

**Broker Certificate under the *Nutrient
Management Act, 2002* and O. Reg. 267/03,
Part X, s. 104**

Core Competencies

**Ontario Ministry of Agriculture, Food and
Rural Affairs**

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Introduction

The purpose of the *Nutrient Management Act, 2002* (NMA), Ontario Regulation 267/03, and the associated Protocols is to provide for the management of materials containing nutrients in ways that will enhance the protection of the natural environment and provide a sustainable future for agricultural operations and rural development. As part of those provisions, O. Reg. 267/03, as amended, identifies a number of management practices that require a certificate or licence.

This document identifies the skills and knowledge (defined as competencies) that are required for the **Broker Certificate**. This certificate enables a business to work with operations phased-in under O. Reg. 267/03.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed training courses that assist brokers in obtaining the skills and knowledge to fulfill a portion (but by no means all) of the required competencies. The mandatory training course for this certificate is:

- Broker's Certificate Course

This certificate is required for a business's authorized agent or an individual that hauls, stores and/or transports agricultural source materials from and/or to an operation that requires a Nutrient Management Strategy (NMS) and, in some cases, a Nutrient Management Plan (NMP).

It is expected that individuals and companies that wish to obtain a Broker Certificate are already in the business of broking and possess the breadth of required knowledge and skills to run the business (e.g., knowledge of health and safety issues, beneficial management practices, relevant legislation, etc.) The certificate and these competencies focus on the requirements under O. Reg. 267/03. Candidates seeking certification may need to further develop their knowledge and skills by additional means (such as an agricultural degree, practical experience, self study, additional courses, etc.). There are also many technical publications that provide additional information for study purposes.

The main competencies listed in this document will be tested in the examination that must be taken and passed in order to qualify for certification. The examination for the Broker Certificate is based on the NMA, O. Reg. 267/03, the associated Protocols, and agronomic knowledge required to implement the nutrient management legislation. Candidates for the Broker Certificate are directed to this list of competencies as a study guide for the examination. (Individuals writing the exam will be provided with copies of the NMA, O. Reg. 267/03, as amended, and the associated Protocols.)

Note that under Sections 107 and 109 of O. Reg. 267/03, the Director can amend, suspend or cancel a certificate or licence issued if the holder of the certificate or licence:

- contravenes the Act or regulations; or
- in the opinion of the Director, has demonstrated incompetence or bad faith in carrying out the activity in respect to which the certificate or licence is issued.

Note that under Section 108 of O. Reg. 267/03, the Director can subject conditions on a certificate or licence. This can include:

- conditions that are consented to by the applicant
- any conditions that the Director considers appropriate.

The competencies are organized into four main categories:

1. General Information

2. **Transportation & Storage**
3. **Recordkeeping**
4. **Environmental Management**

It is the responsibility of each certified broker to maintain their knowledge and competency with respect to the *Nutrient Management Act*, 2002 and O. Reg. 267/03, and to conduct business in a competent manner and in good faith.

NOTICE TO READER:

The information contained in this document is derived from the *Nutrient Management Act*, 2002 and O. Reg. 267/03, as amended. Every effort has been made to make it as accurate as possible, but it is not authoritative. Please refer to www.e-laws.gov.on.ca or the official volumes printed by Publications Ontario for the authoritative text of the Act and Regulation.

For further details, contact the Ontario Ministry of Agriculture, Food and Rural Affairs' Nutrient Management Toll-Free Information Line at 1-866-242-4460, e-mail nman@omafra.gov.on.ca or visit www.omafra.gov.on.ca.

Category 1: General Information

1. Outline the purpose and goals of the *Nutrient Management Act, 2002 (NMA)*.
2. Describe how the NMA and Ontario Regulation 267/03 impacts specific agricultural activities.
3. Describe the roles and responsibilities of the following people and identify when their services are required:
 - Certified Nutrient Management Strategy / Plan Developer
 - Farm Operator
 - Land Owner
 - Ministry of Environment and OMAFRA Personnel
4. List the certificate requirements for a broker, and the certificate renewal timeline.
5. Describe and use key terms used in the NMA and O. Reg. 267/03, and those included in the key terms section at the end of this document. (Note: The list of terms in the Definitions section at the end of this document is not a comprehensive listing of key terms.)
6. Identify items that are defined as agricultural source material (ASM).
7. Identify items that are defined as non-agricultural source material (NASM).
8. Identify what constitutes an intermediate operation and an intermediate generator.
9. Describe the information/documents a broker will need to obtain from a client to determine if that client is or should be a phased-in operation.
10. Describe the information a broker will need to record when dealing with a phased-in operation.
11. Describe the concepts of adverse effect and diligence and how these might impact broking activities.
11. Understand how beneficial management practices over and above regulatory requirements can be used to address possible adverse effects.
12. Understand the various compliance tools available to enforcement personnel (with the Ministry of the Environment) under the NMA.
13. Find sources of information that will help keep brokers current with nutrient management program changes and other relevant legislation.

Category 2: Transportation & Storage

Note that the regulatory requirements regarding storage apply to those operations that have a NMS. For a broker, these storage requirements are beneficial management practices (BMPs).

Documentation

1. List the documentation that is required when brokers receive prescribed materials from generators and/or deliver to a receiver.

Storage

All Storage Sites

2. Identify what type of nutrient can and cannot be stored in a temporary field nutrient storage site.
3. Identify and apply the criteria for a temporary field nutrient storage site.

Broker-Controlled Sites

4. Access information that outlines the requirements for permanent storage, as defined by O. Reg. 267/03.
5. Determine when temporary storage can be used and when permanent storage must be used.
6. Calculate the maximum number of days that a prescribed material can be stored in a broker-controlled temporary field storage.
7. Describe the management criteria requirements for a temporary field nutrient storage site.

Category 3: Recordkeeping

1. Identify the records that are required under O. Reg. 267/03 and describe the purpose of these records for ASM.
2. Describe the role that documentation over and above regulatory requirements can play in managing liability.
3. Describe the recordkeeping requirements for a broker-controlled temporary field nutrient storage site.

Category 4: Environmental Management

1. Develop and implement a strategy to train staff on their roles and responsibilities under the NMA.

Contingency Planning

2. Explain the importance of having a Contingency Plan.
3. List the components of a Contingency Plan.

4. Develop standard operating procedures for contingency planning and describe how this will be communicated to staff.
5. Describe under what circumstances the contingency plan should be implemented.
6. Know how to implement a generator's or receiver's Contingency Plan in the event of a spill on the generator's or receiver's property.
7. Cite the Spills Action Centre phone number.

Abbreviations & Key Terms

Please read this section carefully to ensure understanding of the terms used in this document.

Abbreviations

“**Act**” means the *Nutrient Management Act, 2002*.

“**Regulation**” means Ontario Regulation 267/03, as amended.

“**Required**” means as required by the *Nutrient Management Act, 2002* or O. Reg. 267/03, as amended.

“**Acceptable**” means meets the requirements outlined by the *Nutrient Management Act, 2002* or O. Reg. 267/03, as amended.

“**Nutrient Management Plan**” means a Nutrient Management Plan as outlined in O. Reg. 267/03, as amended.

“**Nutrient Management Strategy**” means Nutrient Management Strategy as outlined in O. Reg. 267/03, as amended.

Key Terms

(In Alphabetical Order)

Adverse Effect

Agreements

Agricultural Source Materials (ASM)

Beneficial Management Practices (BMPs)

Broker

Business Owner

Certificate of Approval (C of A)

Compliance

Contingency Plan

Diligence

Environmental Protection Act (EPA)

Farm Unit

Flow Path (Spatial Separation)

Generator

Intermediate Generator

Municipal Wells

NMAN

Nutrient Management Act (NMA)

Nutrient Management Plan (NMP)

Nutrient Management Strategy (NMS)

Non-Agricultural Source Material (NASM)

Nutrient Unit (NU)

Nutrients

Phased-In Operation

Prescribed Material

Receiver

Runoff

Slope

Surface Water

Temporary Field Storage

Tile Inlets/Catch Basin

Unconsolidated Soil

Wells