

replaces OMAFRA Factsheet #04-077 *Nutrient Management Act 2002 — Recordkeeping*

Nutrient Management Act, 2002

Farms with Nutrient Management Strategies or Plans — Recordkeeping Requirements

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INTRODUCTION

The [Nutrient Management Act, 2002](#) (NMA) provides for the management of materials containing nutrients (e.g., manure) in ways that will enhance protection of the natural environment and provide a sustainable future for agricultural operations and rural development. It addresses how nutrients are managed during generation, storage and application to farmland.

If your operation requires you to complete either a Nutrient Management Strategy (NMS), a Nutrient Management Plan (NMP), or both, you must keep records as found in Part XI of the Regulation.

This Factsheet is intended to help you understand how the NMA pertains to your operation and focuses on the requirements found in [Part XI](#) of the Regulation — recordkeeping.

WHO SHOULD KEEP RECORDS

Operations keeping records under the NMA can be divided into two streams:

- **Stream 1:** Any farm that is required by the NMA to have an NMS/P is also required to keep records.
- **Stream 2:** Any operation not required to have an NMS/P may choose to voluntarily follow the recordkeeping standards that are outlined in [Section XI](#) of the Regulation.

WHAT RECORDS ARE REQUIRED

The NMA requires farmers to keep the following records:

- copies of the NMS/P
- annual review and update (See the OMAFRA factsheet [Ongoing Requirements: Records and the Annual Review and Update](#) temporary field nutrient storage site information (if applicable) and any information relating to the construction and siting Standards, [Part VIII](#))
- copies of certificates/licences
- details about temporary field storage sites and management
- site characterization studies
- transfer in/out of nutrients and materials (contact info for transfers, origins or destinations (locations) of transfer(s), dates, volume/weight of transferred material)

Copies of the NMS/P

If the NMA applies to you, you are required to keep a copy of your completed NMS/P. In fact, these documents contain useful information, and it is helpful to have them on hand. You may need to look up specific details about any of the following: nutrient production, storage and application rates, contingency plan contacts, mapping information, setback distances, soil/manure analysis documentation, cropping plans, yield records, etc.

Activity Log

After writing your NMS/P, keep an activity log or note it in your farm journal/diary. The log documents the actions and details described in the NMS/P. These include:

Cropping Practices

- **field** — size, location, manure setback distances, crop type, planting/harvesting details, soil test analysis
- **manure application** — nutrient types applied, location of application, application time and dates, rates and methods, weather conditions around application date
- **tillage/incorporation** — incorporation of manure method and date, weather conditions around incorporation date, any other tillage info (date and method)
- **fertilizer** — commercial fertilizer bills showing amount and timing of application
- **tile outlet** — date and time of tile outlet monitoring, including observations on application dates

Livestock Information

- feed records
- livestock type and number if the farm (barn) is not at design capacity in accordance with the OMAFRA Housing Capacity Guidelines contained in Agrisuite

Other Required Information

- documentation of any other time/conditions when a contingency plan is utilized, including location, estimated volumes and remediation measures
- what was done to resolve any written complaints
- a copy of all inspection-related recommendations and implementation of them
- details on imported nutrient containing materials, date, weight or volume, description of the material
- biosecurity protocols for the operation

TEMPORARY FIELD NUTRIENT STORAGE INFORMATION

If you temporarily store manure (or other agricultural nutrients) on a site in the field, you must keep the following information with your records:

- the date you started to store nutrients on that site
- the date(s) the nutrients were inverted or displaced and mixed (such as in composting)

- the date nutrients were removed from the site
- a record of management techniques and field conditions
- a sketch showing the location of the site relative to:
 - setback distances
 - surface water(s)
 - other temporary field nutrient storage sites

SITE CHARACTERIZATION STUDY

A site characterization study is required before the construction or expansion of:

- any permanent liquid manure storage facility where an application for a building permit has been filed
- a permanent solid manure storage facility that does not have a concrete floor on a farm unit that generates 300 NUs or more annually

A professional engineer or professional geoscientist conducts this study in order to:

- classify the soil type(s) of the site, and
- establish the depth of aquifer and bedrock beneath the site

If you require a site characterization study, you must keep a copy for your records. For more information on siting requirements of permanent nutrient storage facilities, see [Part VIII – Siting and Construction Standards of the Regulation](#).

WHERE TO KEEP YOUR RECORDS

Keep your records on location at your farm operation. If that is impractical, keep them where they are accessible 24 hr/day to you or the farm operator.

RECORD RETENTION

You must keep your records — such as copies of your NMS/P, temporary field nutrient storage information and your site characterization study — for at least 2 years after the life of your NMS/P ceases to be in force.

NMSs do not automatically expire or cease. A copy of your NMS must be kept if the current operation continues to keep livestock and for another 2 years if the operation were to cease livestock production or if a new NMS came into effect for the farm.

The NMP needs to be renewed every 5 years, and the current version of the NMP is required to be kept for 2 years beyond the expiry of the NMP.

Though not required, you may decide it is worthwhile to keep your records for longer than the minimum requirement above.

Record Preservation

Life of your NMS:	as long as current NMS accurately represents the farming operation (no automatic expiry)
Life of your NMP:	5 years
“Holding” requirement:	+ 2 yrs after NMS or NMP ceases to be valid

RECORD FORMATS

Records may be kept in the following formats:

- as paper copies, such as in a notebook or binder
- as digital, electronic or other files, such as in a spreadsheet or using Agrisuite software
- any combination of the above as appropriate

Whichever form of recordkeeping you choose, you must take adequate precautions to prevent someone from falsifying or altering the information in the records.

The records must also be kept in a form that is “accurate and intelligible” to anyone examining them within a “reasonable” amount of time. In other words, the Act requires records be:

- accurate and intelligible
- reasonably organized and clear
- reasonably legible and neat

RECORD ACCESS

The Ontario Ministry of Agriculture, Food and Rural Affairs and/or the Ministry of the Environment, Conservation and Parks may, under certain circumstances, ask to see your nutrient management records. These circumstances include:

- the review of your operation for provincial approval
- a random audit of your operation
- an enforcement action if it is deemed necessary

BENEFITS OF RECORDKEEPING UNDER THE NMA

Whether recordkeeping is mandatory (for Stream 1 Operations) or voluntary (for Stream 2 Operations), the process offers many significant benefits. As these become better understood, it is expected that many farmers will choose to adopt the recordkeeping standards of the NMA. Here are some of the potential benefits:

- **meet the requirements of the NMA** — random audits will be conducted by nutrient management compliance officers to ensure that the requirements of the NMA, including proper recordkeeping practices, are being followed
- **show due diligence** — records provide the public with verifiable assurance that farmers are practising responsible stewardship
- **provides updated information at your fingertips** — when your NMS/P is up for renewal, your records will be up-to-date and in a form that should simplify information transfer into the new NMS/P
- **may help to cut costs** — knowing crop nutrient requirements and adjusting nutrient application rates accordingly may lower input costs
- **helps you plan for the future** — future management decisions can be made based on detailed records, rather than memory alone, to recall what worked and what did not

DEFINITIONS

Key definitions under the NMA are:

Nutrient Management Strategy (NMS) — is a working document that describes the generation, storage and destination of prescribed materials produced by your farm unit. Prescribed materials are agricultural and non-agricultural materials from the management of livestock or the by-product of a treatment process. The NMS focuses on factors in and around the barn, such as number and type of animals, manure generation and storage, runoff and washwater management, and available land base for manure application.

Nutrient Management Plan (NMP) — describes a plan for the management of the nutrients received and applied on the land and identifies how land applied nutrients (e.g., manure, commercial fertilizer and municipal biosolids) are balanced with the needs of the crop grown. The NMP focuses on factors associated with the fields and crop production such as soil test, crop type, yield and rotation, appropriate application related to watercourses and wells, and timing along nutrient utilization by the crop(s).

Provincially Approved NMS — a strategy that has been reviewed by a provincial government official and meets the requirements of the NMA and the Regulation. The approved NMS is a requirement to obtain a building permit for a new or expanding livestock barn or manure storage facility.

Nutrient Unit (NU) — was developed to ensure the same comparison (apples to apples) of nutrient values generated by different livestock operation types. A common unit is required because different farm animals produce different quantities and qualities of manure. It describes the amount of nutrients that give the fertilizer replacement value of the lower of 43 kg of nitrogen or 55 kg of phosphate as nutrient as established by reference to the Nutrient Management protocol (e.g., one beef cow and calf generate 1 NU in a year).

Farm Unit — consists of one or more properties and will include farm structures and land necessary to manage an operation and typically include barns and associated storage facilities, outdoor confinement areas (OCA) and lands where prescribed material is applied, including land that is owned or leased.

RESOURCES

For more information, see:

- [Nutrient Management Protocol](#): Part 3 – Nutrient Units: How Farmers Determine Whether Their Farm Units Are Subject to the Regulation — nutrient unit values assigned to specific animal types
- Ontario Regulation 267/03: [Part XI](#) – Records — recordkeeping requirements including duty to keep records, copy of licences, form of records, location and time for storage
- [Nutrient Management Protocol](#): Part 6 – Nutrient Management Strategy For Non-Agricultural Generating Operations — recordkeeping requirements specific to non-agricultural operations
- Ontario Regulation 267/03: [Part VIII](#) – Siting and Construction Standards — requirements and limitations of a site characterization study — temporary field nutrient storage sites, including where they can be located and what records are required
- nutrientmanagement.ca — nutrient management courses
- AgriSuite software tools and the OMAFRA factsheet, [Nutrient management strategies and plans: records, the annual review and update](#) — recordkeeping capabilities

DISCLAIMER

The information in this factsheet is provided for informational purposes only and should not be relied upon to determine legal obligations. To determine your legal obligations, [consult the relevant law](#). If legal advice is required, consult a lawyer. In the event of a conflict between the information in this fact sheet and any applicable law, the law prevails.

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