. O. Reg. 105/09, s. 12 (1).
- (2) If a custodian places deadstock for collection, the custodian must designate a place on land owned by him or her as a collection point except that, if the animal died on another person's land, the custodian must arrange with that person to designate a place on that land as the collection point. O. Reg. 105/09, s. 12 (2).
- (3) Until it is collected, deadstock must be stored at the designated collection point. O. Reg. 105/09, s. 12 (3).
- (4) The collection point must be monitored regularly until the deadstock is collected by the collector. O. Reg. 105/09, s. 12 (4).
- (5) Deadstock that is stored at a collection point must be stored in a manner that,
  - (a) prevents liquids that escape from the deadstock from leaking onto the ground;
  - (b) protects it from scavengers, insects, rodents and other pests; and
  - (c) conceals it from public view. O. Reg. 105/09, s. 12 (5).
- (6) If there are any signs that liquid is leaking from stored deadstock onto the ground, the custodian must immediately contain the leakage and take all reasonable steps to prevent further leakage. O. Reg. 105/09, s. 12 (6).
- (7) Once deadstock has been collected, the custodian shall promptly clean the collection point and surrounding area of any remaining animal tissue. O. Reg. 105/09, s. 12 (7).
- (8) For greater certainty, a custodian is not considered to have disposed of deadstock until a licensed collector actually collects the deadstock from the collection point. O. Reg. 105/09, s. 12 (8).

#### PART IV TRANSPORTING DEADSTOCK AND OTHER MATERIAL

##### Restrictions on transporting, and exceptions

- 13.** (1) No person except a licensed collector shall transport regulated dead animals, cured compost or composting material on a public highway. O. Reg. 105/09, s. 13 (1).
- (2) Despite subsection (1), a carrier may transport cured compost on a public highway to an approved waste disposal site. O. Reg. 105/09, s. 13 (2).
- (3) Despite subsection (1), a custodian may transport deadstock on a public highway to,
  - (a) a disposal facility;
  - (b) an approved waste disposal site; or



(c) a place where a veterinarian will perform a post mortem activity. O. Reg. 105/09, s. 13 (3).

(4) Despite anything else in this Regulation, wherever a person is permitted under this Regulation to transport regulated dead animals, composting material or cured compost to a disposal facility or an approved waste disposal site, the person is also permitted to transport the animals, material or compost to an equivalent facility outside Ontario that may legally accept them, as long as the requirements of this Regulation are otherwise complied with while in Ontario. O. Reg. 105/09, s. 13 (4).

#### **Collector must be advised**

**14.** Every person who uses the services of a licensed collector to dispose of or transport regulated dead animals, composting material or cured compost shall advise the collector of the nature of the material to be disposed of or transported before the collector collects it. O. Reg. 105/09, s. 14.

#### **Transportation requirements**

**15.** (1) Every person who transports regulated dead animals, composting material or cured compost on a public highway shall ensure that the requirements set out in this section are satisfied. O. Reg. 105/09, s. 15 (1).

(2) Regulated dead animals, composting material or cured compost must be transported in a vehicle, trailer or transport container that satisfies the following requirements:

1. It is designed and equipped to prevent the leakage or escape of the materials being transported.
2. Each of its surfaces that may come into contact with regulated dead animals, composting material or cured compost is impervious and capable of withstanding repeated cleaning and sanitizing. O. Reg. 105/09, s. 15 (2).

(3) Regulated dead animals or composting material must be transported in a vehicle, trailer or transport container that is designed such that the regulated dead animals or composting material can be transported without being in public view. O. Reg. 105/09, s. 15 (3).

(4) Regulated dead animals or composting material must be transported without being in public view. O. Reg. 105/09, s. 15 (4).

(5) Regulated dead animals, composting material or cured compost must not be transported with,

- (a) food for human consumption; or
- (b) a live animal. O. Reg. 105/09, s. 15 (5).

(6) For greater certainty, even if the regulated dead animals, composting material or cured compost are in a sealed transport container, it must not be transported in the same vehicle as food for human consumption or a live animal. O. Reg. 105/09, s. 15 (6).

#### **Permitted destinations**

**16.** When a collector collects regulated dead animals the collector shall promptly transport them to,

- (a) a disposal facility; or
- (b) an approved waste disposal site. O. Reg. 105/09, s. 16.

#### **Compost, general**

**17.** A collector who has collected any of the following shall, as soon as practicable, transport it to another composting facility or an approved waste disposal site:

1. Composting material whether or not initial composting is complete.
2. Composting material that has begun curing, but the curing is not complete.
3. Cured compost that has not been tested in accordance with section 78 to determine whether it is finished compost.
4. Cured compost that has failed the E. coli test, the Salmonella test or the uncomposted residue test. O. Reg. 105/09, s. 17.

#### **Compost that has failed sharp foreign matter or foreign matter test**

**18.** When a collector collects cured compost that has failed the sharp foreign matter test or the foreign matter test, the collector shall as soon as practicable transport the entire batch to an approved waste disposal site. O. Reg. 105/09, s. 18.

#### **Evidence of licence**

**19.** (1) No collector shall transport regulated dead animals, composting material or cured compost on a public highway unless evidence of the collector's licence is clearly displayed in the windshield of the vehicle. O. Reg. 105/09, s. 19 (1).

- (2) No collector shall display evidence of a licence on a vehicle if,
  - (a) the licence has expired or has been suspended or revoked; or

- (b) the vehicle is no longer being used for the purpose of carrying on a collector licensed activity. O. Reg. 105/09, s. 19 (2).

#### **Cleaning requirements**

**20.** (1) Once a person has delivered regulated dead animals, composting material or cured compost to a disposal facility, the operator of the facility shall ensure that the vehicle, trailer or transport container in which the material was transported is promptly cleaned and sanitized. O. Reg. 105/09, s. 20 (1).

(2) No person shall remove from a disposal facility a vehicle, trailer or transport container in which regulated dead animals, composting material or cured compost were transported to the facility until the vehicle, trailer or container, as the case may be, has been cleaned and sanitized in accordance with subsection (1). O. Reg. 105/09, s. 20 (2).

## **PART V LICENCES**

#### **Types of licences**

**21.** There are six types of licences that may be issued under this Regulation:

1. Licence to engage in the business of a broker.
2. Licence to engage in the business of a collector.
3. Licence to operate a transfer station.
4. Licence to operate a salvaging facility.
5. Licence to operate a composting facility.
6. Licence to operate a rendering facility. O. Reg. 105/09, s. 21.

## **LICENSED ACTIVITIES**

#### **Brokers**

**22.** (1) No person shall carry on a broker licensed activity unless the person holds a licence to engage in the business of a broker. O. Reg. 105/09, s. 22 (1).

(2) The following are broker licensed activities:

1. Obtaining meat from another broker or a disposal facility for the purpose of selling the meat in the course of carrying on the business of being a broker.
2. Denaturing, packaging and labelling meat obtained in accordance with paragraph 1.
3. Receiving, storing, handling, distributing or selling meat obtained in accordance with paragraph 1, whether or not the broker has denatured, packaged or labelled the meat. O. Reg. 105/09, s. 22 (2).

#### **Collectors**

**23.** (1) No person shall carry on a collector licensed activity unless the person holds a licence to engage in the business of a collector. O. Reg. 105/09, s. 23 (1).

(2) The following are collector licensed activities:

1. Transporting regulated dead animals or composting material in the course of carrying on business as a collector.
2. Receiving and handling regulated dead animals or composting material in the course of carrying on business as a collector. O. Reg. 105/09, s. 23 (2).

#### **Transfer stations**

**24.** (1) No person shall operate any premises where transfer station licensed activities are carried on unless the person holds a licence to operate a transfer station. O. Reg. 105/09, s. 24 (1).

(2) The following are transfer station licensed activities:

1. Receiving, handling or storing regulated dead animals at a transfer station.
2. Organizing regulated dead animals into lots for transfer station purposes.
3. Selling or otherwise disposing of regulated dead animals from the transfer station. O. Reg. 105/09, s. 24 (2).

(3) An operator of a transfer station may carry on the licensed activities referred to in subsection (2) only at the location specified in his or her licence. O. Reg. 105/09, s. 24 (3).

#### **Salvaging facilities**

**25.** (1) No person shall operate any premises where salvaging facility licensed activities are carried on unless the person holds a licence to operate a salvaging facility. O. Reg. 105/09, s. 25 (1).

(2) The following are salvaging facility licensed activities:

1. Receiving, handling or storing regulated dead animals for salvaging purposes.
2. Processing regulated dead animals into salvaged products.
3. Feeding regulated dead animals to captive wildlife kept at a captive wildlife establishment.
4. Denaturing, packaging or labelling meat salvaged from regulated dead animals.
5. If regulated dead animals are received for salvaging purposes but are not salvaged, the selling or otherwise disposing of those regulated dead animals.
6. Selling or otherwise disposing of meat salvaged from regulated dead animals. O. Reg. 105/09, s. 25 (2).

(3) An operator of a salvaging facility may carry on the licensed activities referred to in subsection (2) only at the location specified in his or her licence. O. Reg. 105/09, s. 25 (3).

(4) Despite subsection (3), if the operator of a salvaging facility is also the operator of a captive wildlife establishment and the salvaging facility is physically located at and is part of the captive wildlife establishment, the salvaging facility operator may feed regulated dead animals to captive wildlife kept at the captive wildlife establishment. O. Reg. 105/09, s. 25 (4).

#### **Rendering facilities**

**26.** (1) No person shall operate any premises where rendering facility licensed activities are carried on unless the person holds a licence to operate a rendering facility. O. Reg. 105/09, s. 26 (1).

(2) The following are rendering facility licensed activities:

1. Receiving, handling or storing for rendering purposes regulated dead animals.
2. Rendering regulated dead animals to obtain rendered products.
3. If regulated dead animals are received for rendering purposes but are not rendered, the selling or otherwise disposing of those regulated dead animals. O. Reg. 105/09, s. 26 (2).

(3) An operator of a rendering facility may carry on the licensed activities referred to in subsection (2) only at the location specified in his or her licence. O. Reg. 105/09, s. 26 (3).

#### **Composting facilities**

**27.** (1) No person shall operate any premises where composting facility licensed activities are carried on unless the person holds a licence to operate a composting facility. O. Reg. 105/09, s. 27 (1).

(2) The following are composting facility licensed activities:

1. Receiving, handling or storing for composting purposes regulated dead animals, composting material or cured compost.
2. Composting regulated dead animals, composting material or cured compost, and selling or otherwise disposing of the composting material or cured compost that results.
3. If regulated dead animals, composting material or cured compost are received for composting purposes but are not processed by composting, the selling or otherwise disposing of those regulated dead animals, composting material or cured compost. O. Reg. 105/09, s. 27 (2).

(3) An operator of a composting facility may carry on the licensed activities referred to in subsection (2) only at the location specified in his or her licence. O. Reg. 105/09, s. 27 (3).

### **APPLICATION FOR A LICENCE**

#### **Application to director**

**28.** (1) An application for the issuance of a licence described in section 21 shall be in a form approved by the director to whom the applicant submits the application. O. Reg. 105/09, s. 28 (1).

(2) The director may require an applicant to provide any information or documents that, in the director's opinion, are relevant to determining whether the applicant is entitled to a licence. O. Reg. 105/09, s. 28 (2).

#### **General application requirements**

**29.** Every application for the issuance of a licence must include,

- (a) the name and address, telephone number, fax number and e-mail address, both home and business in each case if applicable, of,

- (i) the applicant, in the case of an individual,
  - (ii) every partner of the applicant, in the case of a partnership, and
  - (iii) every director or officer of the applicant, in the case of a corporation;
- (b) payment of any applicable fee;
  - (c) a disclosure of whether there is an association, direct or indirect, between the applicant or anyone affiliated with the applicant and any business or operation in which animals are slaughtered for human consumption or in which meat from animals slaughtered for human consumption is processed or sold; and
  - (d) sufficient information to allow the director to determine that the applicant or the persons who will be carrying on the licensed activities on behalf of the applicant have the knowledge, skills and experience necessary to carry on the licensed activities in respect of which the licence is sought. O. Reg. 105/09, s. 29.

**Collector licence**

**30.** In addition to complying with section 29, an applicant for a licence to carry on business as a collector must,

- (a) list in the application every vehicle, trailer and transport container that the applicant intends to use in the transportation of regulated dead animals, composting material or cured compost;
- (b) certify that the vehicle, trailer or transport container satisfies the requirements set out in subsections 15 (2) and (3); and
- (c) supply the licence plate number, in the case of every vehicle and trailer. O. Reg. 105/09, s. 30.

**Disposal facility licence**

**31.** (1) In addition to complying with section 29, an application for a licence to operate a transfer station, a licence to operate a salvaging facility, a licence to operate a composting facility or a licence to operate a rendering facility must,

- (a) include the mailing and street address of the proposed facility;
- (b) include a site map of the facility land or proposed land that clearly shows the boundary line of the land and shows and labels all actual and intended facility buildings and their uses, and all receiving, handling, processing, storage and distribution areas to be used in the operation of the facility;
- (c) include, for each building on facility land, a floor plan for each floor of the building that shows each room or area and its use and that if the facility will have a food preparation or eating area, clearly marks and labels the such areas;
- (d) include, if the facility will have a food preparation or eating area, the written procedures that the operator will implement at the facility to prevent meat, regulated dead animals or material that may be contaminated with disease-producing organisms from entering or contaminating the food preparation or eating area; and
- (e) include any other information or document that the director requires or requests for the purpose of determining whether the application meets the requirements of the Act and the regulations. O. Reg. 105/09, s. 31 (1).

(2) The maps and plans required under subsection (1) must be legible and drawn to scale using metres, and must name and locate all places required to be shown, and where minimum distances are required between places under this Regulation, the maps and plans must show the places and show the actual distances between the places. O. Reg. 105/09, s. 31 (2).

**Salvaging facility licence**

**32.** In addition to complying with section 29 and section 31, an application for a licence to operate a salvaging facility that is part of a captive wildlife establishment must include a copy of procedures that the operator will implement at the salvaging facility to prevent the transmission of disease from the facility and to prevent scavengers from removing regulated dead animals from the facility. O. Reg. 105/09, s. 32.

**Composting facility licence**

**33.** (1) In addition to complying with sections 29 and 31, an application for a licence to operate a composting facility must include the following:

- 1. A detailed description of the composting method or methods and all equipment that the operator will use at the facility in the process of composting of anything to which this Regulation applies.
- 2. A copy of the procedures that the operator will implement at the facility to prevent regulated dead animals or other materials or equipment that may be contaminated with disease-producing organisms from coming into contact with finished compost.
- 3. A copy of the procedures that the operator will implement at the facility to dispose of finished compost that cannot be sold.

4. A copy of the procedures that the operator will implement at the facility to prevent liquids that escape from areas where regulated dead animals or composting material are stored or composted, or where cured or finished compost is stored, from leaking onto the ground.
  5. A copy of the procedures that the operator will implement at the facility to prevent storm and melt water runoff from entering areas where regulated dead animals or composting material are stored or composted, or where cured or finished compost is stored, including a detailed written description of any structures or equipment to be used to divert water from these areas.
  6. A vicinity map, including within it the site map required under section 31, showing the area within 500 metres of the actual or proposed facility measured out from the facility boundary line, that clearly shows and labels all other property lines, buildings and other structures, wells, watercourses, and roads located on the land within 500 metres measured out from the facility boundary line, and that clearly shows and labels the actual distance of all distances from other places required under this Regulation with respect to a composting facility.
  7. On the site map required under section 31, clearly marked and labelled locations and dimensions of all actual and intended composting pads, composting containers and storage containers. O. Reg. 105/09, s. 33 (1).
- (2) The maps required under subsection (1) must be legible and drawn to scale using metres, and must name and locate all places required to be shown, and where minimum distances are required between places under this Regulation, the maps must show the places and show the actual distances between the places. O. Reg. 105/09, s. 33 (2).

#### **Applications for renewal**

**34.** Sections 28 to 33 apply with respect to the renewal of a licence subject to the following modifications:

1. Where a provision in section 30, 31, 32 or 33 requires the application to describe or indicate how something will occur under the licence, it shall be read as requiring the application to describe how something occurs under the current licence and how it will occur under the renewed licence.
2. The requirements under sections 30, 31, 32 and 33 to submit material or information apply only to changes in the material or information since the immediately preceding application for a licence or a renewal. O. Reg. 105/09, s. 34.

#### **ISSUANCE OR RENEWAL OF A LICENCE**

##### **Procedures**

**35.** (1) This section applies when an application for the issuance or renewal of a licence is required to include proposed procedures under section 31, 32 or 33. O. Reg. 105/09, s. 35 (1).

(2) A director shall determine whether the proposed procedures are adequate for their intended purpose and may specify such changes to the procedures that, in his or her opinion, are necessary with regard to the purpose for which the procedures are designed. O. Reg. 105/09, s. 35 (2).

#### **REFUSALS OF LICENCES, CONDITIONS**

##### **Refusal of licences**

**36.** (1) For the purposes of clause 5 (1) (a) of the Act, the following are specified as persons whose past conduct will be taken into account with respect to an applicant that is a corporation:

1. A person who has a beneficial interest in the corporation.
2. A person who exercises control, directly or indirectly, over the corporation.
3. A person who has provided financing, directly or indirectly, to the corporation. O. Reg. 105/09, s. 36 (1).

(2) The director shall decline to issue a licence if the director is not satisfied that the applicant, or the persons who will be carrying on the licensed activity on behalf of the applicant, have the knowledge, skills and experience necessary to carry on the licensed activity in respect of which the licence is sought. O. Reg. 105/09, s. 36 (2).

##### **Director's conditions**

**37.** With respect to an application that is required to include additional information, documents or procedures under subsection 28 (2) or section 30, 31, 32 or 33, the director may issue or renew the licence subject to the condition the applicant provide the additional information or documents within the time specified by the director or implement the procedures with such changes that the director specifies are necessary and within the time specified by the director. O. Reg. 105/09, s. 37.

##### **Time to respond**

**38.** (1) The following are the prescribed times within which a person may request a hearing or rehearing in respect of a refused, suspended or revoked licence or conditions imposed on a licence:

1. For the purposes of subsection 5 (2) of the Act, within 21 days after the day on which notice is served to the person.

2. For the purposes of subsections 6 (2) and (4) of the Act, within 10 days after the day on which notice is served to the person.
3. For the purposes of subsection 8 (2) of the Act, within 10 days after the day on which notice is served to the person.
4. For the purposes of subsection 9 (3) of the Act, within 10 days after the day on which notice is served to the person. O. Reg. 105/09, s. 38 (1).

(2) For the purposes of subsection 10 (1) of the Act, a person may request an appeal in respect of a director’s decision by delivering the written notices required under that subsection within 15 days after the day on which the person receives notice of the decision. O. Reg. 105/09, s. 38 (2).

**Expiry of licences**

**39.** (1) Subject to subsection (2), a licence issued or renewed under this Regulation expires on a date set out in the licence, which shall be three years from the date of issue or renewal unless a director sets a condition under subsection (2). O. Reg. 105/09, s. 39 (1).

(2) The director issuing or renewing a licence may make it a condition of the licence that it expire at an earlier date set out in the licence where the director is satisfied that the past conduct of the licensee makes it desirable in the public interest that the licence be reviewed at more frequent intervals. O. Reg. 105/09, s. 39 (2).

(3) A licensee must apply for the renewal of a licence at least 60 days immediately preceding its expiry in order for the licence to be deemed to continue under subsection 6 (6) of the Act. O. Reg. 105/09, s. 39 (3).

**Not transferable**

**40.** A licence under this Regulation may not be transferred. O. Reg. 105/09, s. 40.

**Licences — transition**

**41.** (1) Each of the licences listed in Column 1 of the following Table that was issued or renewed under the *Dead Animal Disposal Act* and was in force immediately before the day this section comes into force is continued as a licence under the *Food Safety and Quality Act, 2001* specified opposite it in Column 2:

TABLE

	Column 1	Column 2
	Licence issued under the <i>Dead Animal Disposal Act</i>	Corresponding licence under the <i>Food Safety and Quality Act, 2001</i>
1.	Licence to engage in the business of a collector	Licence to engage in the business of a collector
2.	Licence to engage in the business of a broker	Licence to engage in the business of a broker
3.	Licence to engage in the business of an operator of a receiving plant	Licence to operate a salvaging facility
4.	Licence to engage in the business of an operator of a rendering plant	Licence to operate a rendering facility

O. Reg. 105/09, s. 41 (1).

(2) A licence continued as described in subsection (1) expires on December 31 next following the day this section comes into force. O. Reg. 105/09, s. 41 (2).

(3) A licence listed in Column 1 of the Table to subsection (1) that was deemed to continue pending renewal under subsection 7 (3) of the *Dead Animal Disposal Act* for which the Director has not issued a decision on the application for renewal under that Act before the day this section comes into force is continued as a licence under the *Food Safety and Quality Act, 2001* specified opposite it in that Table, subject to the following:

1. The application for renewal made under the *Dead Animal Disposal Act* shall be treated as an application for a renewal of the corresponding licence under the *Food Safety and Quality Act, 2001* and this Regulation.
2. The licence shall continue until December 31 next following the day this section comes into force or until a director makes a decision with respect to its renewal in accordance with the *Food Safety and Quality Act, 2001* and this Regulation, whichever is earlier. O. Reg. 105/09, s. 41 (3).

**PART VI  
OPERATIONAL REQUIREMENTS**

**GENERAL**

**Responsibility for compliance**

42. Every licensee shall ensure that the licensed activities in respect of which his or her licence is held are carried on in accordance with the applicable requirements of the Act, this Regulation and any direction or order made by the director or an inspector. O. Reg. 105/09, s. 42.

**Disease prevention**

43. Every licensee shall take all reasonable precautions to prevent the spread of disease from regulated dead animals in the licensee's possession during the course of carrying on the licensed activities. O. Reg. 105/09, s. 43.

**Vehicles, equipment, etc.**

44. (1) Every licensee shall ensure that all vehicles, trailers, transport containers, equipment, structures and systems the licensee uses in the course of carrying on the licensed activities are maintained in good working condition. O. Reg. 105/09, s. 44 (1).

(2) Every licensee shall ensure that all vehicles, trailers, transport containers, equipment and structures that are at a disposal facility and that have come into contact, directly or indirectly with regulated dead animals or other material that may be contaminated with disease-producing organisms are cleaned and sanitized. O. Reg. 105/09, s. 44 (2).

**RULES FOR DISPOSAL FACILITIES**

**Location, construction, etc.**

45. Every operator of a disposal facility shall ensure that,

- (a) the facility is located in a place that is free of conditions that may contaminate the facility, anything used in its operation, or any material it distributes;
- (b) the facility is designed, constructed and finished in such a way that all parts of the facility other than the yard are capable of being maintained in a sanitary condition;
- (c) the facility has the space, equipment and structures necessary to permit the licensed activities to be carried on safely and in accordance with the Act and this Regulation;
- (d) the facility has an adequate supply of hot and cold running water to permit the licensed activities to be carried on in accordance with this Regulation;
- (e) all parts of the facility where regulated dead animals, salvaged products or rendered products or other materials that may be contaminated with disease-producing organisms are maintained in a sanitary condition;
- (f) all equipment used at the facility in the handling, processing or storage of regulated dead animals, of salvaged products or rendered products and of other materials that may be contaminated with disease-producing organisms is maintained in a sanitary condition; and
- (g) no regulated dead animals are handled, processed or stored in any outdoor area of a disposal facility, other than regulated dead animals mixed with substrate in an outdoor area at a composting facility. O. Reg. 105/09, s. 45.

**Leakage**

46. If at any point while a regulated dead animal is at a disposal facility there are any signs of leakage from the animal onto the ground, the operator of the facility shall ensure that the leakage is collected and take reasonable steps to prevent further leakage. O. Reg. 105/09, s. 46.

**Yards**

47. Every operator of a disposal facility shall ensure that the yard of the facility is maintained in a clean condition, and that if material from a regulated dead animal comes into contact with the yard, it is immediately cleared away. O. Reg. 105/09, s. 47.

**Pests, etc.**

48. Every operator of a disposal facility shall ensure that the presence of scavengers, insects, rodents and other pests at the facility is minimized to the extent reasonably possible. O. Reg. 105/09, s. 48.

**Live animals**

49. (1) Every operator of a disposal facility shall ensure that no live animal, other than a guard dog or a fallen animal described in subsection 50 (2), is permitted to enter or be kept at the disposal facility. O. Reg. 105/09, s. 49 (1).

(2) The operator shall ensure that every guard dog kept at the facility is kept out of any area at the facility where regulated dead animals, other materials that may be contaminated with disease-producing organisms, salvaged products or rendered products are handled, processed or stored. O. Reg. 105/09, s. 49 (2).

**Prohibition against killing**

**50.** (1) Every operator of a disposal facility shall ensure that no person kills an animal at a disposal facility. O. Reg. 105/09, s. 50 (1).

(2) Despite subsection (1), if a fallen animal arrives at a disposal facility, that animal must immediately be killed in a humane manner, and once killed that animal shall be treated in all respects as if it were a regulated dead animal. O. Reg. 105/09, s. 50 (2).

(3) Despite subsection (1), animals that are scavengers, pests or rodents may be killed at a disposal facility. O. Reg. 105/09, s. 50 (3).

#### **Transfer stations**

**51.** (1) Subject to subsection (2), every operator of a transfer station shall ensure that all regulated dead animals that are received at the station remain at the station for no more than 24 hours from the time they are received. O. Reg. 105/09, s. 51 (1).

(2) The operator of a transfer station may permit regulated dead animals to remain at the station for up to 14 days in cold storage, and up to 240 days in frozen storage if, the regulated dead animals are placed in the cold or frozen storage within 24 hours of being received at the transfer station. O. Reg. 105/09, s. 51 (2).

#### **Prompt salvaging**

**52.** (1) Every operator of a salvaging facility shall ensure that salvaging occurs within 24 hours of the arrival of the regulated dead animal at the facility. O. Reg. 105/09, s. 52 (1).

(2) Despite subsection (1), if a regulated dead animal arrives at a salvaging facility in a frozen state, the operator shall ensure that salvaging occurs within 24 hours after the animal has thawed. O. Reg. 105/09, s. 52 (2).

(3) Despite subsection (1), if the salvaging facility is part of a captive wildlife establishment and if the salvaging facility and the captive wildlife establishment are operated by the same person, the operator may store a regulated dead animal for longer than 24 hours after its arrival at the facility, if the regulated dead animal is being stored in cold or frozen storage for purposes of feeding it to captive wildlife and if subsections (4) to (11) are complied with. O. Reg. 105/09, s. 52 (3).

(4) The cold or frozen storage must commence within 24 hours of the arrival of the regulated dead animal at the facility. O. Reg. 105/09, s. 52 (4).

(5) The regulated dead animal must be stored,

(a) if in cold storage, for no more than 14 days following its arrival at the facility; or

(b) if in frozen storage, for no more than 240 days following its arrival at the facility. O. Reg. 105/09, s. 52 (5).

(6) The regulated dead animal in cold or frozen storage must be in a building located on the premises of the salvaging facility, as required under clause 45 (g). O. Reg. 105/09, s. 52 (6).

(7) The regulated dead animal must be stored in a manner that,

(a) prevents liquids that escape from it from leaking onto the ground;

(b) protects it from scavengers, insects, rodents and other pests; and

(c) conceals it from public view. O. Reg. 105/09, s. 52 (7).

(8) If there are any signs that liquid is leaking from stored regulated dead animals onto the ground, the operator must immediately contain the leakage and take all reasonable steps to prevent further leakage. O. Reg. 105/09, s. 52 (8).

(9) Once the operator permanently removes a regulated dead animal from cold storage, the operator must immediately salvage or dispose of the regulated dead animal. O. Reg. 105/09, s. 52 (9).

(10) Once the operator permanently removes a regulated dead animal from frozen storage, the operator must immediately dispose of the regulated dead animal or ensure that salvaging occurs within 24 hours after the animal has thawed. O. Reg. 105/09, s. 52 (10).

(11) The operator must remove a regulated dead animal from storage no later than the end of the 240-day period following the animal's arrival at the salvaging facility. O. Reg. 105/09, s. 52 (11).

#### **Disposal or storage of meat at salvaging facilities**

**53.** (1) Subject to subsections (2) and (3), every operator of a salvaging facility shall ensure that meat that is salvaged from a regulated dead animal is disposed of from the facility within 48 hours of the arrival of the regulated dead animal at the facility, except where the regulated dead animal arrives at the salvaging facility in a frozen state, in which case meat salvaged from that animal must be disposed of from the facility within 48 hours after the animal has thawed. O. Reg. 105/09, s. 53 (1).

(2) Meat that is salvaged from a regulated dead animal may be kept in frozen storage at the facility if the meat is placed in the frozen storage within 48 hours of the arrival of the regulated dead animal at the facility, except where the regulated dead animal arrives at the salvaging facility in a frozen state, in which case meat salvaged from that animal may be kept in frozen



storage at the facility if the salvaged meat is placed in the frozen storage within 48 hours after the animal has thawed. O. Reg. 105/09, s. 53 (2).

(3) Meat that is salvaged from a regulated dead animal may be kept in cold storage at the facility for up to 14 days after salvaging if the meat is placed in the cold storage within 48 hours of the arrival of the regulated dead animal at the facility, except where the regulated dead animal arrives at the salvaging facility in a frozen state, in which case meat salvaged from that animal must be placed in the frozen storage within 48 hours after the animal has thawed. O. Reg. 105/09, s. 53 (3).

(4) When salvaged meat that has been kept in frozen or cold storage under subsection (2) or (3) is removed from such storage, the operator shall ensure that the meat is disposed of from the facility promptly after the removal. O. Reg. 105/09, s. 53 (4).

#### **Meat salvaging requirements**

**54.** Subject to section 55, every operator of a salvaging facility shall ensure that the following rules are complied with in respect to all meat salvaged from regulated dead animals at the facility:

1. The meat must be processed into portions that weigh no more than five kilograms each.
2. Each portion of meat must be denatured by applying charcoal, or another denaturant approved by the director, to the surface of the meat in sufficient quantities that the application of further denaturant would not further alter the surface colour of the meat.
3. The meat must be packaged in a leakproof container or in a leakproof wrapper.
4. Each container or wrapper in which one or more portions of meat is packaged must be labelled in accordance with section 56. O. Reg. 105/09, s. 54.

#### **Exceptions**

**55.** (1) For greater certainty, this section sets out exceptions and alternatives to the rules in section 54. O. Reg. 105/09, s. 55 (1).

(2) If a salvaging facility organizes a number of single five kilogram or smaller portions of meat into a frozen block that weighs at least 25 kilograms, the frozen block does not need to be packaged. O. Reg. 105/09, s. 55 (2).

(3) If a salvaging facility is part of a captive wildlife establishment, the following applies with respect to meat that is salvaged to be fed to animals at the captive wildlife establishment:

1. The meat must be processed into portions that weigh no more than 40 kilograms each.
2. It is not necessary that the meat be denatured, packaged or labelled. O. Reg. 105/09, s. 55 (3).

(4) Where the operator of a salvaging facility salvages meat for the operator's personal use in baiting wild animals, the following applies with respect to that meat:

1. The meat must be processed into portions that weigh no more than 40 kilograms each.
2. In the case of a single portion that weighs more than five kilograms, the meat must be deeply and conspicuously slashed on all sides and then denatured.
3. In the case of a single portion that weighs more than five kilograms, the meat must be labelled, but it is not necessary that it be packaged.
4. In the case of a single portion that weighs five kilograms or less, the normal rules under section 54 apply. O. Reg. 105/09, s. 55 (4).

(5) In the case of meat that is salvaged to be sold, unfrozen, to a captive wildlife establishment to be used as animal feed at the captive wildlife establishment, or to another person for use as bait for wild animals, the following applies:

1. The meat must be processed into portions that weigh no more than 40 kilograms each.
2. In the case of a single portion that weighs more than five kilograms, the meat must be deeply and conspicuously slashed on all sides and then denatured.
3. The meat must be packaged and labelled in accordance with section 56. O. Reg. 105/09, s. 55 (5).

(6) In the case of meat that is salvaged to be sold, frozen, to a captive wildlife establishment to be used as animal feed at the captive wildlife establishment or to another person for use as bait for wild animals, the following applies:

1. The meat must be processed into portions that weigh no more than 40 kilograms each.
2. In the case of a single portion that weighs more than five kilograms, the meat must be deeply and conspicuously slashed on all sides and then denatured.

3. In the case of a single portion that weighs more than five kilograms, the meat must be labelled, but it is not necessary that it be packaged.
4. In the case of a single portion that weighs five kilograms or less, the normal rules under section 54 apply. O. Reg. 105/09, s. 55 (6).

**Labelling of meat**

**56.** Every operator of a salvaging facility shall ensure that the following rules are complied with respecting the labelling of meat salvaged at the facility:

1. If it is required that the meat be packaged, a label must be printed on or affixed or attached to the package.
2. Subject to paragraph 3, if it is not required that the meat be packaged, a label must be attached to the meat.
3. If meat that is not required to be packaged is nevertheless packaged, a label must be printed on or affixed or attached to the package.
4. The label must prominently and legibly display,
  - i. the words “UNFIT FOR HUMAN CONSUMPTION” or “UNFIT FOR HUMAN CONSUMPTION/ “IMPROPRE À LA CONSOMMATION HUMAINE”, and
  - ii. the licence number of the salvaging facility.
5. The words and numbers required under paragraph 4 must be,
  - i. at least 1.5 centimetres high, in the case of a label on a piece of meat or a package of meat that weighs five kilograms or less,
  - ii. at least 5 centimetres high, in the case of a label on a piece of meat or a package of meat that weighs more than five kilograms.
6. The label must be printed, affixed or attached in a conspicuous spot, and in a manner that will prevent the detachment, deterioration or loss of the label during handling, storing and transportation. O. Reg. 105/09, s. 56.

**Salvaging facility/captive wildlife establishment**

**57.** (1) No operator of a salvaging facility shall feed regulated dead animals to captive wildlife unless,

- (a) the captive wildlife is located at a captive wildlife establishment;
- (b) the operator of a salvaging facility is the operator of the captive wildlife establishment; and
- (c) the salvaging facility is physically located on and is part of the captive wildlife establishment. O. Reg. 105/09, s. 57 (1).

(2) If the operator of a salvaging facility that is part of a captive wildlife establishment salvages regulated dead animals by feeding them to captive wildlife at the captive wildlife establishment, the feeding must be done in a manner that prevents scavengers or pests from removing the regulated dead animals from the area where the feeding occurs. O. Reg. 105/09, s. 57 (2).

**BROKERS**

**Where broker alters meat**

**58.** (1) If a broker who receives meat alters that meat so as to reduce or eliminate the colour of the surface that resulted from denaturing required under section 54 or 55, the broker shall,

- (a) further denature the meat as provided in section 54 or 55, with necessary modifications; and
- (b) package and label the meat as provided in sections 54 to 56, with necessary modifications, while removing any previous label and relabelling with the broker’s licence number on the label. O. Reg. 105/09, s. 58 (1).

(2) If a broker who receives meat does not repackage the meat or alter that meat in any way, the broker is not required to relabel the meat as provided in sections 54 and 56, or to put the broker’s licence number on the label under this section. O. Reg. 105/09, s. 58 (2).

**GENERAL PROHIBITION RE DEALINGS WITH IMPROPERLY IDENTIFIED MEAT**

**General prohibition re dealings with improperly identified meat**

**59.** No person shall,

- (a) freeze or store meat at a salvaging facility unless the meat has been processed, denatured, packaged and labelled in accordance with sections 54 to 56;

- (b) distribute, sell, transport or deliver meat from a salvaging facility to any person, or otherwise dispose of such meat, unless the meat has been processed, denatured, packaged and labelled in accordance with sections 54 to 56; or
- (c) take delivery of or receive meat from a salvaging facility unless the meat has been processed, denatured, packaged and labelled in accordance with sections 54 to 56. O. Reg. 105/09, s. 59.

## DISPOSAL

### Disposal to be by licensed collector

**60.** (1) The operator of a disposal facility shall dispose of any regulated dead animals that the operator does not sell, process or otherwise use by using the services of a licensed collector. O. Reg. 105/09, s. 60 (1).

(2) The operator of a salvaging facility shall dispose of any salvaged products that operator cannot sell as if the salvaged products were a regulated dead animal. O. Reg. 105/09, s. 60 (2).

## PART VII COMPOSTING

### DEFINITIONS, DUTIES AND GENERAL RESTRICTIONS

#### Interpretation

**61.** In this Part,

“engineer” means a person who holds a licence or a temporary licence under the *Professional Engineers Act*; (“ingénieur”)

“geoscientist” means a person who is a member of the Association of Professional Geoscientists of Ontario, established under the *Professional Geoscientists Act, 2000*; (“géoscientifique”)

“livestock housing facility” means any building or structure whose main purpose is the housing one or more of the types of animals listed in paragraph 1 of subsection 2 (1); (“lieu d’hébergement du bétail”)

“lot” means a parcel of land described in a deed or other document legally capable of conveying an interest in land or as shown as a lot or block on a registered plan of subdivision; (“lot”)

“outdoor confinement area” means an enclosure for one or more of the types of animals listed in paragraph 1 of subsection 2 (1) or animals farmed for their fur that,

- (a) is composed of fences, pens, corrals or similar structures,
- (b) may contain a shelter to protect animals from the wind or a shelter with a roof that has an area of less than 20 square metres,
- (c) contains no roof, other than one described in clause (b),
- (d) has permanent or portable feeding or watering equipment,
- (e) has no grazing or foraging vegetation, or has grazing and foraging vegetation that provides less than 50 per cent of the dry matter intake for animals in the enclosure; (“zone de confinement extérieure”)

“surface water” has the same meaning as in section 2 of Ontario Regulation 267/03 (General) made under the *Nutrient Management Act, 2002*; (“eau de surface”)

“top” means, in relation to a defined channel or a bank of surface water,

- (a) the edge of the channel or bank, if there is a sharp change from the steep slope of the channel or bank to the shallower slope of the land adjacent to the steep slope that is between the dead animal composting facility and the steep slope, or
- (b) the normal full extent of the watercourse when it contains the maximum volume of water without flooding, if the change in slope described in clause (a) does not exist. (“haut”) O. Reg. 105/09, s. 61.

#### Duties of operator

**62.** The operator of a composting facility shall, in addition to complying with the other applicable provisions of this Regulation ensure that,

- (a) the requirements set out in this Part are satisfied; and
- (b) regulated dead animals, composting material and cured compost that is not finished compost are not composted at the facility except in accordance with the requirements of this Part. O. Reg. 105/09, s. 62.

#### Amount of total material

**63.** (1) A composting facility must not receive, in a calendar year, more than 1,000,000 kilograms in total of regulated dead animals, composting material and cured compost. O. Reg. 105/09, s. 63 (1).

(2) The amount of composting material, cured compost and finished compost that is present at a composting facility at any time must not exceed 9,000 cubic metres. O. Reg. 105/09, s. 63 (2).

#### RESTRICTIONS ON THE PLACEMENT OF COMPOSTING MATERIAL, ETC.

##### Where material may be placed

**64.** (1) Composting material, cured compost and finished compost must not be placed or kept anywhere at a composting facility except,

- (a) in a container with sound and leakproof bottom and sides; or
  - (b) on a pad that satisfies the requirements set out in subsection (2). O. Reg. 105/09, s. 64 (1).
- (2) The requirements referred to in clause (1) (b) are as follows:
1. The pad must be sound, intact and not cracked.
  2. Subject to paragraph 3, the pad must be made or composed of one of the following:
    - i. Concrete.
    - ii. A mixture of soil and clay that is at least 0.9 metres thick and that has a clay content of at least 15 per cent by weight.
    - iii. Soil that is at least 0.5 metres thick and is able to meet a maximum saturated hydraulic conductivity of  $1 \times 10^{-8}$  metres per second.
    - iv. Any other substance that provides permeability and durability that is at least equivalent to a substance described in subparagraph i, ii or iii.
  3. A pad that is made or composed of a substance described in subparagraph 2 ii, iii or iv must be certified by an engineer or geoscientist as meeting the requirements set out in the relevant subparagraph before being used as a pad.
  4. The pad must not have a slope greater than three per cent.
  5. The perimeter of the pad must be clearly marked by the operator.
  6. The bottom of the pad must be at least 30 centimetres above the high water table under the pad. O. Reg. 105/09, s. 64 (2).

(3) Despite anything else in this Part, if finished compost is contained in a container that is totally leakproof it may be stored anywhere at a composting facility. O. Reg. 105/09, s. 64 (3).

##### Application of requirements

**65.** Subject to subsection 66 (3), the requirements set out in sections 66 to 68 apply with respect to,

- (a) every container that contains composting material, cured compost or finished compost; and
- (b) every pad on which composting material, cured compost or finished compost is placed or is intended to be placed. O. Reg. 105/09, s. 65.

##### Highways, lot lines, etc.

**66.** (1) Subject to the other provisions of this section, every point on the exterior of a container or the perimeter of a pad must not be within,

- (a) 100 metres of any portion of a public highway;
  - (b) 100 metres of a lot line;
  - (c) 300 metres of any permanent or seasonal residence not located on the lot that the composting facility is located on, unless the residence is owned by the operator;
  - (d) 300 metres of the lot line of any lot upon which is located a school, place of worship, hospital or other institution to which the public has access or any lot used for public purposes such as a public park or public playground; or
  - (e) 100 metres of any part of an outdoor confinement area or a livestock housing facility not located on the lot that the composting facility is located on. O. Reg. 105/09, s. 66 (1).
- (2) Subsection (1) applies only to a highway, lot line, building, structure or use,
- (a) that existed at the time the composting facility was originally established; or
  - (b) in the case of container or pad that is in an area that constitutes an expansion of the original composting facility, that existed at the time the expansion was approved. O. Reg. 105/09, s. 66 (2).

(3) A director may authorize that a container or pad be placed in a location where it does not satisfy clause (1) (a) or (b), subject to the following:

1. The container or pad must be at a composting facility operated by a person who was licensed to engage in the business of an operator of a receiving plant under the *Dead Animal Disposal Act* at the same location immediately before this Regulation comes into force.
2. The director must be of the opinion that it is not practical for the container or pad to be placed so that it satisfies clause (1) (a) or (b).
3. The director must approve the placement of a container or pad that is subject to an authorization under this subsection, subject to paragraph 4.
4. Every point on the exterior of a container or the perimeter of a pad that is subject to an authorization under this subsection must not be within 50 metres of any portion of a highway or a lot line as the case may be. O. Reg. 105/09, s. 66 (3).

#### **Water**

**67.** (1) No point on the exterior of a container or on the perimeter of a pad shall be within 15 metres of any point on the surface of the ground that is directly above a perforated drainage tile. O. Reg. 105/09, s. 67 (1).

(2) Subject to subsection (3), no point on the exterior of a container or on the perimeter of a pad shall be within 100 metres of the top of the nearest bank of any surface water or 100 metres of a drainage tile inlet. O. Reg. 105/09, s. 67 (2).

(3) In the case of a container or pad that satisfies one of the following requirements, no point on the exterior of a container or on the perimeter of the pad shall be within 50 metres of the top of the nearest bank of any surface water or 50 metres of a drainage tile inlet:

1. The container or pad is being used in bin composting or windrow composting and is fully covered by a roof that prevents moisture from precipitation from accumulating in the bins or windrows.
2. The container is being used in in-vessel composting. O. Reg. 105/09, s. 67 (3).

#### **Wells**

**68.** No point on the exterior of a container or on the perimeter of a pad shall be within 100 metres of any type of well, including a gas well, oil well, unused well, test well and water well. O. Reg. 105/09, s. 68.

### RECEIPT OF REGULATED DEAD ANIMALS

#### **Use of materials**

**69.** (1) When regulated dead animals are received at a composting facility or uncomposted residue is separated from cured compost at a composting facility, the animals or residue must promptly be,

- (a) combined with substrate in accordance with the requirements set out in section 72; or
- (b) shipped from the facility using the services of a licensed collector. O. Reg. 105/09, s. 69 (1).

(2) When composting material is received at a composting facility, the material must promptly be,

- (a) combined with substrate in accordance with the requirements set out in section 72; or
- (b) shipped from the facility using the services of a licensed collector. O. Reg. 105/09, s. 69 (2).

(3) When cured compost that has failed the Salmonella test or E. coli test is received at or produced at a composting facility, the material must promptly be,

- (a) dealt with in accordance with this Regulation as if it had not completed initial composting; or
- (b) shipped from the facility using the services of a licensed collector or a carrier. O. Reg. 105/09, s. 69 (3).

(4) Despite subsection (1), regulated dead animals may be stored in a container or room at the facility for no more than seven days following their receipt at the facility if,

- (a) they are placed in storage promptly upon receipt;
- (b) the temperature of the container or room is continuously maintained at 10 degrees Celsius or less;
- (c) the container or room is leakproof;
- (d) they are stored in a manner that protects them from scavengers, insects, rodents and other pests; and
- (e) the container, if any, is covered with a tight-fitting lid. O. Reg. 105/09, s. 69 (4).

(5) When regulated dead animals are removed from storage, they must promptly be dealt with in accordance with the requirements set out in subsection (1). O. Reg. 105/09, s. 69 (5).

(6) For greater certainty, the requirements set out in sections 67 and 68 do not apply to a storage container that is used for the storage of regulated dead animals in accordance with this section. O. Reg. 105/09, s. 69 (6).

## COMPOSTING PROCESS

### Two stage process

**70.** Regulated dead animals or composting material that are composted at a composting facility must undergo two stages of composting:

1. Initial composting.
2. Curing. O. Reg. 105/09, s. 70.

### Initial composting methods

**71.** Initial composting must be done using one of the following composting methods:

1. In-vessel composting, in which material undergoes composting in a structure that is designed to maintain optimal aeration and temperature conditions during composting by using mechanical turning at least once a day and is designed, or is enclosed within a building or structure designed, to prevent the entry of scavengers, insects, rodents and other pests.
2. Bin composting, in which material undergoes composting in a structure that allows for access to the interior.
3. Windrow composting, in which material undergoes composting in mounded rows. O. Reg. 105/09, s. 71.

### Initial composting material

**72.** (1) At the beginning of initial composting, the initial composting material must contain,

- (a) no less than 75 per cent substrate by volume;
- (b) no more than 25 per cent by volume of regulated dead animals or composting material or any combination of the two; and
- (c) nothing else. O. Reg. 105/09, s. 72 (1).

(2) Composting material that has completed initial composting may be used in substrate for a new batch of initial composting material if the following conditions are satisfied:

1. The material is used as substrate in a new batch of initial composting material immediately after the old batch it is taken from has completed initial composting in accordance with section 76.
2. The material does not comprise more than 50 per cent by volume of the total substrate content in the new batch of initial composting material. O. Reg. 105/09, s. 72 (2).

(3) If regulated dead animals or composting material or any combination of the two are added to initial composting material at any point during the initial composting process, enough substrate must also be added at the same time so that immediately after the addition, the mixture that results conforms to the proportions set out in subsection (1). O. Reg. 105/09, s. 72 (3).

### Cover for initial composting material

**73.** (1) Subject to subsection (2), a batch of initial composting material that is undergoing composting by bin composting or windrow composting must be covered at all times during initial composting with,

- (a) at least 0.6 metres of clean hay or straw chopped into pieces less than 15 centimetres in length, or wood chips derived from wood that is clean, uncontaminated and has not been treated in any way or come into contact with any chemical; or
- (b) a non-compostable, retractable covering that,
  - (i) minimizes odours that could attract scavengers, insects, rodents and other pests from escaping the initial composting material,
  - (ii) prevents scavengers, insects, rodents and other pests from accessing the initial composting material, and
  - (iii) is free from materials that will contaminate the initial composting material or the finished compost. O. Reg. 105/09, s. 73 (1).

(2) Subsection (1) does not apply when the initial composting material is being turned or new materials are being added to it. O. Reg. 105/09, s. 73 (2).

### Turning

**74.** (1) Every batch of initial composting material must be turned at least five times during initial composting, and as many more times as is required to ensure that the batch reaches a minimum temperature of 55 degrees Celsius as required under section 75. O. Reg. 105/09, s. 74 (1).

(2) Every batch of initial composting material must be turned during initial composting as often as is necessary to,

- (a) minimize the release of noxious odours from the batch;
- (b) minimize the attraction of scavengers, insects, rodents and other pests to the batch; and
- (c) prevent the seepage of liquids from the batch. O. Reg. 105/09, s. 74 (2).

(3) When during initial composting a batch of initial composting material is turned,

- (a) it must be turned quickly;
- (b) the entire batch must be turned;
- (c) once the entire batch is turned, it must be promptly re-covered as required under section 73; and
- (d) the batch must be turned in a manner that minimizes seepage of liquids from the batch and, if the batch contains more liquid than is optimal for composting, more substrate must be added to the batch. O. Reg. 105/09, s. 74 (3).

#### **Temperature**

**75.** (1) Every batch of initial composting material must undergo initial composting until the temperature inside the batch is measured to be 55 degrees Celsius,

- (a) on three consecutive days if the batch is undergoing initial composting using in-vessel composting; or
- (b) on at least 15 different days, whether or not the days are consecutive, within the six months following the day on which the temperature of batch was first measured to be 55 degrees Celsius, if the batch is undergoing initial composting using bin composting or windrow composting. O. Reg. 105/09, s. 75 (1).

(2) The following rules apply when measuring the temperature of the batch:

- 1. Once the temperature of the batch is first measured at 55 degrees Celsius, the temperature of the batch must be measured at least once on every subsequent day until the requirements of subsection (1) are satisfied.
- 2. Each day, the temperature must be measured at a sufficient number of points within the batch to provide a temperature profile of the entire batch and in at least four diverse points within the batch.
- 3. The temperature measurement at each point must be taken at a depth of at least 1 metre inside the batch.
- 4. Once the temperature measuring has begun, if on any day the temperature at all four points in the batch drops below 55 degrees Celsius for more than seven consecutive days, the entire batch must be turned.
- 5. If regulated dead animal or composting material are added to the initial composting material after the temperature measuring has begun, the temperature measuring process must be started again and any previous day on which the temperature was measured to be 55 degrees Celsius shall not be considered in determining compliance with subsection (1). O. Reg. 105/09, s. 75 (2).

#### **Initial composting complete**

**76.** Initial composting is complete when a batch of initial composting material has been turned in accordance with section 74 and has satisfied the temperature requirement set out in section 75. O. Reg. 105/09, s. 76.

### **CURING**

#### **Curing**

**77.** (1) Every batch of composting material that is cured at a composting facility must be cured in accordance with the requirements of this section. O. Reg. 105/09, s. 77 (1).

(2) A batch of composting material must not be cured unless the initial composting process for the batch is completed in accordance with section 76. O. Reg. 105/09, s. 77 (2).

(3) Nothing may be added to compost that is curing except substrate. O. Reg. 105/09, s. 77 (3).

(4) A batch must be cured for,

- (a) six consecutive months, during which period it must be turned at least once a month; or
- (b) at least 21 consecutive days and such further period as is necessary for the batch to satisfy one of the following requirements:
  - (i) the batch has a respiration rate of no more than 400 milligrams of oxygen per kilogram of volatile solids or organic matter per hour, as determined by a laboratory approved by a director for that purpose,

- (ii) the batch has a carbon dioxide evolution rate of no more than 4 milligrams of carbon in the form of carbon dioxide per gram of organic matter per day, as determined by a laboratory approved by a director for that purpose, or
- (iii) after having been left undisturbed for at least 24 hours, the batch does not reach a temperature that is more than 8 degrees Celsius above the outdoor temperature of the air in the immediate vicinity of the composting facility. O. Reg. 105/09, s. 77 (4).

(5) If a batch is cured under subclause (4) (b) (iii), the following rules apply:

- 1. The temperature of the batch and the ambient temperature of the air at the facility must be measured and recorded at least once a day during the curing period; and
- 2. The temperature of the batch must be measured at a point that is at least one metre within the batch. O. Reg. 105/09, s. 77 (5).

(6) Curing is complete when the batch has been cured in accordance with subsection (2) and, in the case of a 21-day curing period, the batch satisfies the further requirements set out in subsection (4) and, if applicable, subsection (5). O. Reg. 105/09, s. 77 (6).

## FINISHED COMPOST

### Finished compost

**78.** (1) A batch of cured compost shall not be considered to be finished compost for the purposes of this Regulation unless it has been tested in accordance with this section and found to satisfy the requirements set out in section 79. O. Reg. 105/09, s. 78 (1).

(2) Ten samples must be taken from the batch of cured compost as follows:

- 1. The samples must be taken from diverse points within the batch.
- 2. Each sample must be taken from a point at least one metre within the batch.
- 3. Each sample must be two litres. O. Reg. 105/09, s. 78 (2).

(3) The 10 samples must be promptly and fully mixed together to create a composite sample. O. Reg. 105/09, s. 78 (3).

(4) From the composite sample,

- (a) two litres, to be referred to as Composite Sample A, must be immediately removed and refrigerated at a temperature of no less than 4 degrees Celsius and no more than 10 degrees Celsius; and
- (b) 500 millilitres, to be referred to as Composite Sample B, must be removed. O. Reg. 105/09, s. 78 (4).

(5) The operator must arrange for the testing of Composite Sample A for,

- (a) the percentage of organic material by weight and the presence of moisture by weight in the sample; and
- (b) the levels of Salmonella spp. and Escherichia coli (E. coli) in the sample. O. Reg. 105/09, s. 78 (5).

(6) The testing of Composite Sample A must be done at a laboratory approved by a director for that purpose and the operator must ensure that the sample remains continuously refrigerated at the temperature required under clause (4) (a) until it is delivered to that laboratory. O. Reg. 105/09, s. 78 (6).

(7) The operator must test Composite Sample B for the presence of,

- (a) uncomposted residue greater than 25 millimetres in any dimension;
- (b) pieces of sharp foreign matter greater than 3 millimetres in any dimension; and
- (c) pieces of foreign matter greater than 25 millimetres in any dimension. O. Reg. 105/09, s. 78 (7).

(8) In this section and section 79,

“foreign matter” means any matter that may be present in the compost other than uncomposted residue, uncomposted substrate, mineral soil, woody material and pieces of rock; (“matière étrangère”)

“sharp foreign matter” means any foreign matter with a sharp, pointed or jagged end, edge or surface that may cause damage to humans, animals, plants or equipment. (“matière étrangère tranchante”) O. Reg. 105/09, s. 78 (8).

### Finished compost — requirements

**79.** (1) A batch of cured compost is finished compost for the purposes of this Regulation if the batch has been tested in accordance with section 78 and the requirements set out in this section are satisfied. O. Reg. 105/09, s. 79 (1).

(2) The testing of Composite Sample A must indicate that,



- (a) Salmonella spp. is undetectable at a detection level of <3 MPN/4 grams of total solids calculated on a dry weight basis; and
- (b) the level of Escherichia coli (E. coli) is less than,
  - (i) 1,000 MPN/gram of total solids calculated on a dry weight basis, or
  - (ii) 1,000 colony forming units/gram of total solids, calculated on a dry weight basis. O. Reg. 105/09, s. 79 (2).
- (3) The testing of Composite Sample B taken from the batch must indicate that,
  - (a) there is no uncomposted residue greater than 25 millimetres in any dimension;
  - (b) there are no pieces of sharp foreign matter greater than 3 millimetres in any dimension; and
  - (c) there is no more than one piece of foreign matter greater than 25 millimetres in any dimension. O. Reg. 105/09, s. 79 (3).
- (4) In this section,

“MPN” means most probable number. O. Reg. 105/09, s. 79 (4).

#### RESTRICTIONS ON DISPOSAL OF SPECIFIED MATERIALS

##### Application

**80.** Where the operator of a composting facility decides to dispose of materials undergoing composting that are described in sections 81 to 83 other than through completing or restarting the composting process or through removing the uncomposted residue, foreign matter or sharp foreign matter from the cured compost, the operator shall ensure that the materials are disposed of in accordance with the relevant requirements set out in those sections. O. Reg. 105/09, s. 80.

##### Materials from initial composting, curing

**81.** (1) This section applies with respect to the disposal of the following composting materials:

- 1. Material from a batch of initial composting material, whether or not initial composting is complete.
- 2. Material from a batch of composting material that has begun curing, where the curing process is not complete.
- 3. Material from a batch of cured compost that has not been tested in accordance with section 78 to determine whether it is finished compost. O. Reg. 105/09, s. 81 (1).

(2) The operator must dispose of the material referred to in subsection (1) by having the material transported by a licensed collector. O. Reg. 105/09, s. 81 (2).

##### Cured compost

**82.** (1) This section applies with respect to the disposal of material from a batch of cured compost that has been tested in accordance with section 78 and that fails to meet one or more requirements set out in section 79. O. Reg. 105/09, s. 82 (1).

(2) If the testing indicates that the sharp foreign matter test or foreign matter test is not satisfied, all material from the batch must be transported to an approved waste disposal site in accordance with the following rules:

- 1. If the testing indicates that the Salmonella test, E. coli test or uncomposted residue test is not satisfied, the operator must dispose of this material,
  - i. by using the services of a licensed collector, or
  - ii. by using the services of a carrier.
- 2. If the testing indicates that the Salmonella test, E. coli test and uncomposted residue test are all satisfied, the operator may transport the material himself or herself, use the services of a carrier or use the services of a licensed collector. O. Reg. 105/09, s. 82 (2).

(3) If the testing indicates that the sharp foreign matter test and foreign matter test are both satisfied, but the Salmonella test, E. coli test or uncomposted residue test is not satisfied, the operator may dispose of the material by using the services of a carrier to take the material to an approved waste disposal site or by using the services of a licensed collector. O. Reg. 105/09, s. 82 (3).

##### Uncomposted residue

**83.** Uncomposted residue that has been separated from a batch of cured compost and is not being further composted at the facility must be disposed of promptly by being transported by a licensed collector. O. Reg. 105/09, s. 83.

### PART VIII RECORDS

#### Records, general

**84.** (1) A collector shall make a record of every regulated dead animal the collector collects and of its disposal, and keep the record for at least three years. O. Reg. 105/09, s. 84 (1).

(2) While a regulated dead animal is being transported, the collector shall keep the record required under subsection (1) in the transporting vehicle. O. Reg. 105/09, s. 84 (2).

(3) An operator of a disposal facility shall make a record of every regulated dead animal the facility receives and of its disposal, and keep the record for at least three years. O. Reg. 105/09, s. 84 (3).

(4) A broker shall make a record of each unit of meat the broker receives and of its disposal, and keep the record for at least three years. O. Reg. 105/09, s. 84 (4).

**Additional records, composting facilities**

**85.** In addition to the records required by subsection 84 (3), the operator of a composting facility shall make and keep additional records, in accordance with the following:

1. A record must be kept of all regulated dead animals, composting material and cured compost the composting facility receives and ships out, by weight, including the date of receiving or sending, and the name of the sender or recipient, and of all substrate received, including the type and weight of the substrate, the date received, and the name of the person the substrate was received from.
2. A record described in paragraph 1 must be kept for at least three years from the date of receipt or sending, as the case may be.
3. The operator shall assign to each batch of composting material an identification number, and for each batch make and keep a record of the identification number.
4. For each batch, the operator shall keep a record of,
  - i. the number of times the batch is turned as provided for in section 74,
  - ii. every date when the temperature of the batch is measured, and every temperature measured on that date, as provided for in section 75, and
  - iii. the data establishing that the initial composting of the batch is complete, and the date of the completion.
5. A record described in paragraph 4 must be kept at least until the batch is finished.
6. With respect to the curing of a batch, the operator shall keep a record of the date curing of the batch commenced and the date completed, and,
  - i. if the batch is cured under clause 77 (4) (a), the dates on which the batch is turned,
  - ii. if the batch is cured under subclause 77 (4) (b) (i) or (ii), a record showing that batch met the requirements of subclause 77 (4) (b) (i) or (ii), as the case may be,
  - iii. if the batch is cured under subclause 77 (4) (b) (iii), temperature records.
7. A record described in paragraph 6 must be kept at least until the batch is finished.
8. For each batch, the operator shall keep a record of the results verifying that the compost is finished under section 79.
9. A record described in paragraph 8 must be kept at least three years from the date that the batch is finished. O. Reg. 105/09, s. 85.

**PART IX  
EMERGENCIES**

**Interpretation**

**86.** In this Part,

“regulated material” means,

- (a) deadstock that is in the possession of a custodian,
- (b) regulated dead animals, composting material or cured compost that are in the possession of a licensee, or
- (c) meat that is in the possession of a salvaging facility. O. Reg. 105/09, s. 86.

**Emergency request for authorization**

**87.** If a custodian or a licensee believes that emergency conditions exist that make it impractical for him or her to comply with a provision of this Regulation respecting storage, disposal or transportation, he or she may apply to a director for authorization to store, dispose of, transport, or otherwise deal with the regulated material in a manner that would not otherwise be permitted under this Regulation. O. Reg. 105/09, s. 87.

**Director may authorize exemption**

**88.** (1) Subject to subsection (3), the director may authorize an applicant under section 87 to store, dispose of, transport, or otherwise deal with the regulated material in a manner that would not otherwise be permitted under this Regulation, if the director is satisfied that emergency conditions exist that make it impractical for the person to comply with this Regulation. O. Reg. 105/09, s. 88 (1).

(2) In deciding whether to grant an authorization, the director shall take into account the following factors:

1. The reasons given by the applicant to establish that emergency conditions exist and why it is not practicable to comply with this Regulation, including whether the conditions exist due to the applicant's own negligence or previous failure to comply with this Regulation.
2. The type, nature and extent of the emergency conditions.
3. The length of time that the emergency conditions have existed.
4. The number, size, approximate weight, approximate age and species of the dead animals in the regulated material.
5. The condition of the dead animals in the regulated material, including whether the dead animals were mixed with other material.
6. Any other factors that the director considers relevant in the circumstances. O. Reg. 105/09, s. 88 (2).

(3) The director shall not grant an authorization if, in the director's opinion, any of the following are true:

1. Other methods of dealing with the situation that are permitted under this Regulation are available to the applicant.
2. Despite the emergency conditions, it would not cause serious hardship to the applicant to comply with the provision that the applicant considers it impractical to comply with.
3. Granting the authorization would compromise the quality or safety of food, agricultural or aquatic commodities and agricultural inputs or would compromise the management of food quality or safety risks. O. Reg. 105/09, s. 88 (3).

(4) The director may issue an authorization subject to whatever conditions the director considers advisable under the circumstances in the public interest, and the person to whom the authorization is given shall comply with those conditions. O. Reg. 105/09, s. 88 (4).

(5) A person to whom an authorization is granted shall provide the director with evidence, acceptable to the director, that the regulated material in question was dealt with in accordance with the authorization and any conditions set by the director. O. Reg. 105/09, s. 88 (5).

(6) This section does not authorize any person to contravene this Regulation except as provided for in the director's authorization. O. Reg. 105/09, s. 88 (6).

(7) A director acting under this section is not required to give any person a hearing and any decision of a director is final. O. Reg. 105/09, s. 88 (7).

89. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 105/09, s. 89.

Français

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