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Government Notices Respecting Corporations
Avis du gouvernement relatifs aux compagnies

Certificates of Dissolution
Certificats de dissolution

NOTICE IS HEREBY GIVEN that a certificate of dissolution under the *Business Corporations Act*, has been endorsed. The effective date of dissolution precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément à la *Loi sur les compagnies*, un certificat de dissolution a été inscrit pour les compagnies suivantes : la date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
2003-05-23	
EVERTOP APPAREL LIMITED	1082783
J.D. POOLS INC.	762610
JACK SEYMOUR SERVICE STATIONS LIMITED	230154
KARKENEDON LIMITED	379545
ROBT. NEWMAN SHOES LIMITED	258812
SHALEOAK HOMES LTD.	435040
VICTORIAN PARLOUR LTD.	809340
1066784 ONTARIO LTD.	1066784
1199515 ONTARIO INC.	1199515
798538 ONTARIO INC.	798538
823710 ONTARIO INC.	823710
838252 ONTARIO LIMITED	838252
924493 ONTARIO INC.	924493
978161 ONTARIO INC.	978161
989934 ONTARIO INC.	989934
2003-05-29	
W. MUDRY & ASSOCIATES LIMITED	146534
2003-06-02	
ADVANCED CANADA CORPORATION	1029436
AL MEYER REALTY INC.	576920
CAFI INC.	755024
EXSOLV NETWORKS LIMITED	1324126
GEL DELIVERY SYSTEM INC.	1184965
H. SQUIRES & COMPANY LTD.	631204
HAZEN PROJECTS INC.	802003
KINGSWAY ITALIAN BAKERY LIMITED	1052550
M. & T. WALLS & CEILINGS INC.	383991
S. D. BALCH LTD.	383381
SENEL DESIGNS INC.	864554
STEELE FUELS LTD.	727517
1000005 ONTARIO LIMITED	1000005
1212350 ONTARIO LIMITED	1212350
1408375 ONTARIO INC.	1408375
564640 ONTARIO LIMITED	564640
855184 ONTARIO LIMITED	855184
2003-06-03	
ALPHA TECH PLANNING, MANAGEMENT & CONSTRUCTION INCORPORATED	315713
CAN FABRICATE PLASTIC INC.	1478574
EGONTECH COMPUTERS AND COMMUNICATIONS INC.	1410998
FAST PRO COURIERS LTD.	1036132
HORIZONTAL INVESTMENTS LIMITED	241956
JADEBRIDGE HOLDINGS LIMITED	448307
MOSZ CORPORATION	2017756
1058393 ONTARIO LTD.	1058393
1267699 ONTARIO INC.	1267699
440453 ONTARIO INC.	440453
518961 ONTARIO LTD.	518961
2003-06-04	
ALBERICO GARAGE SERVICE LIMITED	275278
ANDI-TAP MANUFACTURING INC.	731195
BEDFORD REFINISHING LIMITED	123120
ECOLINE HEALTH PRODUCTS LTD.	1065020
INTERNET CONNECT NIAGARA INCORPORATED	1071044
KATSAN INC.	1319739
PAPER CIRCUIT INC.	835350
RAY-MAC PLUMBING LTD.	878952
ROGER BEAUCHESNE JEWELLERS LIMITED	380297
SOUTH WATERLOO TERMINAL WAREHOUSE LIMITED	77100

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Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
SVOBODA INTERNATIONAL DESIGNS LIMITED	292765
TOPFRAME INDUSTRIES INC.	1150095
1216771 ONTARIO INC.	1216771
1225184 ONTARIO INC.	1225184
1518345 ONTARIO LIMITED	1518345
304394 ONTARIO INC.	304394
718456 ONTARIO LIMITED	718456
799789 ONTARIO LIMITED	799789
2003-06-05	
ALDOM ENTERPRISES LIMITED	284728
CJ'S (SQUARE ONE) RESTAURANT LTD.	1442819
E. ANDREW YULE & ASSOCIATES INC.	917879
GARDOONIES BAR & GRILL LIMITED	1034568
MANDO CONTRACTING LIMITED	338372
PHOENIX DESIGN & SCREEN PRINTERS INC.	790405
PHOENIX DESIGN INC.	1135194
T.D. HIBBS & ASSOCIATES INSURANCE BROKERS LIMITED	770828
TERRY SYSTEMS AND SUPPLY LIMITED	260184
1095885 ONTARIO LTD.	1095885
1364502 ONTARIO LTD.	1364502
1869 LESLIE SERVICE INC.	1083024
626668 ONTARIO INC.	626668
882220 ONTARIO INC.	882220
882224 ONTARIO INC.	882224
947020 ONTARIO INC.	947020
2003-06-06	
FOUR SEASONS CARPENTRY FINISHING LTD.	738170
G.B. O'NEIL & ASSOCIATES INC.	501993
1130945 ONTARIO INC.	1130945
1277867 ONTARIO LIMITED	1277867
510662 ONTARIO INC.	510662
2003-06-07	
DAVE CLARK TRANSPORTATION BY AIR LIMITED	536320
DAVID TSE & SONS LTD.	464784
MACDONALD RIDDELL CLEANING/CONSULTING INC.	1238790
568152 ONTARIO INC.	568152
668912 ONTARIO INC.	668912
668913 ONTARIO INC.	668913
2003-06-09	
DOUG HAIG LIMITED	264419
EUROPEAN LIGHT BITE DELI LTD.	1354137
GLEY INCORPORATED	737960
LEO'S FURNITURE AND APPLIANCES LIMITED	121400
NHI HOLDINGS INC.	1294485
UNION MEDIA & COMMUNICATIONS CORP.	1128906
VC822 SYSTEMS DEVELOPMENT INC.	630756
1060496 ONTARIO LTD.	1060496
2003-06-10	
LLANCARFAN ESTATES LIMITED	684425
957996 ONTARIO LIMITED	957996
2003-06-11	
ART COLE LTD.	204920
B. J. TONG DRUGS LIMITED	743864
BUTLER TRAVEL ASSOCIATES LIMITED	249740
E Z COMP – HELP CORPORATION	729369
N. & N. CONSTRUCTION INC.	699992
PALAZZO TRANSMISSION LIMITED	411226
RANDLE PUMPING & EXCAVATING LTD.	539518
VILLAGE INSURANCE SERVICES INC.	1377561
666048 ONTARIO INC.	666048
2003-06-12	
G & G BURGESS FINANCIAL HOLDINGS LTD.	1439482
PAMBRALAU INC.	1435656
2003-06-13	
CHEECARE COMPUTER INC.	1033671
NEOCHROM DIGITAL IMAGING INC.	1293469
ROALKA INC.	507505
SMALL'S TEXTILE MACHINERY & SUPPLIES INC.	408594
1526084 ONTARIO INC.	1526084
816071 ONTARIO LTD.	816071

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
2003-06-16	
MAIL BOXES PLUS INC.	1304846
MAIN ST. VARIETY INC.	1032360
STRINGER HEWITT ASSOCIATES INC.	877248
2003-06-17	
KINGSTON PLATE & WINDOW GLASS LIMITED	104312
625924 ONTARIO LIMITED	625924
2003-06-18	
B. & D.-DEWAR INC.	923580
HILLCREST GROCERIES LIMITED	253185
LIVINGSTON GULF SHORE LIMITED	818298
SUN PARLOR SOLAR LIMITED	528574
WILLIAMS AEROSPACE INC.	1364552
965006 ONTARIO LTD.	965006
2003-06-19	
BOVAS ABRAHAM ASSOCIATES INC.	636824
GARDREW CONSULTANTS INC.	512968
771239 ONTARIO LIMITED	771239
2003-06-20	
1268910 ONTARIO INC.	1268910
2003-06-23	
BODON DEVELOPMENTS INC.	692759
CONNECTIVITY PLUS INC.	696201
NAIRN HOLDINGS (1981) LTD.	1218476
SPANISH RIVER AIR SERVICE INC.	1011032
1325351 ONTARIO INC.	1325351
1383398 ONTARIO LIMITED	1383398
823344 ONTARIO INC.	823344
2003-06-24	
SANEX AGRO INC.	603255
921970 ONTARIO LIMITED	921970
2003-06-25	
KARI'S KORNER CARDS 'N CURIOS INC.	425438
NORTH CAPE INVESTMENTS LIMITED	121276
TALKTHRU CANADA INC.	1176786
706536 ONTARIO LIMITED	706536
800198 ONTARIO LIMITED	800198
887735 ONTARIO INC.	887735
2003-06-26	
1080894 ONTARIO INC.	1080894
2003-06-27	
BREWSTER SECURITIES LIMITED	218552
CHONG YUEN (CANADA) TRADING COMPANY LTD.	1334997
KEN C. BRADLEY CONSULTING INC.	1106241
L.T.L. EQUIPMENT LTD.	1191485
MASTER BREW COFFEE SERVICE LTD.	645568
MOTOSERV INC.	1038741
RON MAUTI INVESTMENTS LTD.	887262
THE IGNITION INCUBATOR GROUP INC.	1277270
1281104 ONTARIO LIMITED	1281104
717628 ONTARIO INC.	717628
765353 ONTARIO INC.	765353
2003-06-29	
GILFORD SHOWS INC.	1114390
SABLE MECHANICAL LTD.	758214
2003-06-30	
APOTHEKE LAB INC.	1455767
DIE-CAST COLLECTORS ASSOCIATION INC.	1264653
EDMORE LAUNDERERS LIMITED	220800
GORCIL INVESTMENTS LIMITED	390998
IRISH & MAULSON, LIMITED	6019
PAT KING ENGINEERING INC.	732433
PETER A. SINCLAIR LIMITED	75489
PROJECTS ADDED VALUE INC.	1273060
TC CONSULTING CO. LTD.	1216985
1087123 ONTARIO LIMITED	1087123
1235925 ONTARIO LTD.	1235925
645443 ONTARIO LIMITED	645443
2003-07-02	
DIAMOND CYRSTAL SPECIALTY FOODS OF CANADA LIMITED	103467
FOOK MUN RESTAURANT INC.	1467082

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
INVOICE PROCESSING CORPORATION	1118724
LMI MARKETING INC.	986542
MCS IT CONSULTING INC.	1316110
SALFAM HOLDINGS LTD.	993755
VBS VANTAGE BUSINESS SERVICES INC.	1257485
1393841 ONTARIO INC.	1393841
1454047 ONTARIO INC.	1454047
2003-07-03	
ALPHA DIRECT INTERNATIONAL INC.	1053335
G-S PLUMBING IMPORTS LTD.	1094537
1038230 ONTARIO LIMITED	1038230
1046066 ONTARIO LIMITED	1046066
1059618 ONTARIO INC.	1059618
1153254 ONTARIO LIMITED	1153254
1218871 ONTARIO INC.	1218871
1274617 ONTARIO INC.	1274617
1392219 ONTARIO LIMITED	1392219

B. G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobiliéres

29/02

Cancellations for Cause (Business Corporations Act) Annulations à juste titre (Loi sur les sociétés par actions)

NOTICE IS HEREBY GIVEN that by orders under section 240 of the *Business Corporations Act*, the certificates set out hereunder have been cancelled for cause and in the case of certificates of incorporation the corporations have been dissolved. The effective date of cancellation precedes the corporation listing.

AVIS EST DONNÉ PAR LA PRÉSENTE que, par des ordres donnés en vertu de l'article 240 de la *Loi sur les sociétés par actions*, les certificats indiqués ci-dessous ont été annulés à juste titre et, dans le cas des certificats de constitution, les sociétés ont été dissoutes. La dénomination sociale des compagnies concernées est précédée de la date de prise d'effet de l'annulation.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
2002-07-08	
T. "A.A.A." HOLDING CORPORATION	534340
695601 ONTARIO LIMITED	695601

B.G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobiliéres

29/02

Errata Avis d'Erreur

Vide Ontario Gazette, **Vol. 136-22**, dated **May 31, 2003**.

The following corporation was dissolved in error under subsection 241 (4) of the *Business Corporations Act* (or subsection 317 (9) of the *Corporations Act*) and has been returned to active status.

Cf. Gazette de l'Ontario, **Vol. 136-22** datée du **Mai 31, 2003**.

La corporation suivante a été dissoute par erreur en vertu de l'article 241 (4) de la *Loi sur les sociétés par actions* (ou 317 (9) de la *Loi sur les personnes morales*) et a été reconstituée.

Name of Corporation: Raison Sociale de la personne morale	Ontario Corporation Number Numéro matricule de la personne morale en Ontario
ALBEFINS INVESTMENTS LIMITED	429588

B. G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobiliéres

29/03

Vide Ontario Gazette, **Vol. 136-24**, dated **June 14, 2003**.

NOTICE IS HEREBY GIVEN that the notice issued under section 241 (4) of the *Business Corporations Act* set out in the issue of the Ontario Gazette with respect to the cancellation of the Certificate of Incorporation of JKAR INVESTMENTS INC. was issued in error and is null and void.

Cf. Gazette de l'Ontario, **Vol. 136-24** datée du **Juin 14, 2003**.

PAR LA PRESENTE, nous vous informons que l'avis emis en vertu de l'article 241 (4) de la *Loi sur les compagnies* en enonce dans la Gazette de l'Ontario du relativement à l'annulation du certificat de constitution en personne morale de JKAR INVESTMENTS INC. a été delivré par erreur et qu'il est nul et sans effet.

B. G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobiliéres

29/03

Notice of Default in Complying with the Corporations Information Act Avis de non-observation de la loi sur les renseignements exigés des compagnies et des associations

NOTICE IS HEREBY GIVEN under subsection 241 (3) of the *Business Corporations Act* that unless the corporations listed hereunder comply with the filing requirements under the *Corporations Information Act* within 90 days of this notice orders dissolving the corporation(s) will be issued. The effective date precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (3) de la *Loi sur les sociétés par actions*, si les compagnies mention-nées ci-dessous ne se conforment pas aux exigences de dépot requises par la *Loi sur les renseignements exigés des compagnies et des associations* dans un délai de 90 jours suivant la réception du présent avis, des ordonnances de dissolution seront délivrées contre lesdites compagnies. La date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
2003-07-03	
976318 ONTARIO INC.	976318
1024994 ONTARIO LIMITED	1024994

B. G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobiliéres

29/03

Notice of Default in Complying with the Corporations Tax Act
Avis d'inobservation de la loi sur les corporations

The Director has been notified by the Minister of Revenue that the following corporations are in default in complying with the *Corporations Tax Act.*

NOTICE IS HEREBY GIVEN under subsection 241 (1) of the *Business Corporations Act*, that unless the corporations listed hereunder comply with the requirements of the *Corporations Tax Act* within 90 days of this notice, orders will be made dissolving the defaulting corporations. All enquiries concerning this notice are to be directed to Corporations Tax Branch, Ministry of Revenue, 33 King Street West, Oshawa, Ontario L1H 8H6.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
BIG DADDY'S INTERNATIONAL FOODS INC.	1274493
CON-WASTE RESOURCES MANAGEMENT LTD.	1274433
CSABAI HOLDINGS INC.	982592
JAH UNIVERSAL ALLIANCE CORP.	987286
O.A. SENIORS PUBLISHING CORPORATION	1295781
OPTIBRAND INC.	1270325
POLYBOX INC.	914740
RLM SOLUTIONS INC.	1213013
1016695 ONTARIO LIMITED	1016695
1274503 ONTARIO INC.	1274503
1274708 ONTARIO INC.	1274708
470641 ONTARIO LIMITED	470641
5 STAR GAS BAR	1064334

B. G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobiliéres

29/03

Cancellation of Certificates of Incorporation (Business Corporations Act)
Annulation de certificat de constitution en personne morale (Loi sur les sociétés par actions)

NOTICE IS HEREBY GIVEN that by orders under subsection 241 (4) of the *Business Corporations Act*, the certificates of incorporation set out hereunder have been cancelled and corporation(s) have been dissolved. The effective date of cancellation precedes the corporation listing.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (4) de la *Loi sur les sociétés par actions*, les certificats présentés ci-dessous ont été annulés et les compagnies ont été dissoutes. La dénomination sociale des compagnies concernées est précédée de la date de prise d'effet de l'annulation.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
2003-07-08	
AUVERGNE CAFE ON SET INC.	1514040
CRYSTAL FOUNT WATER COMPANY LTD.	1504874
DELFOL HOLDINGS INC.	2009393
DOMINION LINC ENTERPRISES INC.	1218284
ENDEAVOUR TRUCK LINES INC.	1544416
ERIC YAU SERVICES INCORPORATED	1013388
GYMTASTIK ETOBICOKE INC.	1190074
LASERCOM CENTERS HOLDCO INC.	1513628
SOUPED UP LIMITED	1328650
TERRILL C. JAMESON PROFESSIONAL CORPORATION	1497225
1490264 ONTARIO LTD.	1490264
1490265 ONTARIO LTD.	1490265
1494383 ONTARIO LIMITED	1494383
1513571 ONTARIO INC.	1513571
1513586 ONTARIO INC.	1513586
1514259 ONTARIO LTD.	1514259
1515197 ONTARIO LIMITED	1515197
1515305 ONTARIO LTD.	1515305
2009453 ONTARIO LTD.	2009453

B. G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobiliéres

29/03

Cancellation of Certificates of Incorporation (Corporations Tax Act Defaulters)
Annulation de certificats de constitution en personne morale (Non-respect de la Loi sur l'imposition des personnes morales)

NOTICE IS HEREBY GIVEN that, under subsection 241 (4) of the *Business Corporations Act*, the Certificates of Incorporation of the corporations named hereunder have been cancelled by an Order dated June 23, 2003, for default in complying with the provisions of the *Corporations Tax Act*, and the said corporations have been dissolved on that date.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (4) de la *Loi sur les compagnies*, les certificats de constitution en personne morale des compagnies dont les noms apparaissent ci-dessous ont été annulés par décision datée du 23 Juin 2003 pour non-respect des dispositions de la *Loi sur l'imposition des personnes morales* et que la dissolution des compagnies concernées prend effet à la date susmentionnée.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
982965 ONTARIO LTD.	982965

B. G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobiliéres

29/03

Co-operative Corporations Act (Certificates of Incorporation Issued)
Loi sur les Sociétés Coopératives (Certificats de constitution délivrés)

NOTICE IS HEREBY GIVEN that, under the *Co-operative Corporations Act*, a certificate of Incorporation has been issued to:

AVIS EST PAR LES PRÉSENTES DONNÉ qu'en vertu de la *Loi sur les Sociétés Coopératives* un certificat de constitution a été délivré à :

Name of Corporation and Head Office:
Nom de la compagnie et siège social :

2003-07-02
Concept to Creation Co-operative Inc., Toronto.
Ganesh Community Development Co-operative Inc., Toronto.

JOHN M. HARPER,
Director, Compliance Branch, Licensing and Compliance Division by delegated authority from the Superintendant of Financial Services
Directeur, Observation des lois et des règlements
Division de la délivrance des permis et de l'observation des lois et des règlements
en vertu des pouvoirs délégués par le
29/03 surintendant des services financiers

Financial Services Commission of Ontario
Commission des services financiers de l'Ontario

Pre-approved Framework Guideline for Whiplash Associated Disorder Grade I Injuries With or Without Complaint of Back Symptoms

Superintendent's Guideline No. 01/03
July 2003

1. Introduction

This Guideline is issued pursuant to Section 268.3 of the *Insurance Act* for the purposes of the *Statutory Accident Benefits Schedule* (SABS).

This Guideline is effective October 1, 2003, and is intended to set out what goods and services may be provided without insurer approval to an insured person described below who has sustained a Whiplash Associated Disorder Grade I as described below, with or without back pain, and thecost of such services payable by the insured person's insurer.

This Guideline reflects a consensus between regulated health professionals and insurers and will be subject to review and revision as required over time.

2. Impairments that come within this Guideline

Subject to the exceptions listed in Section 3, below, an insured person's impairment comes within this Guideline if, after being assessed within 21 days of the accident, the insured person is determined to have an injury that:

(a) resulted from an acceleration-deceleration mechanism of energy transfer to the neck, presents as a complaint of neck pain, stiffness, or tenderness only, with no physical signs, and therefore meets the criteria for "Whiplash Associated Disorder Grade I" (also known as "WAD I") set out in the Société de l'assurance automobile du Québec's Task Force Report titled *Redefining "Whip-lash" and its Management*, published in the April 15,1995 edition of *Spine*, and/or a complex of common symptoms associated with whiplash;[1]

(b) may include a complaint of non-radicular back pain associated with the WAD I; and

(c) is of sufficient severity that it requires the physical treatment interventions provided under this Guideline.

An insured person who has sustained an impairment covered by this Guideline may exhibit other common symptoms including: shoulder pain; referred arm pain (not from radiculopathy); dizziness; tinnitus; headache; difficulties with hearing and memory acuity; dysphagia; and temporo-mandibular joint pain. These additional symptoms would not exclude an impairment from this Guideline unless they require separate treatment from that provided under this Guideline.

[1] If the insured person also presents with overt musculoskeletal sign(s), including decreased range of motion or point tenderness, refer to the Pre-approved Framework Guideline for WAD II Injuries with or Without Complaint of Back Symptoms.

3. Impairments that do not come within this Guideline

An insured person's impairment does not come within this Guideline if:

(a) the insured person's impairment comes within the WAD II Pre-approved Framework Guideline; or

(b) despite being assessed within 21 days of the injury as having an injury described in Section 2, there are specific pre-existing occupational, functional or medical circumstances of the insured person that:

i. significantly distinguish the insured person's needs from the needs of other persons with similar impairments that come within this Guideline; and
ii. constitute compelling reasons why other proposed goods or services are preferable to those provided for under this Guideline.

4. Role of the initiating health practitioner

The initiating health practitioner:

(a) is a health practitioner as defined by the SABS who is authorized by law to treat the injury and has the ability to deliver all the goods and services provided for in this Guideline;

(b) initiates treatment by submitting a Treatment Confirmation Form;

(c) provides a significant portion of the goods and services;

(d) may co-ordinate the provision of any goods and services covered by this Guideline and provided to the insured person by another regulated health professional, or directly supervise the provision of any additional goods and services to the insured person by an unregulated health provider, where such treatment is needed by the insured person and is provided under this Guideline;

(e) shall have overall accountability for:

i. assessing the need for and implementing goods and services such that the treatment elements in this Guideline are addressed as required and appropriate;
ii. ensuring the use of the most appropriate provider(s);
iii. documenting, communicating and billing as required by the Guideline;
iv. reporting outcomes to the insured person and insurer when treatment is inappropriate or ceases;
v. participating in monitoring the effectiveness of the Guideline by fully completing the forms required by this Guideline; and

(f) determines the presence of any barriers which might delay recovery.

5. Providers covered by this Guideline

The initiating health practitioner may include treatment by other providers in the Treatment Confirmation Form. This Guideline covers treatment by the initiating health practitioner and other providers, including unregulated providers where the treatment is directly supervised by a regulated health professional and is not a controlled act as defined by the *Regulated Health Professions Act, 1991.*

6. Switching initiating health practitioners

If for any reason, an insured person receiving treatment under this Guideline wishes to change his or her initiating health practitioner, the insured person and the new practitioner must inform the insurer through submission of a new Treatment Confirmation Form. In the new Treatment Confirmation Form, the insured person will give consent for the insurer to contact the original initiating health practitioner to determine what goods and services referred to in the original Treatment Confirmation Form have not been provided and the insurer will then fill in this amount in Part 9 of the Form.

7. Treatment covered by this Guideline

There will typically be one Treatment Confirmation Form which will be prepared by the initiating health practitioner.

Treatment commences with the first assessment of the insured person by the initiating health practitioner.

Treatment will have a duration of up to 28 days.

Regulated health professionals are expected to assess the insured person, develop a plan of treatment and provide up to 9 monitoring/treatment sessions for insured persons covered by this Guideline.

The focus of the Guideline is on maintaining normal activities and reducing the risk of chronicity.

From the outset, the insured person will be encouraged to maintain normal activities. The emphasis in the first week will be on assessment, education, reassurance, and pain control. Throughout treatment, emphasis will be put on the insured person's being in charge of his or her recovery and on carrying on with normal activities. The frequency of provider interventions will diminish as the insured person progresses.

If prescription medication is needed, a referral to a physician or nurse practitioner is necessary. Regulated health professionals may provide general information on the use of over-the-counter medications, but insured persons should be encouraged to consult a physician, nurse practitioner, or pharmacist on the specific use of these medications.

The course of treatment may involve the following: reassurance, pain control, mobilization/manipulation, education, and activation (normal daily activities and active exercise).

Education materials titled *Getting the Facts About Whiplash*, developed by regulated health professionals and the insurance industry, will be provided by the initiating health practitioner to all insured persons covered by this Guideline. This material may be found in Appendix D.

The importance of positive messaging is recognized, and it is therefore expected that, at the initial visit and assessment and at subsequent visits, the insured person will be provided with:

- education regarding "hurt does not equal harm;" and
- reassurance that most people with WAD I and associated complaints of back symptoms recover within the first few weeks following the injury.

Not all individuals with WAD I will require any or all of the goods and services included within this Guideline. The provider is responsible for determining the need for goods and services and whether the prescribed goods and services are producing significant progress toward recovery and should be continued under the Guideline. If the insured person has recovered before the completion of the treatment outlined in this Guideline, the insured person should be discharged from treatment.

8. Supplementary goods and/or services

Without prior insurer approval, the initiating health practitioner may provide supplementary goods and/or services where they are needed for the management of one or more minor soft tissue injury/ies which:

(a) resulted from the same accident as the WAD I and requires treatment;

(b) is/are unrelated to the WAD I with or without back pain and its common symptoms;

(c) is/are not of sufficient severity to exclude the insured person's impairment from this Guideline; and

(d) can be fully treated by the provider within the time frame of this Guideline.

The impairment addressed and the services and/or goods must be specified on the Treatment Confirmation Form and the maximum total cost payable by the insurer for the goods and services provided under this section is $150.

9. Treatment deemed insufficient or inappropriate

If the initiating health practitioner determines that the treatment under this Guideline is no longer appropriate or sufficient for the insured person because the insured person is not making sufficient progress towards recovery, the initiating health practitioner will advise the insurer and the insured person (using the WAD I/WAD II PAF Discharge & Status Report form). The initiating health practitioner's options then are as follows:

(a) submit a Treatment Plan;

(b) submit a Treatment Plan and make a referral to the insured person's physician or another regulated health professional; or

(c) make a referral to the insured person's physician or other health care professional.

While treatment/referral decisions are being considered, the initiating health practitioner may:

(d) stop the treatment where it is not appropriate (or no longer needed); or

(e) continue treatment until a decision is reached on the action recommended by the initiating health practitioner or until the end of the treatment covered by this Guideline.

The SABS provides that an insurer may reject a Treatment Plan that provides for goods and services to be received during any period in which the insured person is receiving goods and services under this Guideline and the insurer's determination is not subject to dispute.

However, the SABS also provides that nothing prevents an insured person, while receiving goods and services under this Guideline, from submitting a Treatment Plan applicable to a period other than the period covered by this Guideline. If the insurer does not approve the Treatment Plan within the time period prescribed in the SABS, that dispute may proceed to a Designated Assessment Centre for review.

10. Completing the treatment under this Guideline

Upon completion of treatment, the initiating health practitioner will prepare a final report which will indicate the insured person's outcomes from treatment.

If an insured person elects to end treatment under this Guideline, the insured person may only resume treatment at a later date if this will not extend the overall duration and expenditure limits of the Guideline.

When an insured person is receiving treatment under the Guideline, the termination options are:

i. Resolved and discharged within 4 weeks (WAD I/WAD II PAF Discharge & Status Report form completed by initiating health practitioner);

ii. Condition improving, but improvement is insufficient at the end of the treatment (further or other treatment beyond the Guideline is dependent upon the Treatment Plan application and approval process of the SABS);

iii. Not resolving (decision made as soon as possible) and the initiating health practitioner completes the WAD I/WAD II PAF Discharge & Status Report form and discharges insured person;

iv. Insured person unreasonably fails to participate in treatment. This may be inferred from the insured person's non-attendance at 2 consecutive appointments or 4 appointments overall without a reasonable explanation. Provider required to complete WAD I/WAD II PAF Discharge & Status Report form; or

v. Insured person withdraws consent.

11. Reporting requirement for initiating health practitioners

The initiating health practitioner is expected to establish clinical outcome goals for the insured person receiving treatment under this Guideline that are consistent with the goals of return to normal activities in the early stages of recovery and reducing the risk of chronicity. Throughout the course of treatment the initiating health practitioner is expected to use appropriate measures/indicators to evaluate progress towards achievement of these goals.

For the purposes of documenting the impact of the Guidelines on an insured person whose impairment comes within this Guideline and contributing to the overall evaluation of the Guideline, the initiating health practitioner must complete the WAD I/WAD II PAF Discharge & Status Report form.

12. Provider reimbursement

An initiating health practitioner who provides a good and/or service to an insured person in accordance with the Guideline must submit a Treatment Confirmation Form not later than 5 business days after first seeing the insured person.

The SABS provides that the insurer must confirm to the initiating health practitioner no later than 5 business days after receiving the Treatment Confirmation Form, that the auto insurance policy referenced to in the Treatment Confirmation Form was in force on the date of the accident. Payment to the initiating health practitioner may be denied due to coverage issues or exclusions set out in the SABS.

The insurer's payment will follow receipt of a completed Treatment Confirmation Form, Application for Accident Benefits and Auto Insurance Standard Invoice, Version C. The insurer is not obliged to make payment until after the insurer has received an Application for Accident Benefits.

In the case of the final invoice, the insurer's payment will follow receipt of a WADI/WAD II PAF Discharge & Status Report and Auto Insurance Standard Invoice, Version C.

13. Content of appendices

Appendix A sets out the payment schedule in chart form.

Appendix B sets out an overview of the expected course of treatment for an insured person whose impairment comes within this Guideline. Providers will individualize these treatment directives for the needs of each insured person.

Appendix C sets out what goods/services an insurer is not obliged to fund pursuant to this Guideline for an insured person whose impairment comes within this Guideline.

Appendix D contains the educational brochure titled *Getting the Facts About Whiplash.*

Appendix A - WAD I Payment Schedule

Health care providers are entitled to the following payments for treatment of an insured person whose impairment comes within this Guideline. Fees are payable where the insured person has received any treatment in that block, including where treatment has been discontinued.

Weeks 1 and 2	$370
Discharge anytime during weeks 1 or 2 or at end of week 2, completion of discharge report and monitoring	$190
Weeks 3 and 4	$200
Final assessment and completion of discharge report	$100
Supplementary goods and services	$150
Transfer fee if changing initiating health practitioner	$60

Appendix B - WAD I Course of treatment

Weeks 1 and 2	**Goods/Services**
Initial Visit:	• Up to 4 monitoring/treatment sessions expected in this block • Conduct assessment including history and physical examination to determine that criteria are met for inclusion in the Guideline, relationship of complaints to the accident, the need for the recommended goods and services and identification of any potential barriers to recovery • Complete Treatment Confirmation Form
Initial and Subsequent Visits:	• Provide advice and reassurance to maintain usual activities without interruption • Review "Getting the Facts about Whiplash" • Manage pain as appropriate (may require physician referral) • Prescribe mild home exercise to maintain range of motion • Initiate manipulation/mobilization, if appropriate, to maintain function • If unexpectedly unable to perform pre-accident activities at home or work, advise insurer and make recommendation to the insured person and/or insurer
Considerations for Providers at the End of Week 2: If WAD I improving but further goods and services required:	• Provide advice and reassurance to encourage maintenance of usual activities • Manage pain as appropriate • Prescribe mild home exercise, and if necessary provide mild supervised exercise • Utilize manipulation/mobilization and/or physical therapies if required as part of a strategy that promotes activation
Considerations for Providers at the End of Week 2: If WAD I not resolving or improving:	• Re-evaluate and advise insurer

If discharged during Week 1 or 2:	• Discharge from treatment with advice and reassurance • Complete WAD I/II PAF Discharge & Status Report • Monitor insured person

Weeks 3 and 4:	• At or about day 15 evaluate progress and plan for the next 13 days • Up to 5 treatment sessions expected in weeks 3 and 4
If WAD I resolution expected without further goods and services:	• Discharge from treatment with advice and reassurance, and • Monitor insured person
If WAD I resolution expected by the end of the treatment under the Guideline:	• Provide advice and reassurance to encourage maintenance of usual activities • Manage pain as appropriate • Prescribe mild home exercise, and if necessary provide supervised exercise • Utilize manipulation/mobilization or physical therapies if required as part of a strategy that promotes activation and mobility

If WAD I is resolving or improving but resolution not expected by end of treatment under this Guideline:	• Provide advice and reassurance to encourage maintenance of usual activities • If activities of daily living are affected, advise insurer and make recommendations to the insured person and insurer for a course of action • Manage pain as appropriate • Prescribe mild home exercise • Consider more intensive manipulation/mobilization or physical therapy as part of a strategy that promotes normal activities
If WAD I not resolving or improving:	• Advise insurer and insured person's treating health practitioner • Reassess • Submit Treatment Plan and/or refer to appropriate regulated health professional
Completion of Week 4:	• Final assessment and report to insurer and insured person using WAD I/WAD II PAF Discharge and Status Report

Appendix C - Goods and services not covered in the Guideline

An insurer is not obliged to pay pursuant to this Guideline for the following goods/services rendered to an insured person with an impairment that comes within this Guideline:

- Cervical pillows;
- Advice supporting inactivity or bedrest;
- Injections of anesthetics, sterile water or steroids to the neck;
- Soft collar;
- Spray and stretch; and
- Magnetic necklaces.

Appendix D - *Getting the Facts about Whiplash*

Getting the facts about Whiplash: Grades I and II

People injured in car accidents sometimes experience a strain of the neck muscles and surrounding soft tissue, known commonly as whiplash. This injury often occurs when a vehicle is hit from the rear or the side, causing a sharp and sudden movement of the head and neck. Whiplash may result in tender muscles (Grade I) or limited neck movement (Grade II). This type of injury is usually temporary and most people who experience it make a complete recovery. If you have suffered a whiplash injury, knowing more about the condition can help you participate in your own recovery. This brochure summarizes current scientific research related to Grade I and II whiplash injuries.

Understanding Whiplash

- Most whiplash injuries are not serious and heal fully.
- Signs of serious neck injury, such as fracture, are usually evident in early assessments. Health care professionals trained to treat whiplash are alert for these signs.
- Pain, stiffness and other symptoms of Grades I or II whiplash typically start within the first 2 days after the accident. A later onset of symptoms does not indicate a more serious injury.
- Many people experience no disruption to their normal activities after a whiplash injury. Those who do usually improve after a few days or weeks and return safely to their daily activities.
- Just as the soreness and stiffness of a sprained ankle may linger, a neck strain can also feel achy, stiff or tender for days or weeks. While some patients get better quickly, symptoms can persist over a longer period of time. For most cases of Grades I and II whiplash, these symptoms gradually decrease with a return to activity.

Daily Activity and Whiplash

- Continuing normal activities is very important to recovery.
- Resting for more than a day or two usually does not help the injury and may instead prolong pain and disability. For whiplash injuries, it appears that "rest makes rusty."
- Injured muscles can get stiff and weak when they're not used. This can add to pain and can delay recovery.
- A return to normal activity may be assisted by active treatment and exercises.
- Cervical collars, or "neck braces," prevent motion and may add to stiffness and pain. These devices are generally not recommended, as they have shown little or no benefit.
- Returning to activity maintains the health of soft-tissues and keeps them flexible - speeding recovery. Physical exercise also releases body chemicals that help to reduce pain in a natural way.
- To prevent development of chronic pain, it is important to start moving as soon as possible.

Tips For Return To Activity

- Avoid sitting in one position for long periods.
- Periodically stand and stretch.
- Sit at your workstation so that the upper part of your arm rests close to your body, and your back and feet are well supported.
- Adjust the seat when driving so that your elbows and knees are loosely bent.
- When shopping or carrying items, use a cart or hold things close to the body for support.
- Avoid contact sports or strenuous exercise for the first few weeks to prevent further injury. Ask your health professional about other sporting or recreational activities.
- Make your sleeping bed comfortable. The pillow should be adjusted to support the neck at a comfortable height.

Treating Whiplash

- Research indicates that successful whiplash treatment requires patient cooperation and active efforts to resume daily activity.
- A treating health care professional will assess your whiplash injuries, and discuss options for treatment and control of pain.
- Although prescription medications are usually unnecessary, temporary use of mild over-the-counter medication may be suggested, in addition to ice or heat.
- Your treating health care professional may recommend appropriate physical treatment.

Avoiding Chronic Pain

- Some whiplash sufferers are reluctant to return to activity, fearing it will make the injury worse. Pain or tenderness may cause them to overestimate the extent of physical damage.
- If your health professional suggests a return to activity, accept the advice and act on it.
- Stay connected with family, friends and co-workers. Social withdrawal can contribute to depression and the development of chronic pain.
- If you are discouraged or depressed about your recovery, talk to your health professional.
- Focus on getting on with your life, rather than on the injury!

Preventing Another Whiplash Injury

- Properly adjusting the height of your car seat head restraint (head rest) will help prevent whiplash injury in an accident. In an ideal adjustment, the top of the head should be in line with the top of the head restraint and there should be no more than 2 to 5 cm between the back of the head and the head restraint.

This brochure provides general information about whiplash injuries. It does not replace advice from a qualified health care professional who can properly assess a whiplash injury and recommend treatment.

The information highlights the latest available scientific research on whiplash and has been endorsed by the following groups:

Insurance Bureau of Canada (IBC)
Ontario Chiropractic Association (OCA)
Ontario Massage Therapist Association (OMTA)
Ontario Physiotherapy Association (OPA)
Ontario Society of Occupational Therapists (OSOT)

Lignes directrices préautorisées pour les blessures associées à une entorse cervicale de stade I avec ou sans douleur dorsale

Lignes directrices du surintendant No. 01/03
Juillet 2003

1. Introduction

Les présentes lignes directrice sont émises conformément à l'article 268.3 de la *Loi sur les assurances* et aux fins de l'*Annexe sur les indemnités d'accident légales*.

Ces lignes directrice entreront en vigueur à compter du 1er octobre 2003; elles visent à établir les catégories de soins et de traitements qui peuvent être fournis, sans obtenir au préalable la permission de l'assureur, à une personne assurée ayant subi une entorse cervicale de stade I décrite ci-dessous, avec ou sans douleur dorsale, ainsi que les frais remboursés par l'assureur de la personne assurée ces services.

Ces lignes directrice reflètent le consensus entre les professionnels de la santé réglementés et les assureurs et, au fil du temps, elles feront l'objet d'un examen et de modifications, si nécessaire.

2. Types d'invalidité compris dans les présentes lignes directrice

Sous réserve des exceptions prévues à la Section 3 ci-dessous, l'invalidité dont souffre une personne assurée est comprise dans les présentes lignes directrice si, après une évaluation survenant dans les 21 jours suivant l'accident, on détermine que la personne assurée souffre d'une blessure qui :

(a) est le résultat d'un mécanisme de transfert d'énergie au cou, par accélération-décélération, et qui se manifeste comme une douleur au cou, une raideur ou une douleur à la pression, sans signes physiques, ce qui répond donc aux critères des « troubles associés à l'entorse cervicale de stade I », tel que décrit par le Groupe de travail sur les troubles associés à l'entorse cervicale (TAEC) de la Société de l'assurance automobile du Québec dans un rapport intitulé *Redéfinir le « Whiplash » et sa prise en charge*, publié dans l'édition du 15 avril 1995 de la revue *Spine* et du numéro de mai de la revue *Le Médecin du Québec*, et/ou un complexe de symptômes fréquents associés à l'entorse cervicale;[1]

(b) peut inclure une plainte de mal de dos non radiculaire, associé à une entorse cervicale de stade I;

(c) est d'une sévérité suffisamment grave pour requérir l'intervention de traitements en conformité avec les lignes directrice.

Une personne assurée qui souffre d'une invalidité comprise dans les présentes lignes directrice peut également manifester d'autres symptômes fréquents, notamment: des douleurs aux épaules; une douleur au bras nécessitant l'intervention d'un spécialiste (non reliée à la radiculopathie); des étourdissements; des acouphènes; des problèmes de surdité et de l'acuité de la mémoire; la dysphagie; et une douleur à l'articulation temporomandibulaire. Ces symptômes additionnels n'excluraient pas une invalidité de la portée des présentes lignes directrice, à moins qu'ils n'exigent des traitements différents de ceux prévus par les présentes lignes directrice.

3. Types d'invalidité non compris dans les présentes lignes directrice

L'invalidité d'une personne assurée n'est pas comprise dans les présente lignes directrice si :

(a) l'invalidité de la personne assurée est comprise dans les lignes directrice pré-autorisées régissant l'entorse cervicale de stade II;

(b) même si, dans un délai de 21 jours suivant la blessure, elle a fait l'objet d'une évaluation où une blessure décrite à la Section 2 a été constatée, il existe des conditions préexistantes précises associées à la nature professionnelle, fonctionnelle ou médicale de la personne assurée ayant comme conséquence :

i. d'établir de façon marquée les besoins de cette personne par rapport aux soins requis par d'autres souffrant d'invalidités similaires qui sont comprises dans les présentes lignes directrice; et
ii. de constituer des raisons incontournables justifiant le recours à d'autres soins et traitements de préférence à ceux prévus aux lignes directrice.

4. Responsabilités du professionnel de la santé chargé du dossier

Le professionnel de la santé responsable du dossier :

(a) est un professionnel de la santé tel que défini à l'Annexe sur les indemnités d'accidents légales, que la loi autorise à traiter un blessé et qui dispose de l'autorité nécessaire pour fournir tous les traitements et soins prévus aux règlements;

(b) amorce le traitement en soumettant le Formulaire de confirmation des traitements;

(c) fournit une part importante des soins et traitements;

(d) peut coordonner la prestation de tous soins et traitements couverts par les présentes lignes directrice et offerts à la personne assurée par un autre professionnel de la santé réglementé, ou superviser directement la prestation de tous soins et traitements additionnels par un fournisseur de soins de santé non réglementé dans la mesure où ces services sont nécessaires à la personne assurée et qu'ils sont dispensés en conformité avec les présentes lignes directrice;

(e) devrait être responsable dans l'ensemble :

i. de l'évaluation des besoins en soins et traitements et leur mise en oeuvre de telle sorte que les éléments de traitements des lignes directrices y répondent, comme il se doit, et de manière appropriée;
ii. de veiller à avoir recours aux services du ou des fournisseurs de services les plus compétents;
iii. de maintenir le dossier à jour, communiquer avec les fournisseurs et les facturer en conformité avec les règlements;
iv. de faire rapport des résultats à la personne assurée et à l'assureur quand les traitements sont inadéquats ou qu'ils sont interrompus;
v. de participer à la supervision de l'efficacité en remplissant complètement les formulaires requis par les lignes directrices;

(f) détermine la présence de toute entrave qui pourrait retarder le rétablissement de la personne assurée.

5. Fournisseurs couverts par les lignes directrices

Le professionnel de la santé responsable du dossier peut prévoir dans le Formulaire de confirmation des traitements des soins fournis par d'autres fournisseurs de service. Les présentes directives couvrent les traitements dispensés par le professionnel de la santé responsable du dossier et par d'autres fournisseurs, y compris des fournisseurs non réglementés dans la mesure où les traitements sont directement supervisés par un professionnel de la santé réglementé *et ne constituent pas en soi un acte médical aux termes de la Loi de 1991 sur les professions de la santé réglementée*.

6. Changement du professionnel de la santé responsable du dossier

Si, pour une raison ou une autre, une personne assurée recevant des traitements désire changer de professionnel de la santé responsable de son dossier, la personne assurée et le nouveau professionnel devront en informer l'assureur en lui faisant parvenir un Formulaire de confirmation des traitements. Dans ce document, la personne assurée devra donner son consentement à l'assureur pour qu'il consulte le professionnel initialement responsable du dossier pour vérifier les soins et les traitements prévus au Formulaire original qui n'ont pas été dispensés, puis l'assureur inscrira les montants à la partie 9 du nouveau formulaire.

7. Traitements couverts par les lignes directrices

Normalement, le professionnel de la santé responsable au départ d'un dossier préparera un Formulaire de confirmation des traitements.

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[1] Si la personne assurée présente également des symptômes musculo-squelettiques manifestes, y compris une réduction de l'amplitude des mouvements ou une sensibilité localisée, consultez les Lignes directrice pré-autorisées pour les entorses cervicales de stade I avec ou sans maux de dos.

Les traitements commencent avec la première évaluation de la personne assurée par le professionnel de la santé responsable du dossier.

Les traitements peuvent durer un maximum de 28 jours.

Les professionnels de la santé réglementés sont tenus d'évaluer la personne assurée, de préparer un plan de traitements et prévoir un maximum de neuf séances de contrôle/traitements pour les personnes en vertu des présentes lignes directrice.

L'accent des lignes directrice porte sur le maintien des activités habituelles et la réduction des risques de chronicité.

Dès le départ, on encouragera la personne assurée à maintenir ses activités normales. Au cours de la première semaine, l'accent sera mis sur l'évaluation, l'éducation, le réconfort et la gestion de la douleur. Pendant tout le traitement, on insistera sur le fait que la personne assurée est responsable de son rétablissement et sur la poursuite de ses activités habituelles. La fréquence des interventions du fournisseur diminueront au fur et à mesure que la personne assurée fera des progrès.

Si des médicaments sur ordonnance sont nécessaires, on prendra un rendez-vous, au besoin, avec un médecin ou une infirmière praticienne. Les professionnels de la santé réglementés peuvent fournir de l'information générale sur la consommation de médicaments en vente libre mais on conseille aux personnes assurées de consulter un médecin, une infirmière praticienne ou un pharmacien sur la consommation de ces médicaments.

L'ensemble du traitement peut impliquer les interventions suivantes : le réconfort, la gestion de la douleur, la mobilisation/manipulation, l'éducation et l'activation (activités quotidiennes normales et exercice actif).

Le professionnel de la santé responsable du dossier remettra à toute personne assurée relevant de ces lignes directrices un dépliant d'information intitulé *L'entorse cervicale : les faits*, préparé par des professionnels de la santé réglementés et par l'industrie des assurances. On trouvera une copie de ce dépliant en Annexe D.

Il est essentiel de faire passer un message positif et on s'attend donc, dès la première visite et l'évaluation et lors des rencontres subséquentes, à ce que la personne assurée reçoive :

- un programme d'éducation indiquant que « avoir mal, ce n'est pas se blesser »
- et le réconfort que la plupart des personnes victimes d'une entorse cervicale de stade I associés à des maux de dos récupèrent dans les premières semaines suivantes la blessure.

Ce ne sont pas toutes les victimes d'entorse cervicale de stade I qui devront suivre une partie ou la totalité des interventions prévues aux lignes directrices. Le fournisseur est responsable de déterminer la nécessité des soins et des traitements et si les interventions prescrites permettent d'enregistrer des progrès importants vers le rétablissement et dans quelle mesure ils doivent se poursuivre aux termes des lignes directrices. Si la personne assurée a récupéré avant la fin des traitements prévus, on devrait y mettre un terme sans autre forme de procès.

8. Soins et traitements additionnels

Sans avoir l'approbation préalable de l'assureur, le professionnel de la santé responsable du dossier peut fournir des soins et des traitements additionnels, au besoin, pour le traitement de blessures d'un ou de plusieurs tissus mous qui :

(a) sont le résultats du même accident qu'une entorse cervicale de stade I et ont besoin de traitement;

(b) ne sont pas reliés à une entorse cervicale de stade I avec ou sans mal de dos avec symptômes connexes;

(c) ne sont pas suffisamment graves pour exclure l'invalidité de la personne assurée des présentes lignes directrices; et

(d) peuvent être complètement traités par le fournisseur selon l'échéancier prévu dans les présentes lignes directrices.

L'invalidité traitée et les soins et traitements dispensés doivent être précisés par le professionnel de la santé responsable du dossier sur le Formulaire de confirmation des traitements et le maximum des frais exigibles à l'assureur pour la prestation de soins et traitements fournis aux termes de cette section sont établis à 150 $.

9. Traitement jugé insuffisant ou inadéquat

Si le professionnel de la santé responsable du dossier détermine qu'aux termes des lignes directrices, le traitement n'est plus adéquat ou est insuffisant pour la personne assurée parce qu'ils ne lui permettent pas de se rétablir, il peut en aviser l'assureur et la personne assurée (en utilisant le formulaire de rapport de la situation pour un TAEC de stade I et II). Voici les avenues qui s'offrent au professionnel de la santé :

(a) présenter au Plan de traitement;

(b) ou présenter un Plan de traitement et, avec l'approbation de l'assureur, organiser un rendez-vous avec le médecin de l'assureur ou un autre professionnel de la santé réglementé; ou

(c) référer la personne assurée à son médecin ou autre professionnel de la santé.

Pendant qu'on réfléchit à la décision ou au traitement à prendre, le professionnel de la santé responsable du dossier peut :

(d) interrompre les traitements s'ils sont jugés inadéquats (ou sont devenus inutiles); ou

(e) poursuivre le traitement jusqu'à ce que le professionnel de la santé prenne une décision finale sur les mesures à prendre ou jusqu'à la fin du traitement compris dans les présentes lignes directrices.

L'Annexe sur les indemnités d'accidents légales stipule qu'un assureur a le droit de rejeter un Plan de traitement prévoyant des soins et traitements à être dispensés en même temps que la personne assurée reçoit des soins et des traitements aux termes des lignes directrices et que cette décision de l'assurer n'est pas sujette à une contestation.

Cependant, l'Annexe sur les indemnités d'accidents légales prévoit également que rien n'interdit à la personne assurée, tout en recevant des soins et des traitements conformément aux lignes directrices, de présenter un Plan de traitement applicable à une période autre que celle prévue aux lignes directrices. Si l'assureur n'approuve pas le Plan de traitement dans le délai prescrit dans l'Annexe sur les indemnités d'accidents légales, ce différend peut être soumis au Centre d'évaluation désigné pour examen.

10. Achèvement du traitement aux termes des lignes directrices

Une fois le traitement complété, le professionnel de la santé responsable du dossier préparera un rapport final expliquant le résultat des traitements pour la personne assurée.

Si une personne assurée choisit de mettre un terme aux traitements prévus, cette personne pourra les reprendre à une date ultérieure uniquement si leur durée globale et le total des frais ne dépasseront pas les normes établies.

Quand une personne assurée reçoit des traitements aux termes des lignes directrices, les options pour y mettre un terme sont les suivantes :

i. Fermer le dossier et donner son congé à la personne assurée dans un délai de quatre semaines (le professionnel de la santé responsable au dossier remplit le formulaire Donner son congé et rapport de situation pour un TAEC de stade I et II);

ii. La condition de l'assuré s'améliore mais pas suffisamment à la fin du traitement (des traitements additionnels ou d'autres traitements non prévus aux lignes directrices dépendent de la mise en œuvre d'un Plan de traitements et de l'application de l'Annexe d'indemnités d'accidents légales);

iii. Situation non résolue (décision prise le plus tôt possible) et le professionnel de la santé responsable du dossier complète le formulaire de rapport de la situation et de fermeture du dossier pour un TAEC de stade I et II et donne son congé à la personne assurée;

iv. La personne assurée a failli de manière déraisonnable à participer au traitement. On considère une personne non raisonnable quand elle ne se

présente pas à aux moins deux rendez-vous consécutifs ou à quatre rendez-vous pour l'ensemble de ceux prévus au traitement sans explication crédible. Le fournisseur est requis de compléter le formulaire de rapport de la situation pour un TAEC de stade I et II; ou

v. La personne assurée retire son consentement.

11. Exigence en matière de rapport des professionnels de la santé responsables du dossier

Le professionnel de la santé responsable du dossier est tenu d'établir des objectifs cliniques pour les personnes assurées recevant un traitement aux termes des présentes lignes directrices en conformité avec les objectifs d'un retour aux activités normales et à une réduction d'un risque de chronicité. Pendant l'ensemble des traitements, le professionnel de la santé responsable du dossier est tenu de faire usage de mesures et d'indicateurs adéquats pour évaluer les progrès vers l'atteinte de ces objectifs.

Aux fins d'établir l'incidence des présentes lignes directrices sur une personne assurée dont l'invalidité est comprise dans ces lignes directrices et de contribuer à une évaluation globale des lignes directrices, le professionnel de la santé responsable du dossier doit remplir le formulaire Rapport de congé et rapport de situation des entorses cervicales de stade I et II.

12. Remboursement du fournisseur

Un professionnel de la santé responsable du dossier qui fournit des soins ou un traitement à une personne assurée en conformité avec les lignes directrice doit soumettre un Formulaire de confirmation des traitements au plus tard dans les cinq jours ouvrables après avoir rencontré la personne assurée pour la première fois.

L'Annexe sur les indemnités d'accidents légales prévoit que l'assureur doit confirmer, au plus tard dans les cinq jours ouvrables après avoir reçu le Formulaire de confirmation des traitements au professionnel de la santé responsable du dossier, que la police d'assurance désignée dans le Formulaire de confirmation des traitements était en vigueur à la date de l'accident. L'assureur peut refuser de payer le professionnel de la santé en raison de question de couverture et d'exclusions prévues à l'Annexe sur les indemnités d'accident légales.

Le paiement au professionnel de la santé suivra la réception d'un Formulaire de confirmation des traitements, d'une demande d'indemnités d'accident et d'une Facture d'assurance-automobile standard, version C. L'assureur n'est pas obligé de verser un paiement jusqu'à ce que l'assureur ait reçu une demande d'indemnités d'accidents.

Dans le cas d'une facture finale, le paiement de l'assureur sera effectué suite à la réception d'un formulaire Rapport de congé et rapport de situation des entorses cervicales de stade I et II et d'une Facture d'assurance-automobile standard, version C.

13. Contenu des annexes

L'Annexe A présente le calendrier de remboursement sous forme de tableau.

L'Annexe B donne un aperçu de l'ensemble des traitements prévus pour une personne assurée dont l'invalidité est comprise dans les présentes lignes directrices. Les fournisseurs fourniront une version personnalisée de ces traitements découlant de ces directives pour les besoins de chaque personne assurée.

L'Annexe C établit les soins et les traitements qu'un assureur n'est pas tenu de financer en vertu des présentes lignes directrices pour une personne assurée dont l'invalidité est comprise dans ces lignes directrices.

L'annexe D comprend le dépliant d'information intitulé *L'entorse cervicale : les faits*.

Annexe A - Calendrier de remboursement TAEC de stade I

Les fournisseurs de services de santé devraient recevoir les remboursements suivants pour le traitement d'une personne assurée dont l'invalidité est comprise dans les présentes lignes directrices. Les honoraires sont payables quand la personne assurée a reçu tout traitement dans la semaine incluant où le traitement a été interrompu.

1re et 2e semaines	370 $
Obtenir son congé pendant la 1re et la 2e semaine ou à la fin de la 2e semaine, rapport de congé et contrôle	190 $
3e et 4e semaines	200 $
Évaluation finale et production du rapport de congé	100 $
Soins et traitements additionnels	150 $
Droits de transfert de professionnel de la santé responsable du dossier	60 $

Annexe B - Ensemble des traitements pour entorse cervicale de stade I

Semaines 1 et 2	Soins et traitements
Visite initiale :	• On envisage jusqu'à quatre séances de surveillance ou de traitement dans le cadre de cette étape. • Effectuer évaluation, y compris les antécédents familiaux et l'examen physique pour déterminer si ces critères peuvent être inclus dans les lignes directrices, les plaintes reliées à l'accident, le besoin de soins et de traitements recommandés et l'identification de toute entrave potentielle au rétablissement • Remplir le Formulaire de confirmation du traitement
Visites initiale et subséquente :	• Fournir des avis et du réconfort pour encourager le retour aux activités habituelles sans interruption • Examiner le dépliant *L'entorse verticale : les faits* • Gérer la douleur au besoin (pourrait se traduire par un rendez-vous avec un médecin) • Prescrire de légers exercices à la maison pour améliorer la motricité • Initier la manipulation et la mobilisation, au besoin, pour améliorer l'habileté fonctionnelle • Si, contre toute attente, l'assuré est incapable d'effectuer les activités exécutées couramment avant l'accident au travail comme à la maison, informez-en l'assureur et la personne assurée
Remarque pour les fournisseurs de service à la fin de la 2e semaine : Si on observe une amélioration à l'entorse cervicale de stade I mais que d'autres soins et traitements sont nécessaires :	• Fournir des conseils et du réconfort pour encourager le maintien des activités normales • Gérer la douleur, si nécessaire • Prescrire de légers exercices à la maison et, au besoin, des exercices légers supervisés • Utiliser la manipulation et la mobilisation et les thérapies physiques, au besoin, dans le cadre d'une stratégie qui favorise l'activité
Remarques pour les fournisseurs à la fin de la 2e semaine : Si l'entorse cervicale de stade I ne s'améliore pas ou n'est pas réglée :	• Réévaluer et informer l'assureur
S'il y a congé pendant la 1re et la 2e semaine	• Donner congé de traitement, conseil et réconfort • Remplir le formulaire Rapport de congé et rapport de situation des entorses cervicales de stade I et II. • Surveiller la personne assurée
3e et 4e semaines	• Le 15e jour ou tout près, évaluer les progrès et planifier pour les 13 prochains jours • Un maximum de cinq séances de traitement sont prévues dans les 3e et 4e semaines.
Si le TAEC de stade I est résolu sans nécessiter d'autres soins ou traitements :	• Accorder le congé sans autre traitement et donner des conseils et du réconfort • Surveiller la personne assurée

Si on prévoit que le problème du TAEC de stade I sera réglée avant la fin des traitements aux termes des lignes directrices	• Fournir des conseils et du réconfort pour encourager le retour aux activités habituelles • Gérer la douleur au besoin • Prescrire de légers exercices et, au besoin, fournir des exercices supervisés • Utiliser la manipulation et la mobilisation et les thérapies physiques, s'il y a lieu, dans le cadre d'une stratégie qui fait la promotion de l'activité physique et du retour à la mobilité
Si l'entorse cervicale de stade I s'améliore et fait des progrès mais sera pas réglée à la fin du traitement aux termes des lignes directrices	• Fournir des conseils et du réconfort pour encourager le maintien des activités habituelles • Si les activités quotidiennes sont touchées, informer l'assureur et l'assuré et présenter des recommandations à la personne assurée et à l'assureur sur la marche à suivre • Gérer la douleur, au besoin • Proposer des exercices faciles à la maison • Envisager davantage de manipulation et de mobilisation intensives ou une thérapie physique dans le cadre d'une stratégie encourageant les activités habituelles
Si le TAEC de stade I n'est pas réglé et ne s'améliore pas :	• Informer l'assureur et le professionnel de la santé traitant la personne assurée • Réévaluer • Envoyer le Plan de traitement et/ou référer le patient au professionnel de la santé réglementé
À la fin de la 4e semaine	• Évaluation finale et rapport à l'assureur et à la personne assurée par le biais du formulaire Rapport de congé et rapport de situation des entorses cervicales de stade I et II

Annexe C - Soins et traitements non couverts pas les lignes directrices

Aux termes des présentes lignes directrices, un assureur n'est pas tenu de payer les soins ou les traitements suivants administrés à une personne assurée dont l'invalidité est comprise dans les présentes lignes directrices :

• Utiliser des oreillers cervicaux;

• Conseiller l'inactivité ou le repos au lit;

• Injecter un anesthésique, de l'eau stérile ou des stéroïdes pour le cou;

• Porter un collier souple pour plus de 2 jours;

• Effectuer des pulvérisation locale et des étirements; et

• Porter un collier magnétique.

Annexe D - *L'entorse cervicale : les faits*

L'entorse cervicale : les faits - stade I et II

Les personnes blessées lors d'accidents automobiles connaissent parfois une tension aux muscles du cou et aux tissus mous environnants, désignée communément comme une entorse cervicale. Cette blessure est fréquente lorsqu'un véhicule est percuté à l'arrière ou de côté, ce qui crée un mouvement brusque et important de la tête et du cou. L'entorse cervicale peut provoquer une sensibilité des muscles (stade I) ou une limitation des mouvements du cou (stade II). Ce type de blessure est généralement temporaire et la plupart des gens qui en souffrent connaissent un rétablissement complet. Si vous avez souffert d'une entorse cervicale, le fait d'en savoir plus sur cet état peut vous aider à vous impliquer dans votre propre rétablissement. Ce dépliant résume le fruit des recherches scientifiques actuelles sur les entorses cervicales de stade I et II.

Pour comprendre l'entorse cervicale

- complètement.
- Les signes d'une blessure cervicale grave, comme une fracture, sont généralement évidents lors des premières évaluations. Les professionnels de la santé qui ont été formés pour traiter les entorses cervicales sont attentifs à ces signes.
- La douleur, la raideur et d'autres symptômes d'entorse cervicale de stade I ou II apparaissent en général en 2 jours suivant le moment de l'accident. Une apparition plus tardive des symptômes n'est pas un signe de blessure plus grave.
- De nombreuses personnes souffrant d'entorse cervicale continuent leurs activités habituelles sans connaître de dérangement. Les personnes qui subissent de tels dérangements connaissent généralement une amélioration après quelques jours ou quelques semaines et reviennent sans danger à leurs activités quotidiennes. La plupart des entorses cervicales ne sont pas des blessures graves et guérissent
- Tout comme la douleur et la raideur d'une entorse à la cheville peuvent persister, une entorse cervicale peut aussi laisser une douleur, une raideur ou une sensibilité pendant plusieurs jours ou plusieurs semaines. Bien que certains patients connaissent une guérison rapide, les symptômes peuvent persister pendant une longue période de temps. Dans la plupart des cas d'entorse cervicale de stade I et II, ces symptômes diminuent graduellement avec le retour à l'activité normale.

L'Entorse cervicale et les activités quotidiennes

- Le fait de poursuivre une activité normale est très important pour le rétablissement.
- Un repos prolongé pendant plus d'un jour ou deux ne contribue généralement pas à la guérison et peut même prolonger la douleur et l'invalidité. Pour les entorses cervicales, il semblerait que « le repos fait rouiller ».
- Les muscles blessés peuvent devenir raides et faibles lorsqu'ils ne sont pas utilisés. Ceci peut augmenter la douleur et retarder le rétablissement.
- Un retour aux activités habituelles peut être facilité par un traitement actif et des exercices.
- Les collets cervicaux ou « supports cervicaux » empêchent le mouvement et peuvent augmenter la raideur et la douleur. Ces appareils ne sont généralement pas recommandés puisqu'ils n'ont fait preuve que de peu ou pas d'efficacité.
- Le retour à l'activité conserve la santé des tissus mous et maintient leur flexibilité, ce qui accélère le rétablissement. L'exercice physique libère également des agents chimiques du corps qui aident à réduire la douleur d'une façon naturelle.
- Afin de prévenir le développement de douleurs chroniques, il est important de commencer à bouger dès que possible.

Conseils pour le retour à l'activité

- Évitez de demeurer en position assise pendant des périodes prolongées sans changer de position.
- Levez-vous et étirez-vous périodiquement.
- À votre poste de travail, assoyez-vous de manière à ce que la partie supérieure de vos bras soit près de votre corps et votre dos et vos pieds soient bien soutenus.
- Ajustez le siège de votre voiture lorsque vous conduisez, de manière à ce que vos genoux et vos coudes soient légèrement pliés.
- Lorsque vous faites des emplettes ou lorsque vous transportez des objets, utilisez un chariot ou tenez les objets près de votre corps pour un meilleur soutien.
- Lors des quelques premières semaines, évitez les sports de contact ou les exercices vigoureux afin d'éviter de vous blesser à nouveau. Demandez à votre professionnel de la santé de vous conseiller d'autres activités sportives ou récréatives.
- Assurez-vous que le lit où vous dormez est confortable. L'oreiller doit être ajusté de manière à soutenir le cou à une hauteur confortable.

Traitement des entorses cervicales

- Les études indiquent qu'un traitement efficace des entorses cervicales nécessite la coopération du patient et des efforts actifs de retour aux activités quotidiennes.
- Un professionnel de la santé en charge de votre traitement évaluera votre blessure et discutera avec vous des possibilités de traitement et de gestion de la douleur.
- Bien qu'en général aucun médicament sous ordonnance n'est nécessaire, l'usage provisoire de médicaments légers disponibles en vente libre peut vous être suggéré en plus d'un traitement à la glace ou à la chaleur.
- Le professionnel de la santé en charge de votre traitement peut recommander un traitement de physiothérapie approprié.

Pour éviter les douleurs chroniques

- Certaines personnes atteintes d'une entorse cervicale hésitent à reprendre leurs activités, craignant que l'état de la blessure n'empire. La douleur ou la sensibilité peut les pousser à surestimer l'importance des dommages physiques.
- Si votre professionnel de la santé conseille un retour à l'activité, acceptez ce conseil et mettez-le en application.
- Demeurez en contact avec votre famille, vos amis et vos collègues. Le retrait social peut contribuer à la dépression et au développement de douleurs chroniques.
- Si la quête de votre rétablissement vous décourage ou vous déprime, parlez-en à votre professionnel de la santé.
- Concentrez-vous sur la poursuite de votre vie plutôt que sur votre blessure!

Pour Prévenir une nouvelle blessure

- Un bon ajustement de la hauteur de l'appuie-tête de votre siège de voiture aidera à prévenir les blessures associées au coup de fouet cervical survenant lors d'un accident. Pour un ajustement optimal, le sommet de la tête doit être aligné avec le haut de l'appuie-tête et il ne doit pas y avoir plus de 2 à 5 cm de distance entre l'arrière de la tête et l'appuie-tête.

Ce dépliant fournit des renseignements généraux sur les entorses cervicales. Ce dépliant ne remplace pas les conseils qualifiés d'un professionnel de la santé qui peut évaluer correctement les blessures associées au coup de fouet cervical et recommander un traitement.

Ces renseignements résument les dernières recherches scientifiques disponibles sur l'entorse cervicale et ont été entérinés par les groupes suivants :

Bureau d'assurance du Canada (BAC)
Association chiropratique de l'Ontario (OCA)
Ontario Massage Therapist Association (OMTA)
Ontario Physiotherapy Association (OPA)
Ontario Society of Occupational Therapists (OSOT)

Pre-approved Framework Guideline for
Whiplash Associated Disorder Grade II Injuries
With or Without Complaint of Back Symptoms

Superintendent's Guideline No. 02/03
July 2003

1. Introduction

This Guideline is issued pursuant to Section 268.3 of the *Insurance Act* for the purposes of the *Statutory Accident Benefits Schedule* (SABS).

This Guideline is effective October 1, 2003, and is intended to set out what goods and services may be provided without insurer approval to an insured person who has sustained a Whiplash Associated Disorder Grade II as described below, with or without back pain, and the cost of such services payable by the insured person's insurer.

This Guideline reflects a consensus between regulated health professionals and insurers and will be subject to review and revision as required over time.

2. Impairments that come within this Guideline

Subject to the exceptions listed in Section 3, below, an insured person's impairment comes within this Guideline if, after being assessed within 28 days of the accident, the insured person is determined to have sustained an injury that:

(a) resulted from an acceleration-deceleration mechanism of energy transfer to the neck, presents as a complaint of neck pain, stiffness, or tenderness, and musculoskeletal sign(s), including decreased range of motion and point tenderness, and therefore meets the criteria for "Whiplash Associated Disorder Grade II" (also known as "WAD II") set out in the Société de l'assurance automobile du Québec's Task Force Report titled *Redefining "Whiplash" and its Management*, published in the April 15, 1995 edition of *Spine*;

(b) may include a complaint of non-radicular back symptoms associated with the WAD II; and

(c) is of sufficient severity that it requires the physical treatment interventions provided under this Guideline.

An insured person who has sustained an impairment covered by this Guideline may also exhibit other common symptoms including: shoulder pain; referred arm pain (not from radiculopathy); dizziness; tinnitus; headache; difficulties with hearing and memory acuity; dysphagia; and temporomandibular joint pain. These additional symptoms would not exclude an impairment from this Guideline unless they require separate treatment from that provided under this Guideline.

3. Impairments that do not come within this Guideline

An insured person's impairment does not come within this Guideline if:

(a) The insured person's impairment comes within the WAD I Pre-approved Framework Guideline; or

(b) despite being assessed withing 28 days of the injury as having an injury described in Section 2, there are specific pre-existing occupational, functional or medical circumstances of the insured person that:

i. significantly distinguish the insured person's needs from the needs of other persons with similar impairments that come within this Guideline; and
ii. constitute compelling reasons why other proposed goods or services are preferable to those provided for under this Guideline.

4. Responsibilities of the initiating health practitioner

The initiating health practitioner:

(a) is a health practitioner as defined by the SABS who is authorized by law to treat the injury and has the ability to deliver all the goods/services provided for in this Guideline;

(b) initiates treatment by submitting a Treatment Confirmation Form;

(c) provides a significant portion of the goods and services;

(d) may co-ordinate the provision of any goods and services covered by this Guideline and provided to the insured person by another regulated health professional, or directly supervise the provision of any additional goods and services to the insured person by an unregulated provider, where such treatment is needed by the insured person and is provided under this Guideline;

(e) shall have overall accountability for:

i. assessing the need for and implementing goods and services such that the treatment elements in this Guideline are addressed as required and appropriate;
ii. ensuring the use of the most appropriate provider(s);
iii. documenting, communicating and billing as required by the Guideline;
iv. reporting outcomes to the insured person and insurer when treatment is inappropriate or ceases;
v. participating in monitoring the effectiveness of the Guideline by fully completing the forms required by this Guideline; and

(f) determines the presence of any barriers which might delay recovery.

5. Providers covered by this Guideline

The initiating health practitioner may include treatment by other providers in the Treatment Confirmation Form. This Guideline covers treatment by the initiating health practitioner and other providers, including unregulated providers where the treatment is directly supervised by a regulated health professional and is not a controlled act as defined by the *Regulated Health Professions Act, 1991*.

6. Switching initiating health practitioners

If for any reason an insured person receiving treatment under this Guideline wishes to change his or her initiating health practitioner, the insured person and the new practitioner must inform the insurer through submission of a new Treatment Confirmation Form. In the new Treatment Confirmation Form, the insured person will give consent for the insurer to contact the original initiating health practitioner to determine what goods and services referred to in the original Treatment Confirmation Form have not been provided and the insurer will then fill in this amount in Part 9 of the form.

7. Treatment/assessments covered by this Guideline

There will typically be one Treatment Confirmation Form which will be prepared by the initiating health practitioner.

The treatment commences with the insured person's first assessment by the initiating health practitioner.

If treatment is initiated during the first 7 days following an accident, the duration of treatment will be 7 weeks. If treatment is initiated between 8 and 28 days following an accident, the duration of treatment will be 6 weeks.

In the first week of treatment under the Guideline emphasis will be on assessment, education, reassurance and pain control and may include physician referral for prescription medication.

The course of treatment may involve the following: reassurance, pain control, mobilization/manipulation, education, and activation (normal daily activities and active exercise).

Education materials titled *Getting the Facts About Whiplash*, developed by regulated health professionals and the insurance industry, will be provided by the initiating health practitioner to all insured persons covered by this Guideline. This material may be found in Appendix E.

The importance of positive messaging is recognized, and it is therefore expected that, at the initial visit and assessment and at subsequent visits, the insured person will be provided with:

- education regarding "hurt does not equal harm;" and
- reassurance that most people with WAD II and associated complaints of back symptoms recover within the first few weeks following the injury.

Emphasis will be on the insured person's responsibility for his or her recovery and the return to normal activities. The frequency of goods and services will diminish as the insured person progresses.

If prescription medication is needed, a referral to a physician or nurse practitioner is necessary. Regulated health professionals may provide general information on the use of over-the-counter medications, but insured persons should be encouraged to consult a physician, nurse practitioner, or pharmacist on the specific use of these medications.

Not all individuals with WAD II will require any or all of the goods and services included within this Guideline. The provider is responsible for determining the need for goods and services and whether the prescribed goods and services are producing significant progress toward recovery and should be continued under the Guideline. If the insured person has recovered before the completion of the treatment outlined in this Guideline, the insured person should be discharged from treatment.

8. Ancillary goods or services (SABS s. 37.2)

With prior insurer approval, certain ancillary goods or services may be proposed by the initiating health practitioner or family physician or insurer and carried out by a regulated health professional while the insured person continues to be covered by this Guideline. Prior approval from the insurer must be requested on a separate Treatment Confirmation Form. If the insurer does not give its approval within 5 business days, as outlined in the SABS, that dispute may proceed to a Designated Assessment Centre for review. If the insurer fails to respond within the prescribed time period, the insurer must pay for the ancillary goods or services delivered under the Treatment Confirmation Form.

For the purposes of this Guideline, ancillary goods or services which may be requested are an Activities of Normal Life Intervention (ANLI), in order to identify and evaluate areas of functional difficulty or barriers to recovery due to the WAD II or back pain and to implement strategies for recovery. An ANLI is not an assessment for the purpose of determining eligibility for housekeeping, attendant care or weekly benefits.

The insured person must be present during the ANLI (excluding reporting back).

The ANLI will take no more than 4 hours for the regulated health professional to complete, including preparation of the report (not including travel time/mileage).

The regulated health professional must report back to the initiating health practitioner (where not the same person), insurer, insured person and family physician and comment on assessment findings, treatment interventions provided and recommendations.

If, upon completion of the ANLI, the regulated health professional identifies a need for further goods and services, she or he will complete a Treatment Plan and submit the request to the insurer.

9. Supplementary goods and/or services

Without prior insurer approval, the initiating health practitioner may provide supplementary goods and/or services where they are needed for the management of one or more minor soft tissue injury/ies which:

(a) resulted from the same accident as the WAD II and requires treatment;

(b) is/are unrelated to the WAD II with or without back pain and its common symptoms;

(c) is/are not of sufficient severity to exclude the insured person's impairment under this Guideline; and

(d) can be fully treated by the provider within the time frame of this Guideline.

The impairment addressed and the services and/or goods must be specified by the initiating health practitioner on a Treatment Confirmation Form and the maximum total cost payable by the insurer for the goods and services provided under this section is $200.

10. Treatment deemed insufficient or inappropriate

If the initiating health practitioner determines that treatment under this Guideline is no longer appropriate or sufficient for the insured person because the insured person is not making sufficient progress towards recovery, the initiating health practitioner will advise the insurer and the insured person (using the WAD I/WAD II PAF Discharge & Status Report form). The initiating health practitioner's options then are the following:

(a) submit a Treatment Plan; or

(b) submit a Treatment Plan and make a referral to the insured person's physician or another regulated health professional; or

(c) with insurer agreement, extend treatment under this Guideline for no more than 4 visits and 2 weeks beyond end of regular duration and at a price determined by the insurer and initiating health practitioner; or

(d) make a referral to the insured person's physician or another regulated health professional.

While treatment/referral decisions are being considered, the initiating health practitioner may:

(e) stop the treatment where it is not appropriate (or no longer needed); or

(f) continue treatment until a decision is reached on the action recommended by the initiating health practitioner.

The SABS provides that an insurer may reject a Treatment Plan that provides for goods and services to be received during any period in which the insured person is receiving goods and services under this Guideline and the insurer's determination is not subject to dispute.

However, the SABS also provides that nothing prevents an insured person, while receiving goods and services under this Guideline, from submitting a Treatment Plan applicable to a period other than the period covered by this Guideline. If the insurer does not approve the Treatment Plan within the time period prescribed in the SABS, that dispute may proceed to a Designated Assessment Centre for review.

11. Completing the treatment under this Guideline

Upon completion of treatment, the initiating health practitioner will prepare a final report which will indicate the insured person's outcomes from treatment.

If an insured person elects to end treatment under this Guideline, he or she may only resume treatment at a later date if this will not extend the overall duration and expenditure limits of the Guideline.

When an insured person is receiving treatment under the Guideline, the termination options are:

i. Resolved and discharged within 6 weeks (WAD I/WAD II PAF Discharge & Status Report completed by initiating health practitioner);

ii. Condition improving, but improvement is insufficient at the end of the treatment (further or other treatment beyond the Guideline is dependent upon the Treatment Plan application and approval process of the SABS);

iii. Not resolving (decision made as soon as possible) and the initiating health practitioner completes the WAD I/WAD II PAF Discharge & Status Report form and discharges the insured person;

iv. Insured person unreasonably fails to participate in treatment. This may be inferred from the insured person's non-attendance at 2 consecutive appointments or 4 appointments overall without a reasonable explanation. Provider required to complete WAD I/WAD II PAF Discharge & Status Report form; or

v. Insured person withdraws consent.

12. Reporting requirement for initiating health practitioners

The initiating health practitioner is expected to establish clinical outcome goals for the insured person receiving treatment under this Guideline that are consistent with the goals of return to normal activities in the early stages of recovery and reducing the risk of chronicity. Throughout the course of treatment the initiating health practitioner is expected to use appropriate measures/indicators to evaluate progress towards achievement of these goals.

For the purposes of documenting the impact of the Guidelines on an insured person whose impairment comes within this Guideline and contributing to the overall evaluation of the Guideline, the initiating health practitioner must complete the WAD I/WAD II PAF Discharge & Status Report form.

13. Provider reimbursement

An initiating health practitioner who provides a good and/or service to an insured person in accordance with the Guideline must submit a Treatment Confirmation Form not later than 5 business days after first seeing the insured person.

The SABS provides that the insurer must confirm to the initiating health practitioner no later than 5 business days after receiving the Treatment Confirmation Form, that the auto insurance policy referenced in the Treatment Confirmation Form was in force on the date of the accident. Payment to the initiating health practitioner may be denied due to coverage issues or exclusions set out in the SABS.

The insurer's payment will follow receipt of a completed Treatment Confirmation Form, Application for Accident Benefits and Auto Insurance Standard Invoice, Version C. The insurer is not obliged to make payment until after the insurer has received an Application for Accident Benefits.

In the case of the final invoice, the insurer's payment will follow receipt of a WADI/WAD II PAF Discharge & Status Report and Auto Insurance Standard Invoice, Version C.

Where an x-ray service is provided to an insured person whose impairment comes within this Guideline by a chiropractor who is an initiating health practitioner, that service is payable without insurer approval and subject to the reimbursement schedule outlined in Appendix D to this Guideline.

14. Content of appendices

Appendix A sets out the payment schedule in chart form.

Appendix B sets out an overview of the expected course of treatment for an insured person whose impairment comes within this Guideline. Providers will individualize these treatment directives for the needs of each insured person.

Appendix C sets out what goods/services an insurer is not obliged to fund pursuant to this Guideline for an insured person whose impairment comes within this Guideline.

Appendix D outlines the payment schedule for x-rays provided pursuant to this Guideline for an insured person whose impairment comes within this Guideline. Any other x-ray service is subject to insurer approval.

Appendix E contains the educational brochure titled *Getting the Facts About Whiplash*.

Appendix A - WAD II Payment Schedule

Fees are payable where the insured perso Health care providers are entitled to the following reimbursement for treatment of an insured person whose impairment comes within this Guideline. n has received any treatment in that week including where treatment has been discontinued.

Week 1	$300
Weeks 2 and 3	$540
Discharge at end of Week 3 and monitoring	$200
Weeks 4, 5 and 6	$510
Final assessment and completion of report	$100
Supplementary goods and services	$200
Transfer fee if changing initiating health practitioner	$60

Appendix B - WAD II Course of treatment

Weeks 1 to 3	**Treatment/Services**
Initial Visit / Week 1:	• Initial visit and up to 3 treatment sessions • Conduct assessment including history, physical exam, x-rays (subject to Appendix D in Guideline) to determine if criteria met for inclusion in the Guideline, relationship of complaints to the accident, the need for the recommended goods and services if any and identification of any potential barriers to recovery • Complete Treatment Confirmation Form • Provide "Getting the Facts About Whiplash" • Manage pain as appropriate (may include physician referral for prescription medication) • Prescribe mild home exercise to improve range of motion • Initiate manipulation/mobilization, if appropriate, to improve function • Consider prognosis and need for ANLI
Visits in Weeks 2 and 3:	• 2 to 4 treatments/monitoring sessions per week expected in this block • Provide advice and reassurance to encourage return to usual activities
Considerations for Providers at the end of Week 3: If WAD improving but further goods and services required:	• Provide advice and reassurance to encourage maintenance of usual activities as soon as possible • Manage pain as appropriate • Prescribe mild home exercise and, if necessary, mild supervised exercise • Utilize manipulation/mobilization and/or physical therapies if required as part of a strategy that promotes activation and return of mobility
Considerations for Providers at the end of Week 3: If WAD II not resolving or improving:	• Re-evaluate • Consider need for ANLI
Considerations for Providers at the end of Week 3: If WAD II resolution expected without further intervention:	• Discharge from treatment with advice and reassurance • Monitor
If discharged during Weeks 2 or 3 or at end of Week 3:	• Discharge from treatment with advice and reassurance and complete WAD I/WAD II Discharge & Status Report • Monitor insured person
Weeks 4, 5 and 6	• At or about day 21 evaluate progress and plan for next 21 days • 1 - 3 treatment sessions per week expected in this block
Considerations for providers during weeks 4-6: If WAD II resolution expected without further interventions:	• Discharge from treatment with advise and reassurance and • Monitor

Considerations for providers during weeks 4-6: If WAD II resolution expected by the end of treatment under the Guideline:	• Provide advice and reassurance to encourage return to usual activities as soon as possible • Manage pain as appropriate • Prescribe mild home exercise, and if necessary, provide supervised exercise • Utilize manipulation/mobilization and/or physical therapies if required as part of a strategy that promotes activation and return of mobility
If WAD II is resolving or improving but resolution not expected by end of treatment under the Guideline:	• Advise insurer including presence of any barriers to recovery • Provide advice and reassurance to encourage return to usual activities as soon as possible • Manage pain as appropriate • Prescribe mild home exercise • Consider more intensive manipulation/mobilization and/or physical therapies as part of a strategy that promotes activation and return of mobility • Consider need for ANLI • Consider supervised exercise and conditioning program • Consider requesting an extension of treatment under this Guideline from insurer of up to 4 visits and 2 weeks or, if more treatment is needed, submit Treatment Plan to insurer
If WAD not resolving or improving:	• Advise insurer and, if appropriate, insured person's treating health practitioner • Reassess • Submit Treatment Plan and/or refer to appropriate regulated health professional
Completion of week 6:	• Final assessment and report to insurer and insured person

Appendix C - Goods and services not covered in the Guideline

An Insurer is not obliged to pay pursuant to this Guideline for the following goods/services rendered to an insured person with an impairment that comes within this Guideline:

- Cervical pillows;
- Advice supporting inactivity or bedrest;
- Injections of anaesthetics, sterile water or steroids to the neck;
- Soft collar for more than 2 days;
- Spray and stretch; and
- Magnetic necklaces.

Note: Adjunct passive modalities (transcutaneous electrical nerve stimulation, ultrasound, massage, heat/cold application, short term bedrest) are included in the funding where part of strategy promoting activation and return to mobility.

Appendix D - Payment Schedule for X-Rays

X-ray services for an insured person with an impairment that comes within this Guideline are payable under the following circumstances:

- X-rays listed below do not require insurer approval, but fees may not exceed those listed in table below. Any other x-rays require insurer/DAC approval.
- No other comparable x-rays have been taken by another health practitioner or facility since the accident.
- Any available funding from OHIP or collateral insurance is utilized before the insurer is billed.
- The insured person displays one or more of the following characteristics:
  - Suspicion of bony injury;
  - Suspicion of degenerative changes, instability, or other conditions of sufficient severity that counter indications to one or more interventions must be ruled out;
  - Suspicion of rheumatoid arthritis;
  - Suspicion of osteoporosis; or
  - History of cancer.

Description	CCI		Maximum Fee ($)
	Code	Attribute	
Cervical Spine			
2 or fewer views	3.SC.10	CXA	$35.20
3-4 views	3.SC.10	CXB	$42.00
5-6 views	3.SC.10	CXC	$48.00
more than 6 views	3.SC.10	CXD	$56.64
Thoracic Spine			
2 or fewer views	3.SC.10	THA	$32.85
3-4 views	3.SC.10	THB	$43.23
Lumbar or Lumbosacral spine			
2 or fewer views	3.SC.10	LBA or LSA	$35.20
3-4 views	3.SC.10	LBB or LSB	$42.00
5-6 views	3.SC.10	LBC or LSC	$48.00
More than 6 views	3.SC.10	LBD or LSD	$55.86

Appendix E - ***Getting the Facts about Whiplash***

Getting the facts about Whiplash: Grades I and II

People injured in car accidents sometimes experience a strain of the neck muscles and surrounding soft tissue, known commonly as whiplash. This injury often occurs when a vehicle is hit from the rear or the side, causing a sharp and sudden movement of the head and neck. Whiplash may result in tender muscles (Grade I) or limited neck movement (Grade II). This type of injury is usually temporary and most people who experience it make a complete recovery. If you have suffered a whiplash injury, knowing more about the condition can help you participate in your own recovery. This brochure summarizes current scientific research related to Grade I and II whiplash injuries.

Understanding Whiplash

- Most whiplash injuries are not serious and heal fully.
- Signs of serious neck injury, such as fracture, are usually evident in early assessments. Health care professionals trained to treat whiplash are alert for these signs.
- Pain, stiffness and other symptoms of Grades I or II whiplash typically start within the first 2 days after the accident. A later onset of symptoms does not indicate a more serious injury.
- Many people experience no disruption to their normal activities after a whiplash injury. Those who do usually improve after a few days or weeks and return safely to their daily activities.
- Just as the soreness and stiffness of a sprained ankle may linger, a neck strain can also feel achy, stiff or tender for days or weeks. While some patients get better quickly, symptoms can persist over a longer period of time. For most cases of Grades I and II whiplash, these symptoms gradually decrease with a return to activity.

Daily Activity and Whiplash

- Continuing normal activities is very important to recovery.
- Resting for more than a day or two usually does not help the injury and may instead prolong pain and disability. For whiplash injuries, it appears that "rest makes rusty."
- Injured muscles can get stiff and weak when they're not used. This can add to pain and can delay recovery.
- A return to normal activity may be assisted by active treatment and exercises.
- Cervical collars, or "neck braces," prevent motion and may add to stiffness and pain. These devices are generally not recommended, as they have shown little or no benefit.
- Returning to activity maintains the health of soft-tissues and keeps them flexible - speeding recovery. Physical exercise also releases body chemicals that help to reduce pain in a natural way.
- To prevent development of chronic pain, it is important to start moving as soon as possible.

Tips For Return To Activity

- Avoid sitting in one position for long periods.
- Periodically stand and stretch.
- Sit at your workstation so that the upper part of your arm rests close to your body, and your back and feet are well supported.
- Adjust the seat when driving so that your elbows and knees are loosely bent.
- When shopping or carrying items, use a cart or hold things close to the body for support. Avoid contact sports or strenuous exercise for the first few weeks to prevent further injury. Ask your health professional about other sporting or recreational activities.
- Make your sleeping bed comfortable. The pillow should be adjusted to support the neck at a comfortable height.

Treating Whiplash

- Research indicates that successful whiplash treatment requires patient cooperation and active efforts to resume daily activity.
- A treating health care professional will assess your whiplash injuries, and discuss options for treatment and control of pain.
- Although prescription medications are usually unnecessary, temporary use of mild over-the-counter medication may be suggested, in addition to ice or heat.
- Your treating health care professional may recommend appropriate physical treatment.

Avoiding Chronic Pain

- Some whiplash sufferers are reluctant to return to activity, fearing it will make the injury worse. Pain or tenderness may cause them to overestimate the extent of physical damage.
- If your health professional suggests a return to activity, accept the advice and act on it.
- Stay connected with family, friends and co-workers. Social withdrawal can contribute to depression and the development of chronic pain.
- If you are discouraged or depressed about your recovery, talk to your health professional.
- Focus on getting on with your life, rather than on the injury!

Preventing Another Whiplash Injury

- Properly adjusting the height of your car seat head restraint (head rest) will help prevent whiplash injury in an accident. In an ideal adjustment, the top of the head should be in line with the top of the head restraint and there should be no more than 2 to 5 cm between the back of the head and the head restraint.

This brochure provides general information about whiplash injuries. It does not replace advice from a qualified health care professional who can properly assess a whiplash injury and recommend treatment.

The information highlights the latest available scientific research on whiplash and has been endorsed by the following groups:

Insurance Bureau of Canada (IBC)
Ontario Chiropractic Association (OCA)
Ontario Massage Therapist Association (OMTA)
Ontario Physiotherapy Association (OPA)
Ontario Society of Occupational Therapists (OSOT)

Lignes directrices pré-approuvées pour les blessures associées à une entorse cervicale de stade II avec ou sans douleur dorsale

Lignes directrices du surintendant No. 02/03
Juillet 2003

1. Introduction

Les présentes lignes directrices sont émises conformément à l'article 268.3 de la *Loi sur l'assurance* et aux fins de l'*Annexe sur les indemnités d'accidents légales*.

Ces lignes directrices entreront en vigueur à compter du 1er octobre 2003; elles visent à établir les catégories de soins et traitements qui peuvent être fournis, sans obtenir au préalable la permission de l'assureur, à une personne assurée ayant subi une entorse cervicale de stade II tel que décrit ci-dessous, avec ou sans douleur dorsale, ainsi que les frais remboursés par l'assureur pour ces services.

Ces lignes directrices reflètent le consensus entre les professionnels de la santé réglementés et les assureurs et, au fil du temps, elles feront l'objet d'un examen et de modifications, si nécessaire.

2. Types d'invalidité compris dans les présentes lignes directrice

Sous réserve des exceptions décrites à la Section 3 des présentes, les présentes lignes directrices s'appliquent à l'invalidité d'une personne assurée si, après avoir été évaluée dans les 28 jours suivant un accident, la personne assurée est déclarée victime d'une blessure qui :

(a) est le résultat d'un mécanisme de transfert d'énergie au cou, par accélération-décélération et qui se manifeste comme une douleur au cou, une raideur, une sensibilité ou des signes musculosquelettiques, y compris une diminution de la motricité et d'une sensibilité localisée, ce qui par conséquent répond aux critères de « troubles associés à l'entorse cervicale de stade II » (également nommés « TAEC II »), tel que décrit par le Groupe de travail sur les troubles associés à l'entorse cervicale de la Société de l'assurance automobile du Québec dans un rapport intitulé *Redéfinir le « Whiplash » et sa prise en charge,* publié en supplément dans l'édition du 15 avril 1995 de la revue *Spine*;

(b) peut inclure une plainte de mal de dos non radiculaire associé à une entorse cervicale de stade II;

(c) est suffisamment grave pour requérir l'intervention de traitements en conformité avec les lignes directrices.

La personne assurée qui a subi des blessures couvertes par les présentes lignes directrices peut également manifester d'autres symptômes fréquents, notamment les suivants : des douleurs aux épaules, une douleur au bras nécessitant l'intervention d'un spécialiste (non reliée à la radiculopathie), des étourdissements, de l'acouphène, des maux de tête, des problèmes d'ouïe et de mémoire, de la dysphagie et une douleur à l'articulation temporomandibulaire. Ces symptômes additionnels n'excluraient pas l'invalidité de l'application de ces lignes directrices à moins qu'ils n'exigent des traitements différents de ceux prévus aux présentes lignes directrices.

3. Types d'invalidité non compris dans les présentes lignes directrice

Les présentes lignes directrices ne s'appliquent pas à l'invalidité d'une personne assurée si :

(a) l'invalidité de la personne assurée est couverte par les lignes directrices régissant l'entorse cervicale de stade I;

(b) ou, même si elle a été examinée dans un délai de 28 jours suivant la blessure décrites à la Section 2, il existe des conditions préexistantes précises associées à la nature professionnelle, fonctionnelle ou médicale de la personne assurée ayant comme conséquence :

i. d'établir de façon marquée les besoins de cette personne par rapport aux soins requis par les autres personnes assurées en vertu des mêmes lignes directrice;
ii. et de constituer des raisons incontournables justifiant le recours à d'autres soins et traitements plutôt qu'à ceux prévus dans les présentes lignes directrices.

4. Responsabilités du professionnel de la santé chargé du dossier

Le professionnel de la santé responsable du dossier :

(a) est un professionnel de la santé tel que défini à l'Annexe sur les indemnités d'accidents légales, que la loi autorise à traiter un blessé et qui dispose de l'autorité nécessaire pour fournir tous les soins et traitements prévus aux règlements;

(b) amorce le traitement en soumettant le Formulaire de confirmation du traitement;

(c) fournit une part importante des soins et traitements;

(d) peut superviser directement ou coordonner la prestation de tout bien ou service couvert par les lignes directrices par un fournisseur non réglementé dans la mesure où il les juge nécessaires pour le bien de la personne et qu'ils sont dispensés en conformité avec les lignes directrices;

(e) devrait être responsable dans l'ensemble de :

i. l'évaluation des besoins en soins et traitements et leur mise en oeuvre de telle sorte que les éléments de traitement des lignes directrices y répondent, comme il se doit, et de manière appropriée;
ii. veiller à avoir recours aux services du ou des fournisseurs de services les plus compétents;
iii. maintenir le dossier à jour, communiquer et facturer les fournisseurs, en conformité avec les lignes directrices;
iv. faire rapport des résultats à la personne assurée et à l'assureur quand le traitement est inadéquat ou qu'il est interrompu;
v. participer à la supervision de l'efficacité en remplissant complètement les formulaires requis par les lignes directrices;

(f) et détermine la présence d'entraves qui peuvent retarder le rétablissement.

5. Fournisseurs couverts par les lignes directrices

Le professionnel de la santé responsable du dossier prévoit dans le Formulaire de confirmation des traitements des soins fournis par d'autres fournisseurs de service. Les présentes lignes directrices couvrent les traitements dispensés par le professionnel de la santé et d'autres fournisseurs, y compris des fournisseurs non réglementés dans la mesure où les traitements sont directement supervisés par un professionnel de la santé réglementé et ne constitue pas en soi *un acte médical aux termes de la Loi de 1991 sur les professions de la santé réglementée*.

6. Changement de professionnel de la santé responsable du dossier

Si, pour une raison ou pour une autre, une personne assurée recevant des traitements désire changer de professionnel de la santé responsable du dossier, la personne assurée et le remplaçant du professionnel initial devront en informer l'assureur en lui faisant parvenir un Formulaire de confirmation du traitement. Dans ce document, la personne assurée devra donner son consentement à l'assureur pour qu'il contacte le professionnel initial pour vérifier les soins et les traitements prévus au Formulaire de confirmation de traitement original qui n'ont pas été dispensés, puis l'assureur inscrira les montants à la partie 9 du nouveau formulaire.

7. Traitements et évaluations couverts par les lignes directrices

Normalement, le professionnel de la santé responsable au départ d'un dossier préparera un Formulaire de confirmation du traitement.

Le traitement commence avec la première évaluation de la personne assurée par le professionnel de la santé responsable du dossier.

Si le traitement est engagé dans les sept premiers jours suivant un accident, sa durée sera de sept semaines. S'il est engagé entre 8 et 28 jours suivant l'accident, sa durée sera fixée à 6 semaines.

Dans la première semaine de traitement, aux termes des lignes directrices, l'accent sera mis sur l'évaluation, l'éducation, le réconfort, la gestion de la douleur et pourrait comprendre un rendez-vous avec un médecin pour obtention d'une ordonnance.

La série de traitement peut comprendre les éléments suivants : réconfort, gestion de la douleur, mobilisation/manipulation, éducation et activation (activités quotidiennes normales et exercice physique).

Les professionnels de la santé responsables du dossier distribueront à toutes les personnes assurées couvertes par les lignes directrices un dépliant d'information intitulé *L'entorse cervicale : les faits*, préparé par des professionnels de la santé réglementés et des intervenants du milieu des assurances. Ce matériel est fourni à l'Annexe E.

Il est essentiel de faire passer un message positif et on s'attend donc à ce que tout au long de son traitement, de la première à la dernière rencontre, la personne assurée reçoive :

- un programme d'éducation indiquant que « avoir mal, ce n'est pas se blesser »;
- et l'assurance que la plupart des personnes souffrant d'une entorse cervicale de stade II et des maux de dos connexes récupèrent dans les premières semaines suivant la blessure.

L'accent sera mis sur la responsabilisation des personnes assurées, qui doivent prendre en main leur propre rétablissement et le retour aux activités normales. La fréquence des soins et traitements diminuera au fur et à mesure que la personne assurée fait des progrès.

Si des médicaments doivent être prescrits, il faut référer la personne assuré à un médecin ou à une infirmière praticienne. Les professionnels de la santé réglementés peuvent fournir de l'information générale sur l'utilisation de médicaments en vente libre mais il faut encourager la personne assurée à consulter un médecin, une infirmière praticienne ou un pharmacien relativement à la consommation des ces médicaments.

Ce ne sont pas toutes les personnes souffrant d'une entorse cervicale de stade II qui devront suivre une partie ou la totalité des soins et traitements prévus aux lignes directrices. Le fournisseur est responsable de déterminer la nécessité d'intervention et si les soins et traitements prescrits permettent d'enregistrer des progrès importants vers la rétablissement et dans quelle mesure ils doivent se poursuivre aux termes des lignes directrices. Si la personne assurée a récupéré avant la fin des traitements prévus, on devrait y mettre un terme sans autre forme de procès.

8. Soins et traitements auxiliaires (TAEC s. 37.2)

Dans la mesure où l'assureur a donné son approbation préalable, le professionnel de la santé responsable du dossier, le médecin de famille ou l'assureur peuvent proposer certains soins et traitements auxiliaires que peut dispenser un professionnel de la santé réglementé pendant que la personne assurée continue d'être couverte par les lignes directrices. Il faut remplir un formulaire de confirmation de traitement séparé pour obtenir l'approbation de l'assureur. Si l'assureur ne donne pas son approbation dans les cinq jours ouvrables, comme le prévoit l'Annexe sur les indemnités d'accidents légales, ce litige peut être soumis à un Centre d'évaluation désigné (CED) pour examen. Si l'assureur ne répond pas dans la période impartie, l'assureur sera tenu de payer pour les soins et les traitements fournis aux termes du Formulaire de confirmation de traitement.

Pour les besoins des présentes lignes directrices, les soins et traitements auxiliaires requis comprennent les activités d'intervention de la vie courante (ANLI) dans le but d'identifier et d'évaluer les secteurs de difficulté fonctionnelle ou les entraves au rétablissement en raison d'une entorse cervicale de stade II ou de maux de dos et mettre en place des stratégies pour le rétablissement. Une « ANLI » est une évaluation permettant de déterminer l'admissibilité à l'entretien ménager, aux services auxiliaires ou aux indemnités hebdomadaires.

La personne assurée doit être présente lors de l'ANLI (sauf pour la rédaction du rapport).

Il ne prendra pas plus de quatre heures au professionnel pour faire passer le test d'ANLI, incluant le temps de préparation du rapport (mais excluant les déplacements et le kilométrage).

Le professionnel de la santé réglementé doit faire rapport au professionnel de la santé responsable du dossier (si ce n'est pas la même personne), à l'assureur, à la personne assurée, au médecin de famille et se prononcer sur les conclusions de l'évaluation, le traitement fourni et faire des recommandations.

Si, après avoir complété le formulaire ANLI, le professionnel de la santé réglementé décide que des soins et traitements additionnels sont nécessaires, il devra compléter le plan de traitement et présenter une demande à l'assureur.

9. Soins et traitements additionnels

Sans l'approbation préalable de l'assureur, le professionnel de la santé responsable du dossier peut fournir des soins et des services additionnels, au besoin, pour le traitement de blessures d'un ou de plusieurs tissus mous qui :

(a) sont le résultats du même accident qu'une entorse cervicale de stade II et requiert le même traitement;

(b) ne sont pas sont reliés à une entorse cervicale de stade II avec ou sans mal de dos et symptômes connexes;

(c) ne sont pas suffisamment graves pour exclure l'invalidité de la personne assurée du traitement prévu aux lignes directrices; et

(d) peuvent être complètement traités par le fournisseur selon l'échéancier des lignes directrices.

L'invalidité traitée de même que les soins et les traitements doivent être précisés par le professionnel de la santé responsable du dossier sur le Formulaire de confirmation des traitements et le maximum des frais exigibles par l'assureur pour la prestation de ces soins et services fournis aux termes de cette section sont de 200 $.

10. Traitement jugé insuffisant ou inadéquat

Si le professionnel de la santé responsable du dossier détermine qu'aux termes des lignes directrices, les traitements ne sont plus appropriés ou insuffisants parce qu'ils ne lui permettent pas de se rétablir, il peut donner son avis à l'assureur et à la personne assurée (en utilisant le formulaire de rapport de la situation pour un TAEC de stade I et II). Voici les possibilités qui sont offertes au professionnel de la santé responsable du dossier :

(a) présenter un Plan de traitement;

(b) ou présenter un Plan de traitement et procéder à un renvoi du cas au médecin de famille de la personne assurée ou à tout autre professionnel de la santé réglementé;

(c) ou, avec l'approbation de l'assureur, prolonger le traitement prévu aux lignes directrices pour un maximum de quatre visites en deux semaines après la prévue de la durée prévue du traitement et à un coût déterminé par l'assureur et le professionnel de la santé responsable du dossier;

(d) ou procéder à un renvoi du cas au médecin de famille de la personne assurée ou à tout autre professionnel de la santé réglementé.

Pendant qu'on réfléchit à la décision ou au traitement à prendre, le professionnel de la santé responsable du dossier peut :

(e) interrompre le traitement s'il est jugé inadéquat (ou devenu inutile);

(f) ou poursuivre le traitement jusqu'à ce que le professionnel de la santé responsable du dossier prenne une décision sur les dispositions à prendre.

L'Annexe sur les indemnités d'accidents légales stipule qu'un assureur a le droit de rejeter un Plan de traitement prévoyant des soins et traitements à être dispensés en même temps que la personne assurée reçoit des soins et traitements aux termes des lignes directrices et que cette décision de l'assurer n'est pas sujette à contestation.

Cependant, l'Annexe prévoit également que rien n'interdit à la personne assurée, tout en recevant des soins et traitements aux termes des lignes directrices, de présenter un Plan de traitement applicable à la période autre que celle prévue aux lignes directrices. Si l'assureur n'approuve pas le Plan de traitement dans le délai prescrit à l'Annexe, ce différend peut être soumis pour examen au Centre d'évaluation désigné.

11. Achèvement du traitement aux termes des lignes directrices

Une fois le traitement complété, le professionnel de la santé responsable du dossier préparera un rapport final expliquant le résultats des traitements pour la personne assurée.

Si une personne assurée choisit de mettre un terme aux traitements prévus, elle pourra seulement les reprendre à une date ultérieure dans la mesure où leur durée globale et le total de leurs frais ne dépassent pas les normes établies dans les lignes directrices.

Quand une personne assurée reçoit un traitement aux termes des lignes directrices, les options pour y mettre un terme sont les suivantes :

i. Fermer le dossier et donné son congé à la personne assurée dans un délai de six semaines (le formulaire de fermeture de dossier et de bilan de la situation pour un TAEC de stade I et II complété par le professionnel de la santé responsable du dossier);

ii. La condition de l'assuré s'améliore mais pas suffisamment à la fin du traitement (des traitements additionnels ou d'autres traitements non prévus aux lignes directrices dépendent de l'application du plan de traitement et du processus d'application de l'Annexe d'indemnités d'accidents légales);

iii. Cas non résolu (décision le plus tôt possible) et le professionnel de la santé responsable du dossier complète le formulaire de fermeture du dossier et de bilan de la situation pour un TAEC de stade I et II et donne son congé à la personne assurée;

iv. La personne assurée a failli de manière déraisonnable à participer au traitement. On considère une personne non raisonnable quand elle ne se présente pas à au moins deux rendez-vous médicaux consécutifs ou quatre rendez-vous pour l'ensemble de ceux prévus au traitement, sans explication crédible. Le fournisseur est requis de compléter le Formulaire Donner congé à la personne assurée et présenter un bilan de situation pour un TAEC de stade I et II;

v. La personne assurée retire son consentement.

12. Exigence en matière de rapport des professionnels de la santé responsables du dossier

Un professionnel de la santé responsable d'un dossier qui fournit un service à une personne assurée recevant des traitements en conformité avec les lignes directrices et qui visent au retour aux activités normales aux premières étapes et à une réduction du risque chronicité. Pendant le traitement, il est tenu d'utiliser les mesures et les indicateurs adéquats pour évaluer les progrès vers l'atteinte de ces objectifs.

Aux fins du dossier de la progression des traitements en regard de l'application des lignes directrices à une personne assurée victime d'une invalidité admissible aux lignes directrices et pour contribuer à l'évaluation globale des directives, le professionnel de la santé doit remplir le formulaire Fermer le dossier et donner son congé à l'assuré et faire un bilan de la situation pour un TAEC de stade I et II.

13. Remboursement du fournisseur

Un professionnel de la santé responsable du dossier qui fournit un traitement ou un soin à une personne assurée en conformité avec les lignes directrice doit soumettre un Formulaire de confirmation de traitement au plus tard dans les cinq jours ouvrables après avoir rencontré la personne assurée.

L'Annexe sur les indemnités d'accidents légales prévoit que l'assureur doit confirmer le plus tôt possible ou au plus tard dans les cinq jours ouvrables après avoir reçu le Formulaire de confirmation de traitement au professionnel de la santé responsable du dossier que la police d'assurance mentionnée dans le Formulaire de confirmation de traitement était en vigueur à la date de l'accident. L'assureur peut refuser de payer le professionnel de la santé en raison de question de couverture et d'exclusions à l'Annexe sur les indemnités d'accidents légales.

Le paiement au professionnel de la santé suivra la réception du Formulaire de confirmation de traitement, une demande d'indemnité d'accident et une facture d'assurance automobile standard (version C). L'assureur n'est pas tenu de verser un paiement tant qu'il n'a reçu une demande d'indemnisation d'accident.

Dans le cas d'une facture finale, l'assureur versera un paiement après la réception du Formulaire Donner congé à la personne assurée et présenter un bilan de situation pour un TAEC de stade I et II et de la facture d'assurance automobile standard (version C).

Quand on fournit à une personne assurée et protégée par les présentes directives un service de radiographie dispensé par un chiropraticien agissant à titre de professionnel de la santé responsable du dossier, le service est payable sans l'approbation préalable de l'assureur et est assujetti à l'échéancier de remboursement décrit à l'Annexe D des lignes directrices.

14. Contenu des Annexes

L'Annexe A présente le calendrier de remboursement sous forme de tableau.

L'Annexe B donne un aperçu de l'ensemble des traitements que recevra la personne assurée dont l'invalidité est couverte par les lignes directrices. Les fournisseurs fourniront une version personnalisée de ces traitements découlant de ces directives pour les besoins de chaque personne assurée.

L'Annexe C établit quels seront les soins et les traitements que les assureurs seront tenus de financer en vertu des présentes lignes directrices pour toute personne assurée dont l'invalidité est couverte par les lignes directrices.

L'Annexe D présente l'échéancier de paiement pour les radiographies aux termes des lignes directrices pour toute personne assurée dont l'invalidité est couverte par les lignes directrices. Tout autre traitement de radiographie est sujet à l'approbation de l'assureur.

L'Annexe E comprend le dépliant d'information intitulé *L'entorse cervicale : les faits*.

<u>Annexe A</u> - Calendrier de remboursement TAEC de stade II

Les fournisseurs de services de santé devraient recevoir les remboursements suivants pour le traitement des personnes assurées dont l'invalidité est couverte par les lignes directrices. Les honoraires sont payables quand la personne assurée a reçu tout traitement dans la semaine incluant où le traitement a été interrompu.

1re semaine	300 $
2e et 3e semaines	540 $
Congé à la fin de la 3e semaine et contrôle	200 $
Semaines 4, 5 et 6	510 $
Évaluation finale et production de rapport	100 $
Soins et traitements additionnels	200 $
Droits de transfert/professionnel de la santé responsable du dossier	60 $

Annexe B - Ensemble de traitements pour entorse cervicale de stade II

Semaines 1 à 3	Soins et traitements
Visite initiale / 1e semaine :	• Visite initiale et jusqu'à trois séances. Effectuer évaluation, y compris les antécédents familiaux et l'examen physique y les radiographies (sous réserve de l'Annexe D des lignes directrices) pour déterminer l'inclusion des critères dans les lignes directrices, le lien des plaintes avec l'accident, la nécessité des soins et traitement recommandés, s'il y a lieu, et l'identification de toute entrave potentielle pour le rétablissement • Remplir le Formulaire de confirmation du traitement • Remettre la brochure intitulée « L'entorse verticale : les faits » • Gérer la douleur, au besoin (cette étape peut comprendre la consultation d'un médecin pour obtenir des médicaments d'ordonnance) • Prévoir des exercices légers à la maison afin d'améliorer l'amplitude articulaire • Amorcer la manipulation et la mobilisation, s'il y a lieu, afin d'améliorer les fonctions • Faire le pronostic et évaluer si une ANLI est nécessaire
Visites dans les 2e et 3e semaines :	• Fournir 2 à 4 séances de traitements/ surveillance par semaine prévues pour cette période • Fournir des avis et du réconfort pour encourager le retour aux activités habituelles
Remarques pour les fournisseurs de service à la fin de la 3e semaine Si l'entorse cervicale est en voie de guérison mais que d'autres soins et traitements sont nécessaires :	• Fournir des conseils et du réconfort pour encourager le retour aux activités normales aussitôt que possible • Gérer la douleur, au besoin • Prescrire des exercices légers à la maison et, au besoin, des exercices légers supervisés • Utiliser la manipulation et la mobilisation et les thérapies physiques, s'il y a lieu, dans le cadre d'une stratégie qui fait la promotion de l'activité physique et du retour à la mobilité
Remarques pour les fournisseurs à la fin de la 3e semaine Si l'entorse cervicale de stade II ne s'améliore pas :	• Réévaluer • Évaluer si une ANLI est nécessaire

Remarques pour les fournisseurs à la fin de la 3e semaine Si on prévoit que l'entorse cervicale de stade II guérira sans autre intervention :	• Obtenir l'interruption des traitements, fournir des conseils et du réconfort et compléter le formulaire Donner congé au patient • Surveiller la personne assurée
Si le congé est donné au cours de la 2e ou 3e semaine ou à la fin de la 3e semaine :	• Obtenir l'interruption des traitements, fournir des conseils et du réconfort et compléter le formulaire Donner congé au patient et présenter un bilan de situation • Surveiller la personne assurée
4e, 5e et 6e semaines	• À 21 jours ou autour de cette période, évaluer le progrès et le plan pour les 21 prochains jours • De 1 à 3 traitements prévus par semaine dans ce groupe

Remarques pour les fournisseurs de services entre la 4e et la 6e semaine Si on prévoit que l'entorse cervicale de stade II guérira sans autre intervention :	• Donner son sans autre traitement et fournir conseils et réconfort • Surveiller
Remarques pour les fournisseurs de services des 4e à la 6e semaine : Si on prévoit que l'entorse cervicale de stade II guérira d'ici la fin des traitements aux termes des lignes directrices :	• Fournir conseils et réconfort pour encourager le retour à des activités habituelles • Gérer la douleur au besoin • Prescrire des exercices légers à la maison et, au besoin, des exercices légers supervisés • Utiliser la manipulation et la mobilisation et les thérapies physiques, s'il y a lieu, dans le cadre d'une stratégie qui fait la promotion de l'activité physique et du retour à la mobilité
Si on prévoit que l'entorse cervicale de stade II guérira mais que le traitement ne sera pas terminé aux termes des lignes directrices :	• Informer l'assureur, y compris de la présence de toute entrave au rétablissement • Fournir des conseils et du réconfort pour encourager le retour aux activités normales • Gérer la douleur au besoin • Prescrire des exercices légers à la maison • Envisager une manipulation et une mobilisation plus intensives et des thérapies physiques dans le cadre d'une stratégie qui fait la promotion de l'activité physique et du retour à la mobilité • Évaluer si une ANLI est nécessaire • Envisager de l'exercice supervisé et un programme de conditionnement • Envisager de demander à l'assureur une prolongation du traitement prévu pour un maximum de quatre visites en deux semaines ou, si un traitement supplémentaire est nécessaire, soumettre un Plan de traitement à l'assureur
Si l'entorse cervicale n'est pas guérie ou ne s'améliore pas	• Informer l'assureur et le professionnel de la santé responsable du dossier de la personne assurée • Procéder à une réévaluation • Présenter un Plan de traitement ou référer la personne assurée à un professionnel de la santé réglementé
6e et dernière semaine	• Évaluation finale et rapport à l'assureur et à la personne assurée

Annexe C - Soins et traitements non couverts pas les lignes directrices

Aux termes des présentes lignes directrices, un assureur n'est pas tenu de payer les soins ou les traitements suivants administrés à une personne assurée dont l'invalidité est comprise dans les présentes lignes directrices :

- Utiliser des oreillers cervicaux;
- Conseiller l'inactivité ou le repos au lit;
- Injecter un anesthésique, de l'eau stérile ou des stéroïdes pour le cou;
- Porter un collier souple pour plus de 2 jours;
-
- Effectuer des pulvérisation locale et des étirements; et
- Porter un collier magnétique.

Note : Les modalités passives auxiliaires (neurostimulation transcutanée, ultrasons, massages, applications chaudes ou froides, brèves siestes) sont incluses dans le financement lorsqu'elles font partie de la stratégie de promotion de l'activation et du retour à la mobilité.

Annexe D - Calendrier de remboursement des radiographies

Les services de radiographie pour les personnes assurées dont l'invalidité est couverte par les lignes directrices sont remboursables dans les circonstances suivantes :

- Les services de radiographie énumérés dans la liste ci-dessous ne nécessitent aucune approbation de la part de l'assureur mais les honoraires ne doivent pas excéder ceux inscrits au tableau ci-dessous. Tout autre service de radiographie nécessite l'approbation de l'assureur et du Groupe de règlement des différends.
- Aucune autre radiographie comparable n'a été prise par un autre professionnel de la santé ou dans une autre institution depuis l'accident.
- Tout financement disponible au RASO ou chez une compagnie auxiliaire est utilisée avant de facturer l'assureur automobile.
- La personne assurée affiche une ou plusieurs des caractéristiques suivantes :
  - Le patient soupçonne une blessure aux os;
  - Le patient soupçonne des changements dégénératifs, une instabilité ou d'autres conditions suffisamment graves pour qu'il soit nécessaire d'écarter les contre-indications possibles pour une ou plusieurs interventions;
  - Le patient soupçonne une polyarthrite rhumatoïde
  - Le patient soupçonne une ostéoporose; et
  - Antécédents de cancer.

Description	CCI		Honoraires maximum ($)
	Code	Attribut	
Colonne cervicale			
2 ou moins	3.SC.10	CXA	35,20 $
3 ou 4	3.SC.10	CXB	42,00 $
5 ou 6	3.SC.10	CXC	48,00 $
plus de 6	3.SC.10	CXD	56,64 $
Colonne thoracique			
2 ou moins	3.SC.10	THA	32,85 $
3 ou 4	3.SC.10	THB	43,23 $
Colonne lombaire et ceinture lombaire			
2 ou moins	3,SC,10	LBA ou LSA	35,20 $
3 ou 4	3.SC.10	LBB ou LSB	42,00 $
5 ou 6	3.SC.10	LBC ou LSC	48,00 $
Plus de 6	3.SC.10	LBD ou LSD	55,86 $

Annexe E - L'entorse cervicale : les faits

L'entorse cervicale : les faits - stade I et II

Les personnes blessées lors d'accidents automobiles connaissent parfois une tension aux muscles du cou et aux tissus mous environnants, désignée communément comme une entorse cervicale. Cette blessure est fréquente lorsqu'un véhicule est percuté à l'arrière ou de côté, ce qui crée un mouvement brusque et important de la tête et du cou. L'entorse cervicale peut provoquer une sensibilité des muscles (stade I) ou une limitation des mouvements du cou (stade II). Ce type de blessure est généralement temporaire et la plupart des gens qui en souffrent connaissent un rétablissement complet. Si vous avez souffert d'une entorse cervicale, le fait d'en savoir plus sur cet état peut vous aider à vous impliquer dans votre propre rétablissement. Ce dépliant résume le fruit des recherches scientifiques actuelles sur les entorses cervicales de stade I et II.

Pour comprendre l'entorse cervicale

- La plupart des entorses cervicales ne sont pas des blessures graves et guérissent complètement.
- Les signes d'une blessure cervicale grave, comme une fracture, sont généralement évidents lors des premières évaluations. Les professionnels de la santé qui ont été formés pour traiter les entorses cervicales sont attentifs à ces signes.
- La douleur, la raideur et d'autres symptômes d'entorse cervicale de stade I ou II apparaissent en général en 2 jours suivant le moment de l'accident. Une apparition plus tardive des symptômes n'est pas un signe de blessure plus grave.
- De nombreuses personnes souffrant d'entorse cervicale continuent leurs activités habituelles sans connaître de dérangement. Les personnes qui subissent de tels dérangements connaissent généralement une amélioration après quelques jours ou quelques semaines et reviennent sans danger à leurs activités quotidiennes.
- Tout comme la douleur et la raideur d'une entorse à la cheville peuvent persister, une entorse cervicale peut aussi laisser une douleur, une raideur ou une sensibilité pendant plusieurs jours ou plusieurs semaines. Bien que certains patients connaissent une guérison rapide, les symptômes peuvent persister pendant une longue période de temps. Dans la plupart des cas d'entorse cervicale de stade I et II, ces symptômes diminuent graduellement avec le retour à l'activité normale.

L'Entorse cervicale et les activités quotidiennes

- Le fait de poursuivre une activité normale est très important pour le rétablissement.
- Un repos prolongé pendant plus d'un jour ou deux ne contribue généralement pas à la guérison et peut même prolonger la douleur et l'invalidité. Pour les entorses cervicales, il semblerait que « le repos fait rouiller ».
- Les muscles blessés peuvent devenir raides et faibles lorsqu'ils ne sont pas utilisés. Ceci peut augmenter la douleur et retarder le rétablissement.
- Un retour aux activités habituelles peut être facilité par un traitement actif et des exercices.
- Les collets cervicaux ou « supports cervicaux » empêchent le mouvement et peuvent augmenter la raideur et la douleur. Ces appareils ne sont généralement pas recommandés puisqu'ils n'ont fait preuve que de peu ou pas d'efficacité.
- Le retour à l'activité conserve la santé des tissus mous et maintient leur flexibilité, ce qui accélère le rétablissement. L'exercice physique libère également des agents chimiques du corps qui aident à réduire la douleur d'une façon naturelle.
- Afin de prévenir le développement de douleurs chroniques, il est important de commencer à bouger dès que possible.

Conseils pour le retour à l'activité

- Évitez de demeurer en position assise pendant des périodes prolongées sans changer de position.
- Levez-vous et étirez-vous périodiquement.
- À votre poste de travail, assoyez-vous de manière à ce que la partie supérieure de vos bras soit près de votre corps et votre dos et vos pieds soient bien soutenus.
- Ajustez le siège de votre voiture lorsque vous conduisez, de manière à ce que vos genoux et vos coudes soient légèrement pliés.
- Lorsque vous faites des emplettes ou lorsque vous transportez des objets, utilisez un chariot ou tenez les objets près de votre corps pour un meilleur soutien.
- Lors des quelques premières semaines, évitez les sports de contact ou les exercices vigoureux afin d'éviter de vous blesser à nouveau. Demandez à votre professionnel de la santé de vous conseiller d'autres activités sportives ou récréatives.
- Assurez-vous que le lit où vous dormez est confortable. L'oreiller doit être ajusté de manière à soutenir le cou à une hauteur confortable.

Traitement des entorses cervicales

- Les études indiquent qu'un traitement efficace des entorses cervicales nécessite la coopération du patient et des efforts actifs de retour aux activités quotidiennes.
- Un professionnel de la santé en charge de votre traitement évaluera votre blessure et discutera avec vous des possibilités de traitement et de gestion de la douleur.
- Bien qu'en général aucun médicament sous ordonnance n'est nécessaire, l'usage provisoire de médicaments légers disponibles en vente libre peut vous être suggéré en plus d'un traitement à la glace ou à la chaleur.
- Le professionnel de la santé en charge de votre traitement peut recommander un traitement de physiothérapie approprié.

Pour éviter les douleurs chroniques

- Certaines personnes atteintes d'une entorse cervicale hésitent à reprendre leurs activités, craignant que l'état de la blessure n'empire. La douleur ou la sensibilité peut les pousser à surestimer l'importance des dommages physiques.
- Si votre professionnel de la santé conseille un retour à l'activité, acceptez ce conseil et mettez-le en application.
- Demeurez en contact avec votre famille, vos amis et vos collègues. Le retrait social peut contribuer à la dépression et au développement de douleurs chroniques.
- Si la quête de votre rétablissement vous décourage ou vous déprime, parlez-en à votre professionnel de la santé.
- Concentrez-vous sur la poursuite de votre vie plutôt que sur votre blessure!

Pour Prévenir une nouvelle blessure

- Un bon ajustement de la hauteur de l'appuie-tête de votre siège de voiture aidera à prévenir les blessures associées au coup de fouet cervical survenant lors d'un accident. Pour un ajustement optimal, le sommet de la tête doit être aligné avec le haut de l'appuie-tête et il ne doit pas y avoir plus de 2 à 5 cm de distance entre l'arrière de la tête et l'appuie-tête.

Ce dépliant fournit des renseignements généraux sur les entorses cervicales. Ce dépliant ne remplace pas les conseils qualifiés d'un professionnel de la santé qui peut évaluer correctement les blessures associées au coup de fouet cervical et recommander un traitement.

Ces renseignements résument les dernières recherches scientifiques disponibles sur l'entorse cervicale et ont été entérinés par les groupes suivants :

Bureau d'assurance du Canada (BAC)
Association chiropratique de l'Ontario (OCA)
Ontario Massage Therapist Association (OMTA)
Ontario Physiotherapy Association (OPA)
Ontario Society of Occupational Therapists (OSOT)

(6804) 29

Applications to Provincial Parliament — Private Bills
Demandes au Parlement provincial — Projets de loi d'intérêt privé

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders, and the guide "Procedures for Applying for Private Legislation", may be obtained from the Legislative Assembly's Internet site at http://www.ontla.on.ca or from:

Committees Branch
Room 1405, Whitney Block, Queen's Park
Toronto, Ontario M7A 1A2

Telephone: 416/325-3500 (Collect calls will be accepted.)

Applicants should note that consideration of applications for Private Bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

CLAUDE L. DESROSIERS,
(8699) T.F.N. Clerk of the Legislative Assembly.

Applications to Provincial Parliament
Demandes au Parlement provincial

772117 ONTARIO LTD.

NOTICE IS HEREBY GIVEN that on behalf of GERMAINE QUINTAS, application will be made to the Legislative Assembly of the Province of Ontario for an Act for the revival of 772117 ONTARIO LTD.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario, M7A 1A2.

Dated at Toronto, this 16th day of June, 2003

LIPMAN, ZENER & WAXMAN LLP,
(4355) 26 to 29 ON BEHALF OF GERMAINE QUINTAS

ONTARIO CONFERENCE OF THE SEVENTH-DAY ADVENTIST CHURCH

NOTICE IS HEREBY GIVEN that on behalf of the Ontario Conference of the Seventh-day Adventist Church application will be made to the Legislative Assembly of the Province of Ontario for an Act to extend the deadline for making complaints under the *Assessment Act* and the *Provincial Land Tax Act* with respect to the classification of the Church property located at 285 Atwell Drive, Toronto, Ontario.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario, M7A lA2.

Dated at Oshawa, Ontario this 25th day of June, 2003.

Per:
Barry W. Bussey
1148 King Street East
Oshawa, Ontario, L1H 1H8
Legal Counsel for Ontario Conference of
(4371) 27 to 30 the Seventh-day Adventist Church

Partnership Dissolution/Changes
Dissolution de sociétés/La modifications

CHRISTOPHER'S HIVE CANDLE COMPANY
Vicki Truman

NOTICE IS HEREBY GIVEN that Vicki Trueman, carrying on business as a partner in the above partnership, withdrew as a partner from that partnership effective February 16, 2003 and will not be liable for any debts or liabilities of the partnership after that date.

NOTICE IS HEREBY GIVEN that Vicki Trueman and Sylvia Grady, carrying on business as a partnership under the name "Christopher's Hive Candle Company" was dissolved on February 16, 2003, pursuant to the *Partnership Act*.

NOTICE IS HEREBY GIVEN that the partnership business as of June 20, 2003 is carried on by Stewart F. Nanabush and Sylvia V. Grady pursuant to the *Partnership Act*.

Dated at Toronto this 7th day of July, 2003.

OIYE // HENDERSON
Barristers and Solicitors
(4387) 29 per: Alexander Henderson

TIME OUT PROMOTIONS

NOTICE IS HEREBY GIVEN pursuant to Section 36 of the *Partnerships Act* (Ontario) that the partnership between Todd Bifolchi and Tim Dillon carrying on business under the name and style of Time Out Promotions (T.O.P.) at the address of 347 Donald B. Munro, Box 359, Carp, Ontario K0A 1L0, was dissolved on the 2nd day of July, 2003.

(4388) 29 TIM DILLON

Sheriff's Sales of Lands
Ventes de terrains par le shérif

UNDER AND BY VIRTUE of a Writ of Seizure and Sale issued out of the District Court of Ontario (now the Superior Court of Justice), at 21 Seventh Street, Chatham, Ontario, dated March 3rd, 1987, Court File Number D.C. 670/87, to me directed, against the real and personal property of EUGENE BISHOP (also known as GENE BISHOP) carrying on business as "Bishop's Cartage", Defendant, at the suit of William Yeck, carrying on business as "Yeck's Service" and "Yeck's Automotive", Plaintiff, I have seized and taken in execution all the right, title, interest and equity of redemption of Eugene Bishop (also known as Gene Bishop) carrying on business as "Bishop's Cartage", Defendant, in and to:

> The Northwest one-half of Lot 64, North Talbot Road, in the geographic Township of Orford, formerly in the County of Kent, now in the Municipality of Chatham-Kent and more particularly described in Instrument No. 598389 for the Land Registry Office Kent (No. 24). The property is municipally known as R.R.# 1, Muirkirk, Ontario N0L 1X0. The property is a vacant lot.

All of which said right, title, interest and equity of redemption of Eugene Bishop (also known as Gene Bishop) carrying on business as "Bishop's Cartage", Defendant, in the said lands and tenements described above, I shall offer for sale by Public Auction subject to the conditions set out below at the Court House, 425 Grand Avenue West, Chatham, Ontario on Thursday, the 28th day of August, 2003 at 10:00 a.m.

CONDITIONS:
The purchaser to assume responsibility for all mortgages, charges, liens, outstanding taxes, and other encumbrances. No representation is made regarding the title of the land or any other matter relating to the interest to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

TERMS: Deposit 10% of bid price or $1,000.00, whichever is greater
- Payable at time of sale by successful bidder
- To be applied to purchase price
- Non-refundable

Ten business days from date of sale to arrange financing and pay balance in full at the Sheriff's Office at the Court House, 425 Grand Avenue West, Chatham, Ontario.
All payments in cash or by certified cheque made payable to the Minister of Finance
Deed Poll provided by Sheriff only upon satisfactory payment in full of purchase price
Other conditions as announced

This sale is subject to cancellation by the Sheriff without further notice up to the time of sale.

NOTE: No person working for the Ministry of the Attorney General may purchase any goods or chattels, lands or tenements exposed for sale by a Sheriff for sale under legal process, either directly or indirectly.

Dated July 3, 2003.

Sheriff,
Municipality of Chatham-Kent
21 Seventh Street, Chatham, Ontario

"Pour des renseignements en francais composez le (519) 352-7740"

(4386) 29

Sales of Lands for Tax Arrears by Public Tender
Ventes de terrains par appel d'offres pour arriéré d'impôt

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE CITY OF DRYDEN

TAKE NOTICE that tenders are invited for the purchase of the lands described below and will be received until 3:00 p.m. local time on August 20th, 2003 at 30 Van Horne Avenue, Dryden, ON P8N 2A7.

The tenders will then be opened in public on the same day at 30 Van Horne Avenue, Dryden, Ontario at 3:30 p.m.

Description of Land: 1. Parcel 33345, Part of Lot 1, Concession 5, designated as Part 2, Plan 23R-5115, City of Dryden, District of Kenora.
Minimum Tender Amount: $73,470.74
(Set out the cancellation price
as of the first day of advertising)

Description of Land: 2. Remainder of Parcel 39512, District of Kenora being Part of Lot 18, Concession 5 designated as Parts 3 & 5, Plan 23R-8521, City of Dryden.
Minimum Tender Amount: $4,020.85
(Set out the cancellation price
as of the first day of advertising)

Description of Land: 3. Remainder of Parcel 32517, District of Kenora being Part of Lot 2, Concession 6 designated as Part 8, Plan 23R-4580 and Part 4 on Plan 23R-3269, City of Dryden.
Minimum Tender Amount: $9,754.50
(Set out the cancellation price
as of the first day of advertising)

Description of Land: 4. Parcel 33346, District of Kenora being Part of Lot 1, Concession 5 designated as Part 3, Plan 23R-5115, City of Dryden.
Minimum Tender Amount: $59,358.86
(Set out the cancellation price
as of the first day of advertising)

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust company or Province of Ontario Savings Office, payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

The municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus the accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

Paul Heayn
Treasurer
The Corporation of the City of Dryden
30 Van Horne Avenue
Dryden, Ontario P8N 2A7
807-223-2225

(4380) 28 to 30

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWN OF ST CLAIR

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 11:00 a.m. local time on August 12, 2003, at the Municipal Office, 1155 Emily St., Mooretown, Ontario N0N 1M0.

The tenders will then be opened in public on the same day at the Municipal Office, 1155 Emily St., Mooretown, Ontario N0N 1M0.

Description of Land: Lot 10, Registered Plan 34 (MO), Township of St. Clair, County of Lambton. Fairfield Blvd., 13AC, 50′ × 110′. Vacant land. Roll #38-05-220-070-060-0000.
Minimum Tender Amount: $6,214.69

Description of Land: Lot 22, Registered Plan 34 (MO), Township of St. Clair, County of Lambton. Fairfield Blvd., 50 × 174/149.48/32.90 Irregular, 50′ frontage, Vacant land. Roll #38-05-220-070-063-02-0000.
Minimum Tender Amount: $7,116.99

Description of Land: Part of the road allowance between Lots 24 and 25. Front Concession, said Road closed by By-law Number 23 of 1941 as confirmed by By-law Number 749 registered as Number 26584 on the 10th day of August, 1945, Geographic Township of Moore, (MO), Township of St. Clair, County of Lambton, designated as Part 3 on Reference Plan 25R-1004. Second St., Courtright 0.19 Ac. 66′ × 185′ Vacant land. Roll #38-05-220-021-020-0000.
Minimum Tender Amount: $10,758.11

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality or board and representing at least 20 per cent of the tender amount.

The municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

Charles Quenneville, CPA
Treasurer, Township of St. Clair
1155 Emily Street
Mooretown, Ontario
N0N 1M0
519-897-2024

(4389) 29

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE CITY OF CORNWALL

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on August 14, 2003, at 340 Pitt Street, 4th Floor, Cornwall, Ontario.

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

Description of Land: Part of Lot 23 and Part of Lot 24, Registered Plan 156, City of Cornwall, County of Stormont and being designated as Parts 6 and 8 on Reference Plan 52R-3330 (E/S Pitt Street – vacant land)
Minimum Tender Amount: $2,684.68
(Set out the cancellation price
as of the first day of advertising)

Description of Land: Part West Half of Lot 17 and Part East Half of Lot 18, Concession 3, (Vincent Massey Drive – vacant land)
Minimum Tender Amount: $66,174.26
(Set out the cancellation price
as of the first day of advertising)

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

Treasurer
City of Cornwall
340 Pitt Street, 4th Floor
Cornwall, Ontario
(4390) 29 K6H 5T9

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWNSHIP OF JOHNSON

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on August 26, 2003, at the Township Office, Box 160, 1 Johnson Drive, Desbarats, Ontario P0R 1E0.

The tenders will then be opened in public on the same day at the Township Office, Box 160, 1 Johnson Drive, Desbarats, Ontario P0R 1E0.

Description of Land: Roll No. 57 16 000 006 10700. Part of the South Hall of Lot 7, Concession 5, Township of Johnson, Plan 58 in the District of Algoma (No. 1) designated Part 1 on Plan 1R-3975. File No. AAJN01-05.
Minimum Tender Amount: $6,145.24

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality or (board) and representing at least 20 per cent of the tender amount.

The municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

Karen Findlay
Treasurer
The Corporation of the
Township of Johnson
Township Office
Box 160, 1 Johnson Drive
Desbarats, Ontario P0R 1E0
(4391) 29 (705) 782-6601

Publications under the Regulations Act
Publications en vertu de la Loi sur les règlements

2003—07—19

ONTARIO REGULATION 267/03

made under the

NUTRIENT MANAGEMENT ACT, 2002

Made: June 26, 2003
Filed: June 30, 2003

GENERAL

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PART I
DEFINITIONS AND INTERPRETATION

DEFINITIONS AND GENERAL

Definitions and general

1. (1) In this Regulation,

"accredited certifier" means a person who holds a reviewer certificate under section 104;

"agricultural source material" means the following material if it is capable of being applied to land as nutrients:

1. Manure produced by farm animals, including associated bedding materials.
2. Runoff from farm-animal yards and manure storages.
3. Washwaters from agricultural operations that have not been mixed with human waste.
4. Materials from a treatment system.
5. Organic materials produced by intermediate generators;

"application", in relation to the application of a material to land, does not include the direct deposit onto land of feces or urine by animals;

"aquifer" means an underground formation of saturated permeable rock or loose material including soil that can produce useable quantities of water when tapped by a well;

"broker" means a person who,

(a) receives prescribed materials from an operation,

(b) does not generate a new nutrient product from the materials, and

(c) transfers the materials to another operation, applies the materials to land as nutrients on behalf of another person, or stores them for either of those purposes;

"broking operation" means an operation by virtue of which a person is a broker;

"commercial fertilizer" means a fertilizer or supplement, as both of those terms are defined in the *Fertilizers Act* (Canada);

"compacted soil liner", in relation to a permanent nutrient storage facility, means a liner composed of hydraulically secure soil that is compacted to 95 per cent of modified Proctor at the optimum moisture content to meet a maximum saturated hydraulic conductivity of not more than 1×10^{-9} metres per second;

"concrete" means Portland cement concrete;

"Construction and Siting Protocol" means the document of that name prepared by the Ministry of Agriculture and Food and the Ministry of the Environment for the purposes of this Regulation and dated June 30, 2003 that consists of chapters NSTS-01 to NSTS-09;

"contingency plan" means a proposal in a nutrient management strategy or plan for dealing with,

(a) an excess of prescribed materials or nutrients, if the amount of prescribed materials or nutrients generated or received at a farm unit is greater than that otherwise provided for by the strategy or plan,

(b) an excess of prescribed materials or nutrients, if the amount of prescribed materials or nutrients requiring storage prior to use exceeds or is anticipated to exceed the storage capacity available for prescribed materials or nutrients otherwise provided for by the strategy or plan,

(c) unanticipated releases of prescribed materials or nutrients from storage or during transport or application,

(d) inability to store, apply or otherwise use prescribed materials or nutrients as otherwise provided for by the strategy or plan, as a result of weather conditions or unavailability of equipment, or

(e) any other contingency requiring the handling or storage of prescribed materials or nutrients in an emergency;

"control", as a verb in relation to land, an agricultural operation or a non-agricultural operation, includes manage and operate;

"crop residue" means the unharvested portion of a crop left on the surface of the soil of land after the harvest of a crop grown on the land;

"Drainage Guide for Ontario" means the document of that name published by the Ministry of Agriculture and Food and dated 1997 under the identification number RP-02-97-POD;

"earth" means inorganic components of the earth's crust such as clay, silt, sand, gravel or any mixture of those components and may contain small amounts of organic materials;

"engineered material" means synthetic material or natural material that has been reworked to create material that meets,

(a) the standard set out in the definition of "hydraulically secure soil", in the case of that soil,

(b) the requirements specified in Part VIII, in the case of other material located immediately under a permanent nutrient storage facility;

"facultative hydrophilic plants" means plants that thrive in, but do not require the presence of, surface water or continuously saturated soil;

"farm unit" means land consisting of, or designated as, a farm unit under section 5;

"flow path", in relation to a facility, site, outdoor confinement area or temporary storage area, means a surface channel or depression that conducts liquids away from the facility, site or area;

"frozen soil" means soil that is consolidated by the presence of frozen moisture in the soil, in any layer with a minimum thickness of 5 centimetres, where the layer is located within the top 15 centimetres of the soil;

"generator" means a person who owns or controls an operation in the course of which prescribed materials are generated, and includes an intermediate generator;

"geomembrane liner" means a synthetic membrane with very low permeability used to control fluid migration in a nutrient storage facility;

"geosynthetic clay liner" means a liner that consists of high swelling sodium bentonite between two layers of geotextile fabric having a saturated hydraulic conductivity of 1×10^{-9} metres per second or less used to control fluid migration in a nutrient storage facility;

"ground level", in relation to a nutrient storage facility, means the lowest surface grade within a perimeter of two metres of the facility;

"high-density permanent outdoor confinement area" means an outdoor confinement area,

(a) to which the animals confined in the area have access for 4,800 hours of the year and where the number of animals confined in the area, at any time, is sufficient to generate nutrients at a rate of more than 120 nutrient units per hectare annually, or

(b) an area that meets the following requirements:

(i) the animals confined in the area have access to the area for less than 4,800 hours of the year.

(ii) the area is part of a farm unit that contains a sufficient number of farm animals to generate 300 or more nutrient units annually.

(iii) the number of nutrient units generated by the animals confined in the area in the year multiplied by the proportion of the year during which the animals are confined in the area is more than five nutrient units per hectare;

"hydraulically secure soil" means natural soil that is consistent in nature and able to meet a maximum saturated hydraulic conductivity of 1×10^{-8} metres per second;

"incorporation" means the mixing of nutrients into the surface of soil by tillage with a minimum depth of soil disturbance of 10 centimetres;

"injection", in relation to the application of nutrients to land, means the placement of nutrients below the surface of the soil of the land;

"intermediate generator" means a person who owns or controls an intermediate operation;

"intermediate operation" means an operation carried out with prescribed materials generated in the course of another operation, resulting in the production of prescribed materials that have different characteristics from those of the materials in the form in which they were generated, such as nutrient content, density or volume;

"liner" includes a geomembrane liner, a geosynthetic clay liner and a compacted soil liner;

"liquid", in relation to prescribed materials or nutrients, means prescribed materials or nutrients that are not solid;

"liquid nutrient transfer system" means all pipes and surfaces that come into contact with liquid prescribed materials but does not include the components of a permanent liquid nutrient storage facility or a vehicle that is used to transport liquid nutrients;

"livestock" includes poultry and ratites;

"living crop" means a crop that has been planted and has emerged from the soil, and if it is dormant, that must be reasonably expected to resume growing under suitable conditions;

"Local Advisory Committee Protocol" means the document of that name prepared by the Ministry of Agriculture and Food and the Ministry of the Environment for the purposes of this Regulation and dated June 30, 2003;

"low-density permanent outdoor confinement area" means a permanent outdoor confinement area used for 4,800 hours or more in a calendar year where the number of animals confined in the area, at any time, is not sufficient to generate nutrients at a rate of more than 120 nutrient units per hectare annually;

"maximum sustained slope" means the average change in elevation from the top to the bottom of a slope divided by the length of the slope expressed as a percentage, where the slope has a minimum length of 10 metres and where the slope is towards surface water;

"municipal well" means a well that serves as a raw water supply for a municipal drinking-water system as defined in the *Safe Drinking Water Act, 2002*;

"NMAN" means,

(a) the computer program of that name prepared by the Ministry of Agriculture and Food for the purposes of preparing nutrient management strategies or plans and dated June 30, 2003, or

(b) unless this Regulation specifies otherwise, the workbook version of the computer program mentioned in clause (a), where the workbook is prepared by the Ministry of Agriculture and Food and dated June 30, 2003 for persons who do not use a computer to prepare nutrient management strategies or plans;

"non-agricultural operation" means,

(a) an intermediate or broking operation, or

(b) any other operation, other than an agricultural operation, that involves the generation or management of prescribed materials or nutrients;

"non-agricultural source material" means the following material if it is intended to be applied to land as nutrients:

1. Pulp and paper biosolids.
2. Sewage biosolids.
3. Any other material that is not from an agricultural source that is capable of being applied to land as a nutrient;

"Nutrient Management Protocol" means the document of that name prepared by the Ministry of Agriculture and Food and the Ministry of the Environment for the purposes of this Regulation and dated June 30, 2003;

"nutrient unit" means the amount of nutrients that give the fertilizer replacement value of the lower of 43 kilograms of nitrogen or 55 kilograms of phosphate as nutrient as established by reference to the Nutrient Management Protocol;

"obligate hydrophilic plants" means plants that require the presence of surface water or continuously saturated soils for their survival;

"observation station" means a device that intercepts the flow of liquid in a tile drain and that is used to collect, observe and monitor the amount and condition of liquid in the tile drain;

"observation and shut-off station" means an observation station that is equipped with a valve attached to the gravity outflow pipe to allow the flow of liquid in a tile drain to be shut off;

"operation" means an agricultural operation or a non-agricultural operation;

"operation identifier" means a unique identifier that a Director assigns, for the purposes of a nutrient management strategy or plan, to an operation or a farm unit on which an agricultural operation is carried out;

"organic soils" means soils containing more than 17 per cent organic carbon by weight, commonly known as peat, muck, bog or fen soils;

"outdoor confinement area" means an enclosure for livestock, deer, elk or game animals that has the following characteristics:

1. It has no roof, except as described in paragraph 3.
2. It is composed of fences, pens, corrals or similar structures.
3. It may contain a shelter to protect the animals from the wind or another shelter with a roof of an area of less than 20 square metres.
4. It has permanent or portable feeding and watering equipment.
5. The animals are fed or watered at the enclosure.
6. The animals may or may not have access to other buildings or structures for shelter, feeding or watering.
7. Grazing and foraging provides less than 50 per cent of dry matter intake;

"permanent liquid nutrient storage facility" means a permanent nutrient storage facility that is designed and constructed to contain liquid prescribed material;

"permanent nutrient storage facility" means a facility for storing prescribed material, including a storage facility made of earth that is a permanent structure or part of a permanent structure but does not include,

(a) a permanent solid nutrient storage facility that has less than 14 days of storage capacity,

(b) a permanent liquid nutrient storage facility that has less than 14 days of storage capacity and a maximum depth of liquid nutrient that is less than 100 millimetres, or

(c) nutrient application or irrigation systems used to deliver liquid fertilizer to crops;

"permanent outdoor confinement area" means an outdoor confinement area that is accessible to animals for 4,800 hours or more in total in a calendar year;

"permanent solid nutrient storage facility" means a permanent nutrient storage facility that is designed and constructed to contain solid prescribed material;

"prescribed material" means an agricultural source material or a non-agricultural source material, other than a commercial fertilizer or compost that meets the guidelines entitled *Interim Guidelines for the Production and Use of Aerobic Compost in Ontario* prepared by the Ministry of the Environment for the purposes of this Regulation and dated November 1991;

"pretilled" means land that is sufficiently disturbed by tillage to disrupt large cracks and pores that could conduct liquid materials into subsurface soil or tile drains;

"professional engineer" means a person who holds a licence or a temporary licence under the *Professional Engineers Act* but does not include a person who holds a limited licence issued under that Act;

"professional geoscientist" means a person who is a member in good standing of the Association of Professional Geoscientists of Ontario or who holds a valid certificate of authorization under the *Professional Geoscientists Act, 2000*, but does not include a limited member or a non-practising member of that Association;

"residential area" means an area in which there are four or more lots of not more than one hectare,

(a) that are adjacent to each other or not separated by anything other than a road allowance or right of way, and

(b) on each of which there is a residential building;

"runoff" means a liquid that,

(a) has come into contact with manure in a permanent nutrient storage facility, temporary field nutrient storage site or outdoor livestock confinement area,

(b) may contain components of manure in solution or suspension, and

(c) is no longer contained in the permanent nutrient storage facility, temporary field nutrient storage site or outdoor livestock confinement area;

"Sampling and Analysis Protocol" means the document of that name prepared by the Ministry of Agriculture and Food and the Ministry of the Environment for the purposes of this Regulation and dated June 30, 2003;

"site characterization" means a site characterization carried out in accordance with a study under Part VIII;

"snow-covered soil" means soil with a layer of snow on the surface that has an average minimum depth of 5 centimetres;

"soil test hole" means a hole that is dug or drilled into soil for the purpose of determining the characteristics of the soil in accordance with this Regulation and chapter NSTS-03 of the Construction and Siting Protocol;

"solid", in relation to prescribed materials or nutrients, means having a dry matter content of 18 per cent or more or a slump of 150 millimetres or less using the Test Method for the Determination of Liquid Waste (slump test) set out in Schedule 5 to Regulation 347 made under the Environmental Protection Act;

"surface water" means surface water as defined in section 2;

"synthetic liner" means a geomembrane liner or a geosynthetic clay liner;

"temporary field nutrient storage site" means a location that is not a permanent nutrient storage facility and where solid prescribed materials are stored for more than 24 hours;

"tillage" means the mechanical disturbance of soil so as to be turned, mixed or displaced from its undisturbed state;

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

(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 field area, 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;

"treatment system" means a treatment system that is capable of changing the characteristics of an input stream that contains nutrients;

"unsaturated" means a soil water content that is less than 100 per cent of the total pore space, or that is at a negative soil water pressure as determined according to the Nutrient Management Protocol for unsaturated soil conditions;

"vegetated buffer zone" means an area that,

(a) has a width of at least three metres, adjacent to the top of the bank of surface water, measured away from the top of the bank of the surface water nearest the buffer zone, and

(b) is maintained under continuous vegetated cover, including perennial grasses, forbs or trees and perennial forage crops that can be harvested as hay or silage;

"water table", in relation to land, means the highest level of water found at a well, as recorded in the water well records for the nearest water wells or as determined by a test hole dug at or before the application of materials containing nutrients to the land;

"well" includes a gas well, oil well, unused well, test well and water well.

(2) In the Act,

"generator" means generator as defined in subsection (1).

(3) In this Regulation,

(a) a reference to a nutrient includes a reference to material that contains the nutrient;

(b) a reference to a nutrient management strategy or plan includes a reference to a short-form nutrient management strategy or plan, as the case may be, used in accordance with section 18 or 25, as the case may be.

Surface water

2. (1) In this Regulation,

"surface water" means, subject to subsection (2),

(a) a natural or artificial channel that carries water continuously throughout the year, or intermittently, and does not have established vegetation within the bed of the channel except vegetation dominated by obligate or facultative hydrophilic plants,

(b) a lake, reservoir, pond or sinkhole, or

(c) a wetland as defined in Ontario Regulation 140/02 made under the *Oak Ridges Moraine Conservation Act, 2001*.

(2) The following are not surface water for the purposes of this Regulation:

1. Grassed waterways.
2. Temporary channels for surface drainage, such as furrows or shallow channels that can be tilled and driven through.
3. Rock chutes and spillways.
4. Roadside ditches that do not contain a continuous or intermittent stream.
5. Temporarily ponded areas that are normally farmed.
6. Artificial bodies of water intended for the storage, treatment or recirculation of runoff from farm-animal yards and manure storages.

Nutrients

3. The application to land of agricultural source materials or non-agricultural source materials is a prescribed use for the purpose of the definition of "nutrient" in section 2 of the Act.

INCORPORATED DOCUMENTS

Incorporated documents

4. (1) The Minister shall ensure that copies of all documents incorporated by this Regulation, including the Construction and Siting Protocol, the Local Advisory Committee Protocol, NMAN, the Nutrient Management Protocol and the Sampling and Analysis Protocol, are made available to the public by either of the following means:

1. A posting on a web site maintained by the Ministry and a notice in the registry under the *Environmental Bill of Rights, 1993*.
2. Any other print or electronic medium of mass communication.

(2) Subsection (1) does not apply to an Act or Regulation of Ontario or Canada.

FARM UNITS

What constitutes a farm unit

5. (1) An area of land used for an agricultural operation, part of an agricultural operation or more than one agricultural operation constitutes a single farm unit for the purposes of this Regulation only if the following rules apply:

1. It must be reasonably necessary, for the avoidance of any adverse effect described in subsection 18 (3) of the Act, for any prescribed materials generated on the land, or any nutrients applied on the land, to be managed by reference to a single nutrient management strategy or plan.
2. If prescribed materials are generated in the course of an agricultural operation carried out on the land, the land of the farm unit must include all land that the current owner of the land on which the materials are generated acquired under a single transfer as defined in the *Land Registration Reform Act* and on which the materials are managed.
3. Despite paragraph 2, the land of the farm unit does not include land to which prescribed materials generated in the course of an agricultural operation are transferred if the nutrient management strategy or plan for the operation provides for the materials to be transferred and if the transfer is done in accordance with this Regulation,
   i. under a broker agreement,
   ii. under a nutrient transfer agreement,

iii. to another agricultural operation for application to land, or

iv. for use other than as a nutrient.

4. A part of a farm unit on which agricultural source material is generated may be located at any distance from a part of the farm unit where the material is applied to land.

(2) If a person owns or controls land in relation to which a nutrient management strategy or plan has been or is being prepared, a Director may, on application by the person or on the Director's own initiative, by certificate given to the person, designate land described in the certificate as a farm unit for the purposes of the strategy or plan, regardless of whether the person owns or controls all or part of the designated land.

(3) A Director shall have regard to the rules described in subsection (1) in making a decision to designate land as a farm unit.

APPLICATION OF REGULATION

Application of Regulation

6. (1) This Regulation does not apply to a farm unit that generates five or fewer nutrient units of manure annually.

(2) Non-agricultural source material may be applied to land in a farm unit in accordance with a certificate of approval under Part V of the *Environmental Protection Act* if the requirements of this Regulation with respect to the application are satisfied.

FARM ANIMAL NUMBERS

No restriction on farm animal numbers

7. For the purposes of the Act and this Regulation, there shall be no restriction on the numbers of farm animals that may be managed in the course of an agricultural operation, unless imposed expressly or by implication by this Regulation or by an order made under section 29 or 30 of the Act.

CONFLICT

Conflict with other instruments

8. Subject to the Act, the requirements of this Regulation are in addition to and independent of the requirements in an approval, order or instrument issued under any other Act, other than a municipal by-law, and in the event of conflict, shall prevail.

PART II
STRATEGIES AND PLANS: GENERAL

NUTRIENT MANAGEMENT STRATEGIES

Application of strategies

9. (1) A nutrient management strategy applies to,

(a) an agricultural operation carried out on a farm unit; or

(b) a non-agricultural operation.

(2) A separate nutrient management strategy is required for each farm unit on which an agricultural operation to which a nutrient management strategy applies is carried out.

Compliance with strategy

10. (1) A person who owns or controls an agricultural or non-agricultural operation to which this section applies shall ensure that prescribed materials generated in the course of the operation are managed in accordance with a nutrient management strategy.

(2) No person shall manage prescribed materials that are generated in the course of an agricultural or non-agricultural operation to which this section applies except in accordance with a nutrient management strategy.

(3) This section does not apply to an agricultural fair at which farm animals are present for 25 days or less if all of the manure generated at the fair is disposed of under a broker agreement.

Phasing-in, agricultural operations

11. (1) Section 10 applies to an agricultural operation that generates agricultural source materials if the person who owns or controls the land, on which the operation is carried out and that the current owner acquired under a single transfer as defined in the *Land Registration Reform Act*, has not carried out the operation on the land at any time before September 30, 2003 and submits an application, on or after that date, for a building permit under the *Building Code Act, 1992* with respect to any building or structure that is used to house farm animals and that is located or to be located on the land.

(2) Section 10 applies to an agricultural operation that generates agricultural source materials if the number of farm animals on a farm unit on which the operation is carried out is increased to a level that is sufficient, at any time on or after September 30, 2003, to generate 300 or more nutrient units annually.

(3) Section 10 applies to an agricultural operation that generates agricultural source materials on or after July 1, 2005 if the number of farm animals on a farm unit on which the operation is carried out is sufficient to generate 300 or more nutrient units annually.

(4) Section 10 applies to an agricultural operation that generates agricultural source materials at the earliest time that subsections (1), (2) and (3) determine that the section is to apply.

Phasing-in, non-agricultural operations

12. (1) Section 10 applies, on or after the date set out in Column 2 of the following Table, to a non-agricultural operation that generates the non-agricultural source materials described in Column 1 opposite the date in the circumstances, if any, described in Column 1:

TABLE

Item	Column 1	Column 2
	Type of non-agricultural source materials generated and circumstances	Date of phasing-in
1.	Pulp and paper biosolids	January 1, 2008
2.	Sewage biosolids if,	
	(a) the operation is a municipal sewage processor that is sufficient to generate fewer than 4,450 cubic metres per day	January 1, 2008
	(b) the operation is a municipal sewage processor that is sufficient to generate 4,450 cubic metres or more per day but no more than 45,400 cubic metres per day	January 1, 2007
	(c) the operation is a municipal sewage processor that is sufficient to generate more than 45,400 cubic metres per day	January 1, 2005
3.	Non-agricultural source material that is not described in item 1 or 2	January 1, 2007

(2) In subsection (1),

"municipal sewage processor" means a non-agricultural operation consisting of sewage works as defined in the *Ontario Water Resources Act* for which an approval has been given under section 53 of that Act authorizing,

(a) the treatment of sewage for a municipality, and

(b) the generation of prescribed materials that are intended to be applied to land.

NUTRIENT MANAGEMENT PLANS

Application of plans

13. (1) A nutrient management plan applies to an agricultural operation carried out on a farm unit.

(2) A separate nutrient management plan is required for each farm unit on which an agricultural operation to which a nutrient management plan applies is carried out.

Compliance with plan

14. (1) A person who owns or controls an agricultural operation, to which this section applies and in the course of which nutrients are applied to the land of a farm unit, shall ensure that the nutrients are managed in accordance with a nutrient management plan.

(2) No person shall manage nutrients that are stored or applied to the land of a farm unit in the course of an agricultural operation to which this section applies except in accordance with a nutrient management plan.

(3) If the application of this Regulation results in more than one rate of application of a nutrient to land or a rate of application of a nutrient to land that is different from the rate that results from a certificate of approval under Part V of the *Environmental Protection Act*, the lowest such rate of application prevails.

(4) If the application of this Regulation results in more than one setback distance or a setback distance that is different from a distance set out in a certificate of approval under Part V of the *Environmental Protection Act*, the greatest such setback distance prevails.

Phasing-in

15. Section 14 applies to an agricultural operation that is carried out on a farm unit as soon as the person who owns or controls it is required to have a nutrient management strategy for carrying out the operation on the farm unit.

PART III
STRATEGIES AND PLANS: PREPARATION

PRECONDITION

Requirement for other agreements

16. A person who is required to have a nutrient management strategy or plan that mentions a transfer agreement that a person is required to enter into under subsection 20 (1) or an agreement that a broker is required to enter into under subsection 36 (1) or 37 (1) shall,

(a) enter into those agreements that are applicable to the person or the person's agricultural or non-agricultural operation; and

(b) at the time the strategy or plan comes into force, have the agreements mentioned in clause (a) in force.

NUTRIENT MANAGEMENT STRATEGIES

Preparation and contents

17. (1) A nutrient management strategy for an agricultural or non-agricultural operation,

(a) must be prepared by a person qualified to do so under Part X;

(b) unless it is a short-form nutrient management strategy authorized by section 18, must comply with this Regulation, the Nutrient Management Protocol, the Construction and Siting Protocol and the Sampling and Analysis Protocol; and

(c) must be signed by the owner of the operation, if the owner is not a corporation, or by an authorized agent of the corporation that owns the operation.

(2) A nutrient management strategy for an agricultural or non-agricultural operation must account for the total quantity of prescribed materials that are suitable for application to land as nutrient and that it is reasonable to expect will be generated in the course of the operation, in each year for which the strategy is prepared.

(3) On application by the person responsible for preparing a nutrient management strategy, a Director shall assign an operation identifier to the following, unless the Ministry has already assigned an operation identifier to the operation:

1. The agricultural or non-agricultural operation to which the strategy applies.
2. Each farm unit on which an agricultural operation, to which the strategy applies, is carried out.

Short-form strategy

18. (1) If this Regulation requires a person who owns or controls an agricultural operation to have a nutrient management strategy for carrying out the operation, the strategy may be a short-form nutrient management strategy if,

(a) the Nutrient Management Protocol provides a short form nutrient management strategy;

(b) the number of farm animals on the farm unit on which the operation is carried out is sufficient to generate fewer than 150 nutrient units annually; and

(c) the operation does not involve applying liquid manure or non-agricultural source materials to land.

(2) A short-form nutrient management strategy shall comply with the Nutrient Management Protocol.

(3) The Nutrient Management Protocol may specify information that, despite section 17, may be omitted from a short-form nutrient management strategy or may be presented in a different form in a short-form nutrient management strategy.

Management of nutrients for non-nutrient purposes

19. A nutrient management strategy may provide for some or all of the prescribed materials that are dealt with by the strategy to be managed for non-nutrient purposes.

Transfer of prescribed materials outside operation

20. (1) If this Regulation requires a person who owns or controls an agricultural or non-agricultural operation to have a nutrient management strategy that requires the person to transfer prescribed materials generated in the course of the operation to another operation for which this Regulation requires a nutrient management plan, the person who owns or controls the operation from which the materials are to be transferred shall enter into an agreement with respect to the transfer with the person who owns or controls the operation to which the materials are to be transferred.

(2) The nutrient management strategy may provide for the transfer of prescribed materials to an operation only if the strategy or another nutrient management strategy or plan provides for the management of the transferred materials at the operation.

(3) The transfer agreement shall comply with the Nutrient Management Protocol.

(4) If a nutrient management strategy provides for prescribed materials generated in the course of an agricultural or non-agricultural operation to be transferred elsewhere for management in the course of another operation, the location to which the materials are transferred may be anywhere without regard to the distance from the location of the operation, in the course of which the materials are generated.

Incorporation of plans and other strategies

21. (1) A nutrient management strategy for an agricultural operation may incorporate another nutrient management strategy or plan only if,

(a) the incorporating strategy and the other strategy or plan are directly controlled by the same person; or

(b) the other strategy or the plan itself provides for being so incorporated.

(2) If a nutrient management strategy for an agricultural operation incorporates another nutrient management strategy or plan that is not independently approved or certified under this Regulation and if the incorporating strategy is approved or certified under this Regulation, then for the purposes of this Regulation the other strategy or the plan shall be deemed to be approved or certified, as the case requires, by virtue of the approval or certification of the incorporating strategy, while that approval or certification remains in force.

Cessation of strategies

22. A nutrient management strategy ceases to be in force for an agricultural or non-agricultural operation at the earliest of the following times:

1. The fifth anniversary of the day on which the strategy came into force or was approved or certified under this Regulation, whichever is later.
2. The occurrence of any of the following events:
   i. A change of ownership or control of the operation that adversely affects the capacity of a person who currently owns or controls the operation to implement the strategy.
   ii. The end of a year in which there is an increase of 20 per cent or more in the quantity of nutrients generated in the course of the operation since the first year during which the strategy was in force.
   iii. An increase in storage capacity using either new permanent nutrient storage facilities or new temporary field nutrient storage sites on the farm unit on which the agricultural operation is carried out.
   iv. A change in the use of nutrients generated in the course of the operation, including a change from applying the nutrients to the land to having an intermediate handler process them.
   v. The loss of available destinations resulting in an amount of prescribed materials being generated that exceeds the amount that the strategy can accommodate.
   vi. The end of a year in which the quantity of agricultural source materials transferred to any single farm unit or non-agricultural operation since the previous year increases by at least 30 nutrient units, if the increase is at least 10 per cent of the number of nutrient units transferred, in the previous year, to the farm unit on which the agricultural operation is carried out or to the non-agricultural operation.

NUTRIENT MANAGEMENT PLANS

Purposes

23. A nutrient management plan must give effect to the following purposes in accordance with the Nutrient Management Protocol:

1. The optimization of the relationship between the land-based application of nutrients, farm management techniques and crop requirements.
2. Land use which maximizes the efficiency of on-site nutrient use.
3. The minimization of adverse environmental impact.

Preparation and contents

24. (1) A nutrient management plan for an agricultural operation,

(a) must be prepared by a person qualified to do so under Part X;

(b) must comply with this Regulation, the Nutrient Management Protocol, the Construction and Siting Protocol, the Sampling and Analysis Protocol and, unless it is a short-form nutrient management plan authorized by section 25, NMAN; and

(c) must be signed by the owner of the operation, if the owner is not a corporation, or by an authorized agent of the corporation that owns the operation.

(2) A nutrient management plan for an agricultural operation must account for the total quantity of nutrients that it is reasonable to expect will be applied to land in the course of the operation during each year for which the plan is prepared.

(3) A nutrient management plan may deal with land in separate parts, including sections of fields, if the land or the agricultural operation is not of a uniform character because of the physical nature of the land or the crops to be grown on the land.

(4) On application by the person responsible for preparing a nutrient management plan, a Director shall assign an operation identifier to the operation to which the plan applies, unless the Ministry has already assigned an operation identifier to the operation.

Short-form plan

25. (1) If this Regulation requires a person who owns or controls an agricultural or non-agricultural operation to have a nutrient management plan for carrying out the operation, the plan may be a short-form nutrient management plan if,

(a) the Nutrient Management Protocol provides a short form nutrient management plan;

(b) the number of farm animals on the farm unit on which the operation is carried out is sufficient to generate fewer than 150 nutrient units annually; and

(c) the operation does not involve applying liquid manure or non-agricultural source materials to land.

(2) A short-form nutrient management plan shall comply with the Nutrient Management Protocol.

(3) The Nutrient Management Protocol may specify information that, despite section 24, may be omitted from a short-form nutrient management plan or may be presented in a different form in a short-form nutrient management plan.

Cessation of plans

26. A nutrient management plan ceases to be in force for an agricultural operation carried out on farm unit at the earliest of the following times:

1. The fifth anniversary of the day on which the plan came into force or was approved or certified under this Regulation, whichever is later.
2. The occurrence of any of the following events:
    i. The end of a year in which there is an increase of 20 per cent or more in the quantity of nutrients stored or applied to land in the course of the operation since the first year during which the plan was in force.
    ii. The end of a year in which, because of a change in the cropping system at the farm unit, there is a decrease of 20 per cent or more in crop removal of nitrogen and phosphorus provided by nutrients received at the farm unit since the first year during which the plan was in force.
    iii. The end of a year in which there is a decrease in land available for the application of nutrients on the farm unit of more than 10 per cent, amounting to a decrease of at least 10 hectares, since the first year during which the plan was in force.

PART IV
STRATEGIES AND PLANS: APPROVAL AND CERTIFICATION

APPROVAL

Requirement for approval

27. (1) A nutrient management strategy for an agricultural or non-agricultural operation requires the approval of a Director if,

(a) the operation is an agricultural operation that generates agricultural source materials and the number of farm animals on the farm unit on which the operation is carried out is sufficient to generate 150 or more nutrient units annually; or

(b) the operation is a non-agricultural operation that generates non-agricultural source materials that are intended to be applied to land.

(2) A nutrient management plan for an agricultural operation requires the approval of a Director if,

(a) the person who owns or controls the operation is required to have a nutrient management strategy that a Director has approved under this Regulation for carrying out the operation; or

(b) non-agricultural source material is received in the course of carrying out the operation.

Procedure for obtaining approval

28. (1) A person who applies for the approval of a Director for a nutrient management strategy or plan shall submit the strategy or plan to a Director in accordance with the requirements of the Nutrient Management Protocol.

(2) The Director shall,

(a) approve the strategy or plan, with or without the conditions described in subsection (4);

(b) request the person to provide further relevant information; or

(c) refuse to approve the strategy or plan and request the person to revise it and resubmit it in accordance with the directions in the notice mentioned in subsection (5).

(3) The Director shall not approve the nutrient management strategy or plan unless it is prepared in accordance with this Regulation.

(4) The Director may, as a condition of approving a strategy or plan, restrict, modify or place conditions on any of the activities described in the strategy or plan.

(5) Upon taking an action described in clause (2) (a), (b) or (c), the Director shall deliver a notice to the person.

Update after five years

29. (1) If a Director has approved a nutrient management strategy or plan for an agricultural or non-agricultural operation under this Regulation and the approval is still in force, a person who owns or controls the operation shall submit a new nutrient management strategy or plan for the operation to a Director for approval at least 90 days before the fifth anniversary of the day on which a Director gave the original approval for the operation.

(2) Section 28 applies to the application for approval submitted under subsection (1).

(3) If the Director does not approve or refuses to approve the new strategy or plan before the fifth anniversary of the day on which a Director gave the original approval, the new strategy or plan, incorporating all later revisions that the Director requests under clause 28 (2) (c), shall be deemed to be approved from the date of that anniversary until the earliest of whichever of the following dates are applicable:

1. The date on which the Director actually approves the new strategy or plan.
2. The date on which the Director refuses to approve the new strategy or plan.
3. The date on which a provincial officer or Director issues an order under section 29 of the Act stating that the new strategy or plan is no longer approved.

Update after less than five years

30. (1) If a Director has approved a nutrient management strategy or plan for an agricultural or non-agricultural operation under this Regulation and a person who owns or controls the operation has reasonable grounds to believe that the strategy or plan will cease to be in force because an event described in paragraph 2 of section 22 or 26 is likely to occur, the person shall, without undue delay, submit a new nutrient management strategy or plan to a Director for approval.

(2) Section 28 applies to the application for approval submitted under subsection (1).

(3) Despite section 10 or 14, if the person described in subsection (1) complies with that subsection, the operation may continue to be carried out from the date on which the event occurs until the earliest of whichever of the following dates are applicable:

1. The date on which the Director actually approves the new strategy or plan.
2. The date on which the Director refuses to approve the new strategy or plan.
3. The date on which a provincial officer or Director issues an order under section 29 of the Act stating that the new strategy or plan is no longer approved.

Transition

31. If, before September 30, 2003, the Ministry issued a notice to a person who owns or controls an operation that a strategy or plan for managing prescribed materials or nutrients generated or received in the course of the operation was satisfactory, the strategy or plan shall be deemed to be approved under this Regulation as a nutrient management strategy or plan until the earlier of the following dates:

1. The expiry date, if any, specified on the notice.
2. September 30, 2008.

CERTIFICATION

Certification by accredited certifier

32. (1) If this Regulation requires a person who owns or controls an agricultural operation to ensure that there is in force a nutrient management strategy or plan for the operation but does not require that it have the approval of a Director, the person may apply to have an accredited certifier certify the nutrient management strategy or plan.

(2) An accredited certifier who receives a nutrient management strategy or plan for certification under this section shall certify it if it complies with this Regulation and the Nutrient Management Protocol.

Update after five years

33. (1) If an accredited certifier has certified a nutrient management strategy or plan for an agricultural operation and the certification is still in force, a person who owns or controls the operation shall apply to have an accredited certifier certify a new nutrient management strategy or plan for the operation at least 90 days before the fifth anniversary of the day on which an accredited certifier gave the original certification.

(2) Section 32 applies to the application for certification submitted under subsection (1).

(3) If the certifier does not certify the new strategy or plan before the fifth anniversary of the day on which an accredited certifier gave the original certification, the new strategy or plan shall be deemed to be certified from the date of that anniversary until the earliest of whichever of the following dates are applicable:

1. The date on which the certifier actually certifies the new strategy or plan.
2. The date on which a provincial officer or Director issues an order under section 29 of the Act stating that the new strategy or plan is no longer certified.

Update after less than five years

34. (1) If an accredited certifier has certified a nutrient management strategy or plan for an agricultural operation under this Regulation and a person who owns or controls the operation has reasonable grounds to believe that the strategy or plan will cease to be in force because an event described in paragraph 2 of section 22 or 26 is likely to occur, the person shall, without undue delay, submit a new nutrient management strategy or plan to an accredited certifier for certification.

(2) Section 32 applies to the application for certification submitted under subsection (1).

(3) Despite section 10 or 14, if the person described in subsection (1) complies with that subsection, the operation may continue to be carried out from the date on which the event occurs until the earliest of whichever of the following dates are applicable:

1. The date on which the certifier actually certifies the new strategy or plan.
2. The date on which a provincial officer or Director issues an order under section 29 of the Act stating that the new strategy or plan is no longer certified.

PART V
BROKERS

Requirement for strategy or plan at source or destination

35. (1) Subject to subsection (2), a broker shall not accept prescribed materials from an operation or transfer prescribed materials to an operation if,

(a) this Regulation requires the person who owns or controls the operation to ensure that there is a nutrient management strategy or plan in relation to the management of the materials; and

(b) there is no such nutrient management strategy or plan.

(2) Subsection (1) does not apply to a non-agricultural source material that a broker receives pursuant to an approval under Part V of the *Environmental Protection Act*.

Arrangements with generators and other sources

36. (1) A broker who receives prescribed materials from a generator who this Regulation requires to have a nutrient management strategy to carry out the operation in the course of which the materials were generated shall enter into an agreement, in the form specified in the Nutrient Management Protocol, with the generator.

(2) A broker who is required to enter into an agreement described in subsection (1) shall record the following information in the form required by the Nutrient Management Protocol:

1. The type and quantity of the prescribed materials received and the date of receipt.
2. A description of the operation in the course of which the materials were generated.
3. The operation identifier for the operation in the course of which the materials were generated or for the farm unit where the operation is carried out and the approval number assigned by a Director to the nutrient management strategy for the operation or farm unit.

(3) The broker shall retain the records required by subsection (2) for four years after the date of receiving the prescribed materials.

(4) If a broker receives prescribed material from an intermediate generator, this section applies as if the generator were the only one to have generated the material.

Arrangements with receivers

37. (1) A broker who transfers prescribed materials to an agricultural or a non-agricultural operation for which this Regulation requires a nutrient management plan shall,

(a) enter into an agreement, that complies with the Nutrient Management Protocol, with the person who owns or controls the operation; and

(b) ensure that the materials are transferred in accordance with a nutrient management plan.

(2) The broker shall record the following information in the form required by the Nutrient Management Protocol:

1. The type and quantity of prescribed materials transferred and the date of transfer.
2. A description of the operation to which the materials are transferred.
3. The operation identifier for the operation or for the farm unit where the operation is carried out, if applicable, and the approval number assigned by the Director to the nutrient management strategy or plan for the farm unit or operation.

(3) The broker shall retain the records required by subsection (2) for four years after the date of transferring the prescribed materials.

Management of prescribed materials

38. No person shall store, transport or otherwise manage prescribed materials in the course of a broking operation except in accordance with this Regulation.

PART VI
LAND APPLICATION STANDARDS

GENERAL

Compliance

39. A person who owns or controls an agricultural operation, in the course of which materials are applied to land, shall ensure that the requirements of this Part are met in relation to the operation.

Precondition

40. This Part applies to the application of nutrients to land in the course of an agricultural operation only if this Regulation requires the operation to have a nutrient management plan.

Prohibitions, non-agricultural source material

41. No person shall apply non-agricultural source materials to,

(a) the land of an established golf course;

(b) land on which tobacco is grown;

(c) any land where the soil test for plant available phosphorus, as described in the Sampling and Analysis Protocol, exceeds 60 milligrams of phosphorous per litre of soil; or

(d) any land that has a soil pH value, as determined in accordance with the Sampling and Analysis Protocol, of less than six.

LIQUID PRESCRIBED MATERIALS

Application rates

42. (1) No person shall apply liquid prescribed materials to land, within 150 metres from the top of the bank of surface water,

(a) if the runoff potential for the land shown on the table to subsection (3) shows that no application is allowed;

(b) at a rate in excess of that determined under the table to subsection (5); or

(c) if the field slope of the land is greater than 12 per cent.

(2) Land is divided into the soil hydrological groups as determined in accordance with the Drainage Guide for Ontario.

(3) The runoff potential of land for a hydrologic soil group set out in Column 1 of the following Table is set out in Column 2 opposite it in the circumstances described in Column 2:

TABLE

Column 1	Column 2		
Hydrologic soil group	Runoff Potential		
	Maximum sustained field slope of the land within 150 metres of the top of the bank of surface water		
	at least 3% but less than 6%	at least 6% but less than 9%	at least 9%
Category A: Rapid	Very Low	Low	High
Category B: Moderate	Low	Moderate	High
Category C: Slow	Moderate	High	No application allowed
Category D: Very Slow	High	High	No application allowed

(4) For the purposes of subsection (3), the maximum sustained field slope of land shall be determined in accordance with the Nutrient Management Protocol.

(5) The maximum rate for the single application of liquid prescribed materials to land within a 24-hour period, in the case of land for which the runoff potential is set out in Column 1 of the following Table, is set out in,

(a) Column 2 opposite it, if the materials are applied to the surface of land;

(b) Column 3 opposite it, if the materials are injected or incorporated into the land or if the land is pretilled:

TABLE

Column 1	Column 2	Column 3
Runoff potential of land	Maximum rate of single application to land if the materials are applied to the surface of land	Maximum rate of single application to land if the materials are injected or incorporated into the land or if the land is pretilled
High	50 cubic metres per hectare (m3/ha)	75 m^3/ha
Moderate	75 m^3/ha	100 m^3/ha
Low	100 m^3/ha	130 m^3/ha
Very Low	130 m^3/ha	150 m^3/ha

(6) For the purposes of subsection (5), materials are incorporated into land only if they are incorporated into the land within 24 hours of being applied to it.

(7) For the purposes of subsection (5), land is pretilled only if the tillage occurred not more than seven days before the application of the liquid prescribed materials to it.

WELLS AND OTHER LAND USES

Set-backs from wells

43. (1) No person shall apply nutrients to land closer than 100 metres to a municipal well.

(2) No person shall apply prescribed materials to land closer than 15 metres to a drilled well that has a depth of at least 15 metres and a watertight casing to a depth of at least six metres below ground level.

(3) No person shall apply agricultural source materials to land closer than 30 metres to a well, other than a well described in subsection (1) or (2).

(4) No person shall apply non-agricultural source materials to land closer than 90 metres to a well, other than a well described in subsection (1) or (2).

(5) No person shall apply commercial fertilizer or compost to land closer than three metres to a water well that is not a municipal well.

(6) In subsection (5),

"compost" means compost that meets the guidelines entitled *Interim Guidelines for the Production and Use of Aerobic Compost in Ontario* prepared by the Ministry of the Environment for the purposes of this Regulation and dated November 1991.

ADJACENT SURFACE WATER

Requirement for vegetated buffer zone

44. (1) No person shall apply nutrients to a field that contains or is adjacent to surface water unless there is a vegetated buffer zone in the field that is adjacent to the surface water and that lies between the surface water and where the nutrients are applied.

(2) Subsection (1) does not apply in relation to the application of nutrients to a field that is composed of organic soils.

(3) No person shall apply nutrients within the vegetated buffer zone except for the purpose of applying commercial fertilizer to establish and maintain the vegetation of the buffer zone.

(4) No person shall apply materials containing nitrogen and phosphorous to any part of the field, whether or not within the vegetated buffer zone, that is within 13 metres from the top of the nearest bank of the surface water.

(5) Despite subsection (4), a person may apply commercial fertilizers or agricultural source material within the 13 metres from the top of the nearest bank of the surface water if the application is done in accordance with this Regulation and is done,

(a) by injection or placement in a band below the soil surface;

(b) so that the materials applied are incorporated within 24 hours of application;

(c) to land covered with a living crop; or

(d) to land with crop residue covering at least 30 per cent of the soil, as determined in accordance with the Nutrient Management Protocol.

Application of non-agricultural source materials

45. Despite section 40, whether or not this Regulation requires an operation to have a nutrient management plan, no person shall apply non-agricultural source materials to a field that contains or is adjacent to surface water, if the application is closer than 20 metres from the top of the nearest bank of the surface water.

Minimum depth to groundwater

46. No person shall apply prescribed materials to land unless there is at least 30 centimetres of unsaturated soil condition at the surface of the land at the time of application.

APPLICATION DURING WINTER AND OTHER TIMES WHEN SOIL IS SNOW-COVERED OR FROZEN

Application during winter to soil that is not snow-covered or frozen

47. (1) During the period beginning on December 1 of one year and ending on March 31 of the following year, no person shall apply prescribed materials, other than non-agricultural source materials that are pulp and paper biosolids or sewage biosolids, to land where the soil is not snow-covered or frozen unless the following requirements are met:

1. The application must be done by,
   i. injection,
   ii. incorporation within the same day, or
   iii. surface application to land that is covered by a living crop or crop residue that covers at least 30 per cent of the land surface, as determined in accordance with the Nutrient Management Protocol.
2. If the materials are liquid, the setback from the top of the bank of surface water must be 20 metres or more.
3. If the materials are solid manure and the maximum sustained slope of the land is greater than 6 per cent, the materials must not be applied within 100 metres from the top of the bank of surface water.
4. If the materials are non-agricultural source material or liquid agricultural source material and the maximum sustained slope of the land is greater than 3 per cent, the materials must not be applied within 100 metres from the top of the bank of surface water.

(2) Despite subsection (1), during the period beginning on December 1 of one year and ending on March 31 of the following year, no person shall apply materials to land under that subsection where the soil is not snow-covered or frozen if,

(a) the land is subject to flooding once or more every five years, according to flood plain mapping provided by a municipality or conservation authority; or

(b) water collects on the land during a rain storm or thaw and flows directly into surface water.

(3) Despite section 40, whether or not this Regulation requires an operation to have a nutrient management plan, during the period beginning on December 1 of one year and ending on March 31 of the following year, no person shall apply non-agricultural source materials that are sewage biosolids to land where the soil is not snow-covered or frozen.

Application to snow-covered or frozen soil

48. (1) No person shall apply agricultural source materials to land where the soil is snow-covered or frozen at any time unless,

(a) the requirements set out in paragraphs 2, 3 and 4 of subsection 47 (1) are met;

(b) if the materials are not solid manure, the application is done by injection or incorporation within six hours; and

(c) if the materials are solid manure, the application is done by incorporation within six hours or the following requirements are met:

(i) the maximum depth of snow in the area of application must be 15 centimetres.

(ii) the maximum slope of the area of application must be less than 3 per cent.

(iii) the setback from the top of the bank of surface water must be 100 metres or more.

(2) Despite subsection (1), no person shall apply agricultural source materials to land where the soil is snow-covered or frozen at any time if,

(a) the land is subject to flooding once or more every five years, according to flood plain mapping provided by a municipality or conservation authority; or

(b) water collects on the land during a rain storm or thaw and flows directly into surface water.

(3) Despite section 40, whether or not this Regulation requires an operation to have a nutrient management plan, no person shall apply non-agricultural source materials that are sewage biosolids to land where the soil is snow-covered or frozen at any time.

METHODS OF APPLICATION

High trajectory irrigation guns

49. (1) Despite section 40, whether or not this Regulation requires an operation to have a nutrient management plan, no person shall use a high trajectory irrigation gun capable of spraying liquid more than 10 metres to apply manure or non-agricultural source materials to land except if the material being applied is an aqueous solution or suspension containing more than 99 per cent water by weight.

(2) Subsection (1) does not apply to the application of manure to land in the course of an agricultural operation until the earlier of the following times:

1. The day on which this Regulation requires the operation to have a nutrient management plan, if this Regulation requires the operation to have a nutrient management plan.
2. March 31, 2005.

Direct flow application systems

50. (1) No person shall apply manure or non-agricultural source materials directly from a storage facility to land by a direct flow application system unless the system is operated in accordance with this section.

(2) Two or more operators in voice or electronic contact with each other at all times during the application may operate a direct flow application system if,

(a) a first operator has a full view of the area of land to which the manure or non-agricultural source materials are being applied; and

(b) a second operator is close enough to the system to shut it down within one minute after being advised by the first operator that a problem event has occurred.

(3) One operator may operate a direct flow application system if the operator has a full view of the area of land to which the manure or non-agricultural source materials are being applied and if,

(a) the operator is close enough to the system to shut it down within one minute after observing that a problem event has occurred; or

(b) the application system is,

(i) linked to a remote control system that allows the operator to shut down the application system within one minute after observing that a problem event has occurred, and

(ii) designed to shut down automatically within one minute after it ceases to receive a signal from the remote control system.

(4) A direct flow application system must be designed and operated so that when it is shut down no manure or non-agricultural source materials continue to flow from the storage facility by siphoning or other means.

(5) In this section,

"problem event" means the occurrence of any of the following events:

1. Manure or non-agricultural source materials are not being delivered to the application part of the system as intended by the person in charge of the operation of the system.

2. Manure or non-agricultural source materials are not being applied in accordance with the nutrient management plan for the operation in the course of which they are applied to land.

3. The direct flow application system fails, resulting in manure or non-agricultural source materials escaping into the natural environment otherwise than as intended by the person in charge of operating the system.

FARM PRACTICES FOLLOWING APPLICATION OF NON-AGRICULTURAL SOURCE MATERIAL

Pre-harvest waiting period

51. No person shall harvest plant material set out in Column 1 of the following Table from a field to which a non-agricultural source material has been applied unless the waiting period set out in Column 2 opposite the plant material has expired:

TABLE

Column 1	Column 2
Plant material harvested	Waiting period
Commercial sod	12 months before harvest
Hay and haylage	3 weeks before harvest
Tree fruits and grapes	3 months before harvest
Small fruits	15 months before harvest
Vegetables	12 months before harvest

Pre-grazing waiting period

52. No person shall cause or permit an animal set out in Column 1 of the following Table to graze in a field to which a non-agricultural source material has been applied unless the waiting period set out in Column 2 opposite the animal has expired:

TABLE

Column 1	Column 2
Grazing animal	Waiting period
Horses, beef or dairy cattle	2 months before grazing
Swine, sheep or goats	6 months before grazing

PART VII
OUTDOOR CONFINEMENT AREAS

Application

53. This Part applies to low-density and high-density permanent outdoor confinement areas used in the course of an agricultural operation that is carried out on a farm unit on or after the day on which this Regulation requires a person who owns or controls the operation to ensure that a nutrient management strategy is in force for the farm unit.

Requirements for load-bearing surface

54. (1) Subject to subsection (2), a person who owns or controls a high-density permanent outdoor confinement area or a permanent outdoor confinement area used in the course of an agricultural operation that is carried out on a farm unit, on which the number of farm animals is sufficient to generate 300 or more nutrient units annually, shall ensure that the load-bearing surface of the confinement area has at least one impervious layer that,

(a) consists of Portland cement concrete, asphalt cement concrete or any other impervious paving material;

(b) consists of a minimum of 1 metre of natural material that is located between the top of the load-bearing surface of the confinement area and the bedrock or a water table and that has a hydraulic conductivity of no greater than 1×10^{-8} metres per second or a 15 per cent clay content; or

(c) consists of any natural or engineered material that provides equivalent or greater protection that is designed and constructed under the supervision of a professional engineer.

(2) If the permanent outdoor confinement area is located wholly or partly on natural material, the layer may consist of any of the materials mentioned in clause (1) (a), (b) or (c) and there may be different materials for different parts of the confinement area.

(3) A person who owns or controls a low-density permanent outdoor confinement area shall ensure that it has a minimum of 50 centimetres of natural material that,

(a) is located between the top of the load-bearing surface of the confinement area and the bedrock or aquifer throughout the confinement area; and

(b) has a saturated hydraulic conductivity of no greater than 1×10^{-8} metres per second, a 15 per cent clay content or equivalent protection.

Increase in capacity

55. A person who owns or controls a low-density or high-density permanent outdoor confinement area shall not construct a new structure or pave all or part of the load-bearing surface of the confinement area, so as to increase the capacity of the confinement area, unless the confinement area is not located,

(a) within 15 metres of a drilled well that has a depth of at least 15 metres and a watertight casing to a depth of at least 6 metres below ground level;

(b) within 100 metres of a municipal well;

(c) within 30 metres of any other well; or

(d) within 15 metres of a field drainage tile.

Livestock bedding and feeding

56. If a permanent outdoor confinement area that has a load-bearing surface composed of natural material is equipped with permanently located feeders, such as fence-line feeders, a person who owns or controls the confinement area shall ensure that each feeder shall have a load-bearing area that is,

(a) large enough to allow animals to be fully supported while feeding at the feeder; and

(b) composed of material that will prevent the feet of the animals from sinking more than 40 centimetres below the surface of the load-bearing area at any time.

Access of livestock to surface water

57. No person shall permit animals to have access to surface water if the animals are kept in a high-density permanent outdoor confinement area or a permanent outdoor confinement area used in the course of an agricultural operation that is carried out on a farm unit, on which the number of farm animals is sufficient to generate 300 or more nutrient units annually.

Nutrient management strategy required

58. No person shall keep animals in a permanent outdoor confinement area unless,

(a) a nutrient management strategy applies to the confinement area; and

(b) the manure produced by the animals that are kept in the confinement area is managed in accordance with the strategy.

Management of runoff

59. (1) In this section, despite the definition of "runoff" in subsection 1 (1),

"runoff" means a liquid that has come in contact with manure and that may contain components of manure in solution or suspension.

(2) A person who owns or controls a permanent outdoor confinement area shall provide a runoff management system for the confinement area.

(3) A runoff management system must be composed of natural or manufactured runoff collection, treatment and containment devices that are capable of preventing, collecting, treating or containing runoff generated by the confinement area.

(4) A runoff management system may include,

(a) natural or manufactured devices that are capable of diverting up-slope water away from the confinement area;

(b) vegetated buffer zones that are capable of keeping runoff out of surface water;

(c) runoff collection and storage systems that are sufficient to deal with the runoff and that meet the standards for manure and runoff storage under Part VIII; and

(d) an increased physical barrier to surface water that utilizes a non-tiled, permanently vegetated area that meets the requirements set out in subsection (5).

(5) The permanently vegetated area mentioned in clause (4) (d) must,

(a) be located on a minimum 0.5 metres of soil and not be within 100 metres of a municipal well, 15 metres of a drilled well or within 30 metres of any other well;

(b) have a flow path, onto which runoff from no more than 2,000 square metres of the outdoor confinement area is channelled and that measures,

(i) 100 metres for outdoor confinement areas of less than 500 square metres,

(ii) 150 metres for outdoor confinement areas of 500 square metres or more; and

(c) be used only if the confinement area is used in the course of an agricultural operation that is carried out on a farm unit, on which the number of farm animals is not sufficient to generate at least 150 nutrient units annually.

Management of manure

60. (1) Manure may be mounded in a permanent outdoor confinement area in order to facilitate the management of livestock in the confinement area.

(2) A person who owns or controls a permanent outdoor confinement area shall ensure that manure is removed from the confinement area at least once a year or more frequently if the accumulated manure may produce an adverse effect described in subsection 18 (3) of the Act.

(3) Despite subsection (2), no person is required to remove manure from a permanent outdoor confinement area if it is intentionally mounded in the confinement area as a livestock management and bedding tool, as authorized by an approved nutrient management strategy.

(4) A person who owns or controls a permanent outdoor confinement area shall ensure that manure that is removed from the confinement area is managed in accordance with a nutrient management strategy or plan.

Management of snow that contains manure

61. (1) No person shall store or use snow that contains manure that has been removed from a permanent outdoor confinement area except in accordance with this section.

(2) No person shall apply, to a field, snow containing manure that has been removed from a permanent outdoor confinement area unless,

(a) the snow meets the parameters set out in the Nutrient Management Protocol for material that may be removed from outdoor confinement areas;

(b) the field is designated in a nutrient management plan that provides for the application of the snow to the field;

(c) the field has a maximum sustained slope of less than 3 per cent;

(d) the snow is applied no closer than 40 metres from the top of the nearest bank of any surface water in the field and with four times the minimum setback distances for the application of agricultural source materials to land that are specified in section 43;

(e) there is a 6 metre vegetated buffer zone along all surface water in the field and down slope edges of the field; and

(f) the application rate is one-half of the maximum rate of application for nutrients, measured in units of weight per area of the field, otherwise established for the field.

(3) Snow that contains manure that has been removed from a permanent outdoor confinement area may be placed in,

(a) a permanent nutrient storage facility that is constructed and operated in accordance with Part VIII; or

(b) a temporary field nutrient storage site that is constructed and operated in accordance with Part VIII only if a nutrient management strategy or plan authorizes the placement and provides a method for dealing with melt water runoff from the storage site.

PART VIII
SITING AND CONSTRUCTION STANDARDS

APPLICATION OF PART

Application of Part

62. This Part applies to an operation only if this Regulation requires the operation to have a nutrient management strategy or nutrient management plan.

PERMANENT NUTRIENT STORAGE FACILITIES — SITING

Siting

63. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation if the facility is located,

(a) within 15 metres of a drilled well that has a depth of at least 15 metres and a watertight casing to a depth of at least 6 metres below ground level;

(b) within 100 metres of a municipal well;

(c) within 30 metres of any other well, if the facility is designed to store agricultural source materials; or

(d) within 90 metres of any other well, if the facility is designed to store non-agricultural source materials.

(2) Subject to subsections (5) and (6), on or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation without,

(a) determining the location of all field drainage tiles or piped municipal drains within 15 metres of the perimeter of the facility;

(b) removing all drainage tiles within the 15 metre zone around the facility; and

(c) redirecting the flow of the field drainage system or piped municipal drain away from the facility.

(3) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation if the facility does not have a flow path that is at least 50 metres long to the top of the bank of the nearest surface water.

(4) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation within the 1 in 100 year flood lines established by the municipality or the conservation authority having jurisdiction over the location of the facility unless a permit for the facility is issued under section 28 of the *Conservation Authorities Act*.

(5) A person who, on or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, constructs a drainage system used in a farm unit in the course of the operation, within 15 metres of a permanent nutrient storage facility, that is intended to collect or divert water away from the facility shall ensure that the system is constructed with non-perforated pipe and that all subsurface joints in the piping are properly sealed unless,

(a) water collected by the drainage system discharges into a treatment system; or

(b) the foundation drains of the permanent nutrient storage facility are equipped with an observation and shut-off station.

(6) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation if the facility permits liquid prescribed materials to enter a tile drainage system.

SITE CHARACTERIZATIONS

Who can carry out investigations

64. No person shall carry out a hydrogeologic or geotechnical investigation for the purposes of this Part unless the person is a professional engineer or a professional geoscientist or is working under the supervision of a professional engineer or a professional geoscientist.

Permanent liquid nutrient storage facility

65. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent liquid nutrient storage facility used on a farm unit in the course of the operation unless the person retains the services of a professional engineer or professional geoscientist to carry out a site characterization study that consists of a stage one hydrogeologic or geotechnical investigation of the site of the proposed facility that identifies the soil types and the presence of any aquifer or bedrock, all to a depth of at least,

(a) 1.5 metres below the lowest elevation of the excavation required for a structure made of concrete, steel or other materials that a professional engineer determines will provide equivalent protection; or

(b) 2.5 metres below the lowest elevation of the excavation required for an earthen structure.

(2) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent liquid nutrient storage facility used on a farm unit in the course of the operation for prescribed materials unless the site of the facility meets or exceeds the following requirements:

1. Unlined concrete or steel storage facilities with reinforced concrete floors must have, between the bottom of the storage facility and the uppermost identified bedrock layer or aquifer, a minimum of 0.5 metres of hydraulically secure soil or 1.0 metres of soil comprised of a clay content of at least 10 per cent.
2. Lined concrete or steel storage facilities with reinforced concrete floors must have a minimum of 0.5 metres of native undisturbed material between the bottom and sides of the storage facility and the uppermost identified bedrock layer or aquifer.
3. Unlined concrete or steel storage facilities with unreinforced concrete floors must have, between the bottom of the storage facility and the uppermost identified bedrock layer or aquifer, a minimum of 1.0 metres of hydraulically secure

soil or compacted granular material or a minimum of 1.0 metres of soil comprised of a clay content of at least 15 per cent.

4. Lined concrete or steel storage facilities with unreinforced concrete floors must have a minimum of 1.0 metres of native undisturbed material or compacted granular material between the bottom of the storage facility and the uppermost identified bedrock layer or aquifer.

5. Unlined earthen storage facilities used to store agricultural source materials, other than manure and materials produced by intermediate handlers, must meet the requirements of subsection (3).

6. Lined earthen nutrient storage facilities must have a minimum of 2.0 metres of hydraulically secure soil between the bottom and sides of the lined storage facility and the uppermost identified bedrock layer or aquifer.

7. Nutrient storage facilities that are designed to incorporate a combined system, such as a facility that has earthen walls and a concrete floor, must satisfy the most restrictive criteria for the types of material used in the construction of the facility.

(3) A permanent liquid nutrient storage facility that is an unlined earthen facility can be used to store liquid agricultural source materials, other than manure and materials produced by intermediate handlers, if,

(a) the facility has a maximum storage depth of 3.0 metres and a maximum storage volume of 2,500 cubic metres;

(b) the facility has at least 2.0 metres of hydraulically secure material between the bottom and sides of the facility and the uppermost identified bedrock layer or unconfined aquifer;

(c) the soil materials that form the interior surface of the facility are disked to a depth of at least 15 centimetres and recompacted with an approved compaction device;

(d) any soil anomalies that are discovered during construction, such as course material lenses, large rocks or soil fractures are excavated and filled with an approved clay based material to a depth of one metre;

(e) topsoil is stripped to the subsoil layer from the area where any berm is to be constructed and stockpiled for use in the outside slopes of the facility; and

(f) any above ground berms are constructed of a material that is suitable for compaction to meet a maximum saturated hydraulic conductivity of 1×10^{-9} metres per second and be compacted to at least 95 per cent modified Proctor according to accepted engineering test criteria.

Permanent solid nutrient storage facility

66. On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent solid nutrient storage facility used in the course of the operation on a farm unit, on which the number of farm animals is sufficient to generate 300 nutrient units or more annually, where the facility does not contain a concrete floor, unless the person retains the services of a professional engineer or professional geoscientist to carry out a stage one hydrogeologic or geotechnical investigation of the site of the proposed facility that establishes,

(a) the fact that there is at least 0.9 metres of soil comprised of a clay content of at least 15 per cent; or

(b) the fact that there is at least 0.5 metres of hydraulically secure material between the bottom of the proposed facility and the uppermost identified bedrock or aquifer.

Investigations

67. (1) The professional engineer or professional geoscientist responsible for the stage one investigation mentioned in subsection 65 (1) or section 66 shall analyze the data collected for the study to determine the suitability of the site of the proposed facility mentioned in the applicable subsection.

(2) The stage one investigation shall involve using a minimum of one test hole per 1,000 square metres of the ground floor area of the proposed facility to determine the characteristics of the soil.

(3) All test holes must be located in the zone that is at least three metres and not greater than 10 metres from the perimeter of the footprint of the proposed facility.

(4) If the results of the stage one investigation confirm that the site conditions described in subsection 65 (2) or section 66, as the case may be, for the proposed facility exist beneath and adjacent to the site of the proposed facility, the proponent may proceed to construct the proposed facility.

(5) If the results of the stage one investigation do not confirm that the site of the proposed facility is suitable for the construction and operation of a permanent liquid nutrient storage facility or a permanent solid nutrient storage facility without a concrete floor, as the case may be, the proponent of the project may,

(a) evaluate another site;

(b) in the case of a permanent liquid nutrient storage facility, construct a facility that is suitable for the site in accordance with subsection 65 (2);

(c) in the case of a permanent solid nutrient storage facility, construct a facility with a concrete floor; or

(d) carry out a stage two investigation of the site of the proposed facility in accordance with this Part and chapter NSTS-03 of the Construction and Siting Protocol.

(6) If the proponent elects to carry out a stage two investigation of the site of the proposed facility, the proponent's professional engineer or professional geoscientist shall develop the terms of reference for the stage two investigation to determine what measures could be used to provide adequate protection for the groundwater and shall submit the terms of reference to a Director.

(7) The proponent shall not proceed to construct the proposed facility unless,

(a) the Director who receives the terms of reference for the stage two investigation issues a certificate to the proponent confirming that the terms of reference comply with the requirements of the regulations for the construction of the proposed facility;

(b) the results of the stage two investigation confirm that the site of the proposed facility is suitable for the facility; and

(c) the proponent constructs the facility in accordance with the recommendations, if any, contained in the stage two investigation.

(8) If the results of the stage two investigation do not confirm that the site of the proposed facility is suitable for the facility, the proponent may,

(a) evaluate another site;

(b) in the case of a permanent liquid nutrient storage facility, construct a facility that is suitable for the site in accordance with subsection 65 (2);

(c) in the case of a permanent solid nutrient storage facility, construct a facility with a concrete floor; or

(d) have a qualified professional develop an appropriate design, specific to the site, that will provide a level of protection for the groundwater that is the equivalent of construction in accordance with subsection 65 (2).

Sealing test holes

68. The qualified professional supervising the construction or expansion of a permanent nutrient storage facility shall ensure that the test holes that are excavated in the course of the site characterization and that are not required for any further purpose after the site characterization are plugged and sealed to provide a level of hydraulic conductivity that is the same or less than the hydraulic conductivity of the surrounding undisturbed soil.

STORAGE CAPACITY FOR OPERATIONS

Nutrient storage capacity

69. (1) Subject to subsections (2) to (6), no person shall control a livestock operation, for which this Regulation requires a nutrient management strategy or nutrient management plan and in the course of which manure is generated on a farm unit unless it includes, as part of the farm unit, a permanent nutrient storage facility, a temporary field nutrient storage site or a combination of such facilities and sites that is capable of containing at least all of the nutrients generated or received in the course of the operation during a period of 240 days.

(2) If a person who owns or controls a livestock operation has a nutrient management strategy for the operation that provides for the use or transfer of some or all of the nutrients generated in the course of the operation by a means that eliminates the need for storing the nutrients on the farm unit for 240 days, the storage capacity of the operation must be at least equal to the storage capacity that the strategy requires.

(3) If a person owns or controls a livestock operation described in subsection (4), the storage capacity of the operation must be equal to the storage capacity that the nutrient management plan for the operation requires for the operation, if the plan provides for the application to land, on a schedule of times that eliminates the need for storing nutrients on the farm unit for 240 days, of,

(a) all of the nutrients received in the course of the operation; and

(b) the nutrients generated in the course of the operation, if the nutrient management strategy for the operation does not provide for their use or disposal.

(4) Subsection (3) applies to a livestock operation,

(a) that generates and uses only solid manure; or

(b) that generates liquid manure and that has not increased the number of farm animals on the farm unit on which the operation is carried out since September 30, 2003.

(5) If a person who owns or controls the operation described in subsection (1) sends some of the nutrients generated in the course of the operation to a broker, the person and the broker shall, between them, have an aggregate storage capacity of 240 days for that person.

(6) If the period of use of a permanent livestock confinement area located on the farm unit is less than 240 days, the storage capacity of the permanent nutrient storage facility associated with the area must be adequate for the period of confinement.

Storage of non-agricultural source materials

70. (1) Subject to subsection (2), no person shall construct or enlarge a non-agricultural operation for which this Regulation requires a nutrient management strategy unless the operation has a permanent nutrient storage facility, a temporary field nutrient storage site or a combination of such facilities and sites that is capable of storing at least all of the non-agricultural source materials generated on or received at the operation during a period of 240 days.

(2) If a person who owns or controls a non-agricultural operation has a nutrient management strategy for the operation that provides for the use or transfer of some or all of the non-agricultural source materials generated in the course of the operation by a means that eliminates the need for storing the materials for 240 days, the storage capacity of the operation must be at least equal to the storage capacity that the strategy requires.

DESIGN AND CONSTRUCTION

Design and construction

71. (1) Subject to subsection (2), on or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation unless,

(a) a professional engineer designs the construction or expansion, including any associated monitoring systems, having regard to the design component criteria set out in the Construction and Siting Protocol and signs the Engineer's Commitment Certificate contained in the Protocol, by which the engineer undertakes to have regard to those criteria and to inspect the construction or expansion upon completion;

(b) the facility is designed to minimize leakage, minimize corrosion and to be structurally safe and sound;

(c) the construction or expansion complies with this Part and,

(i) chapter NSTS-04 of the Construction and Siting Protocol, if the facility is a permanent liquid nutrient storage facility and is not made out of earth,

(ii) chapter NSTS-05 of the Construction and Siting Protocol, if the facility is a permanent solid nutrient storage facility,

(iii) chapter NSTS-06 of the Construction and Siting Protocol, if the facility is a permanent liquid nutrient storage facility made out of earth;

(d) the construction or expansion takes place under the supervision of a professional engineer; and

(e) a professional engineer inspects the construction or expansion upon completion and confirms that it is in accordance with the design.

(2) The following nutrient storage facilities or sites are not subject to clauses (1) (a), (b), (d) and (e) if they are constructed in accordance with the requirements of this Part and the Construction and Siting Protocol:

1. Permanent solid nutrient storage facilities under 600 cubic metres in size with retaining walls that do not have an exposed height that exceeds 1,000 millimetres.

2. Temporary field nutrient storage sites.

Concrete quality

72. (1) A person who, on or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, constructs a permanent nutrient storage facility used on a farm unit in the course of the operation and comprised wholly or partially of concrete shall ensure that the concrete used in the facility is appropriate for the environmental conditions encountered on site to maintain the durability, corrosion resistance and protection of reinforcements of the facility.

(2) The permanent nutrient storage facility must be constructed with a minimum thickness of 125 millimetres of concrete on the floor of the structure unless a professional engineer specifies otherwise.

LINERS

Installation of liners

73. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install a liner in a permanent nutrient storage facility used on a farm unit in the course of the operation unless the installation complies with,

(a) this Part and chapter NSTS-07a of the Construction and Siting Protocol, in the case of the installation of a synthetic liner;

(b) this Part and chapter NSTS-07b of the Construction and Siting Protocol, in the case of the installation of a compacted soil liner.

(2) The liner must be continuous under the floor and footings of the facility and must extend up the wall to a level equal with the top of the ground surface, unless the qualified professional supervising the construction of the facility specifies otherwise.

Synthetic liners

74. (1) If, on or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, a synthetic liner is installed in a permanent nutrient storage facility used on a farm unit in the course of the operation, the liner must be anchored or bonded to the facility, subgrade, or earthen berms according to good engineering practices or to the manufacturer's specification.

(2) If an accessory structure creates a discontinuity in the synthetic liner, the liner must be bonded to the structure in accordance with the manufacturer's recommendation or using a method satisfactory to the professional engineer.

(3) The qualified professional or other person responsible for supervising the construction of the facility shall,

(a) inspect the synthetic liner before the filling of the construction or the covering of the liner to ensure that there are no damage or perforations within the liner; and

(b) ensure that any damage or perforations discovered during the inspection are repaired according to the engineer's instructions.

(4) The qualified professional shall inspect any repairs made to the liner to ensure that the integrity of the liner is maintained.

Compacted soil liners

75. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install a compacted soil liner in a permanent nutrient storage facility used on a farm unit in the course of the operation if the liner contains materials that have not been excavated from the site of the facility unless a professional engineer has tested the materials to determine their hydraulic conductivity of the materials prior to the use of the materials in the compacted soil liner.

(2) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install a compacted soil liner in a permanent nutrient storage facility used on a farm unit in the course of the operation unless,

(a) the minimum thickness of the completed liner is at least 0.9 metres on the sloping inside walls and 0.6 metres on the bottom of the facility;

(b) the liner on the inside wall of the facility is constructed using at least six layers of a thickness of no more than 150 millimetres;

(c) the liner on the bottom of the facility is constructed using at least four layers of a thickness of no more than 150 millimetres;

(d) the interface surface of layers is disked or scarified before placement of subsequent layers of material; and

(e) each of the layers has been compacted to at least 95 per cent of modified Proctor maximum dry density as determined for the soil at a specified optimum water content.

PERMANENT LIQUID NUTRIENT STORAGE FACILITIES

Secondary containment

76. On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent liquid nutrient storage facility used on a farm unit in the course of the operation, where the maximum liquid level is either partially or wholly located above the surface of the soil, unless,

(a) the load factor, α_L, as defined in subsection 4.1.3.2. (4) of Part 4 of the Building Code made under the *Building Code Act, 1992* for liquid loads provided in clause 4.4 (a), is increased to 1.5;

(b) a professional engineer specifies that the storage and landscape features around the facility are adequate to ensure that a secondary containment system is not required; or

(c) the above grade portion of the facility has a secondary containment system with a capacity equivalent to 110 per cent of the above ground portion of the facility.

Importance factor for construction

77. On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, a person who constructs a permanent liquid nutrient storage facility used on a farm unit in the course of the operation shall use an importance factor of 1.0, where importance factor is defined in subsection 4.1.3.2. (7) of Part 4 of the Building Code made under the *Building Code Act, 1992*.

Ventilation

78. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct a permanent liquid nutrient storage facility used on a farm unit in the course of the operation if the facility is covered or otherwise allows manure gases to accumulate or intensify unless a ventilation system has been installed to eliminate corrosive, noxious or explosive gases.

(2) The ventilation system described in subsection (1) may include natural or powered means of dispersing the manure gases.

Earthen facilities

79. On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct a permanent liquid nutrient storage facility made of earth used on a farm unit in the course of the operation unless,

(a) the dimensions of the facility have been calculated using NMAN;

(b) the facility is designed to have a minimum freeboard of 0.3 metres;

(c) the slope of the inside wall of the facility is consistent with the requirements of the liner design and pump out equipment and, unless a professional engineer specifies otherwise, is no steeper than 50 per cent; and

(d) the slope of the outside wall of the facility is consistent with the requirements of the liner design and pump out equipment and, unless a professional engineer specifies otherwise, is no steeper than 33 per cent.

PERMANENT SOLID NUTRIENT STORAGE FACILITIES

Floors

80. On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct a permanent solid nutrient storage facility used on a farm unit in the course of the operation unless it has,

(a) a concrete floor or another floor that a professional engineer determines will provide equivalent protection to a concrete floor;

(b) an earthen floor consisting of at least 0.5 metres of hydraulically secure soil; or

(c) an earthen floor consisting of at least 0.5 metres of soil of type C or D as defined by the Drainage Guide for Ontario, in the case of a facility located on a farm unit where the number of farm animals is not sufficient to generate 300 or more nutrient units annually.

Runoff management system

81. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent solid nutrient storage facility used on the farm unit in the course of the operation unless it is equipped with a runoff management system that handles all of the runoff generated by the facility and that complies with this section.

(2) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a concrete yard used to house farm animals, other than a permanent outdoor livestock confinement area, unless it is equipped with a runoff management system that handles all of the runoff generated by the concrete yard and that complies with this section.

(3) A runoff management system for a permanent solid nutrient storage facility that is not described in subsection (4) or for a concrete yard that is not a permanent outdoor livestock confinement area and is not described in subsection (5) must consist of at least one of the following:

1. A roof over the facility or the yard, as the case may be, to prevent entry of precipitation.
2. Vegetated filter strips or an equivalent system, both of which is designed by a qualified professional and capable of minimizing the effect of runoff on surface water.
3. Runoff collection and storage systems that have the capacity to contain runoff emanating from the facility or the yard, as the case may be, for the storage period required by section 69.

(4) Subsection (6) applies to a permanent solid nutrient storage facility that,

(a) has been constructed in accordance with NMAN criteria for the sizing of nutrient storage facilities to ensure that the facility is able to hold the projected manure produced for the storage period required by section 69;

(b) has a floor area of no more than 300 square metres;

(c) has a minimum of 75 per cent of its perimeter area contained by walls that are at least one metre high;

(d) has a floor slope of no greater than 1 per cent if it has been constructed after September 30, 2003;

(e) is used to store materials that contain no less than 30 per cent dry matter as determined in accordance with the Construction and Siting Protocol; and

(f) has been constructed with natural or manufactured devices that are capable of diverting up-slope water away from the facility.

(5) Subsection (6) applies to a concrete yard used to house farm animals that,

(a) has a surface area of no more than 2,000 square metres;

(b) is not a permanent outdoor livestock confinement area; and

(c) is used to house farm animals that generate manure with a dry matter content of no less than 30 per cent as determined in accordance with the Construction and Siting Protocol.

(6) A runoff management system for a permanent solid nutrient storage facility described in subsection (4) or a concrete yard described in subsection (5) shall consist of,

(a) the items set out in at least one of paragraphs 1, 2 and 3 of subsection (3); or

(b) a system that is an increased physical barrier to surface water and that utilizes a non-tiled, permanently vegetated area that,

(i) is located on a minimum 0.5 metres of soil,

(ii) is not located within 3 metres of a field tile drain, 100 metres of a municipal well, 15 metres of a drilled well or 30 metres of any other well, and

(iii) has a flow path that measures,

(A) at least 150 metres from surface water and tile inlets, if the facility or yard, as the case may be, handles manure with a dry matter content of 30 per cent or greater as determined in accordance with the Construction and Siting Protocol, or

(B) at least 50 metres from surface water and tile inlets, if the facility or yard, as the case may be, handles manure with a dry matter content of 50 per cent or greater as determined in accordance with the Construction and Siting Protocol.

TEMPORARY FIELD NUTRIENT STORAGE SITES

No storage of liquid nutrients

82. No person shall store liquid nutrients in a temporary field nutrient storage site.

Location of sites

83. (1) If nutrients are stored in a temporary field nutrient storage site for a period of longer than 24 hours, the location of the site must satisfy the following requirements:

1. The minimum depth of unconsolidated soil to bedrock, under the site and within three metres of the side of the site, must be 0.3 metres.
2. The minimum depth of soil above the water table, under the site and within 3 metres of the side of the site, must be 0.9 metres.
3. Nutrients must not be stored on soils that have rapid infiltration rates, namely Hydrological Soil Group AA, as defined by the Drainage Guide for Ontario.

4. The site must not be located in an area that is subject to flooding once or more every 100 years, according to flood plain mapping provided by a municipality or conservation authority having jurisdiction over the area.
5. The site must not have a slope greater than 3 per cent.
6. There must be a flow path that,
   i. is at least 50 metres to the nearest surface water or tile inlets, and
   ii. is located at least 0.3 metres above bedrock.

(2) If nutrients are stored in a temporary field nutrient storage site for a period of longer than 24 hours, no person shall locate the site,

(a) within 45 metres of a drilled well that has a depth of at least six metres and a watertight casing to a depth of at least six metres below ground level;

(b) within 90 metres of any other well, other than a municipal well;

(c) within 100 metres of a municipal well;

(d) within 200 metres of a single residence or within 450 metres of a residential area, if the site is used for storing de-watered municipal sewage biosolids; or

(e) within 125 metres of a single residence or within 250 metres of a residential area, if the site is used for storing prescribed materials, other than de-watered municipal sewage biosolids.

Management

84. A temporary field nutrient storage site located on a farm unit must be managed in accordance with the following criteria:

1. A farmer who receives nutrients and stores them in the site cannot receive and store a volume of nutrients that is greater than the quantity of nutrients that the farmer plans to use for crop production at the farm unit, based on the nutrient management plan for operations carried out at the farm unit.
2. Non-agricultural source materials stored in the site must be used on the farm unit and cannot be transferred to another farm unit.
3. If more than one type of nutrient is stored in the site, the nutrients must be managed in accordance with the most restrictive requirements applicable to any of the nutrients stored in the site.
4. If the site is located in an area that is tile-drained, there must be a contingency plan in place to deal with contaminated liquid in the tiles.
5. Nutrients must not be stored in the site for longer than the maximum time prescribed for each nutrient.
6. The site may be used again in the following year if a minimum of 75 per cent vegetative cover is re-established on the site following the removal of nutrients from the surface after the site ceases to be in use each year.

Length of storage

85. (1) Subject to subsection (2), no person shall store prescribed materials in a temporary field nutrient storage site for longer than,

(a) a maximum of 10 days, in the case of de-watered municipal sewage biosolids;

(b) a maximum of 120 days, in the case of non-agricultural source materials that are covered and that are not municipal sewage biosolids;

(c) a maximum of 60 days, in the case of non-agricultural source materials that are left uncovered and that are not municipal sewage biosolids;

(d) the time period determined in accordance with subsection (2), in the case of agricultural source materials.

(2) The maximum number of days for which agricultural source materials may be stored in a temporary field nutrient storage site shall be determined in accordance with the following rules:

1. Determine which management techniques or field conditions set out in Column 1 of the Table to this subsection apply to the site and choose one of them.
2. If the number of days in Column 2 of the Table opposite the management technique or field condition set out in Column 1 that is chosen is positive, add the number to the total number of days for which the site is available for storage.

3. If the number of days in Column 2 of the Table opposite the management technique or field condition set out in Column 1 that is chosen is negative, subtract the number from the total number of days for which the site is available for storage.
4. Only one number for each of items 1 to 10 may be added or subtracted under paragraphs 2 and 3.
5. The number that results from applying the rules set out in paragraphs 1 to 4 is the maximum number of days for which agricultural source materials may be stored in the site but that number cannot exceed 300 days.

TABLE

Item	Column 1		Column 2
	Management Techniques and Field Conditions for Materials Stored in a Temporary Field Nutrient Storage Site		Days
1.	Percentage of dry matter	Nutrients stored in the site have a dry matter content of,	
		(a) 50 per cent or more;	+60
		(b) 30 per cent or more, but less than 50 per cent;	+30
		(c) 18 per cent or more, but less than 30 per cent.	+0
2.	Percentage of nitrogen and percentage of phosphorus	The percentage of total nitrogen combined with the percentage of total phosphorus, both on a wet basis, is,	
		(a) less than 0.8 per cent;	+60
		(b) at least 0.8 per cent, but less than 1.6 per cent;	+30
		(c) 1.6 per cent or more.	+0
3.	Drainage tile and bedrock location	There are no field drainage tiles at any depth of the soil surface or no bedrock within 0.9 metres of the soil surface, located, (a) under the site; (b) within 3 metres of the perimeter of the site; or (c) within the first 50 metres of the flow path to surface water.	+0
		There are field drainage tiles at any depth of the soil surface or bedrock within 0.9 metres of the soil surface, located, (a) under the site; (b) within 3 metres of the perimeter of the site; or (c) within the first 50 metres of the flow path to surface water.	–60
4.	Soil type under the site	The site is situated on soil included in the following hydrological soil groups as defined by the Drainage Guide for Ontario:	
		B, C or D.	+30
		A.	+0
5.	Perimeter of the site	The outer edge of the site, at the ground surface, has a perimeter of,	
		(a) less than 100 metres;	+30
		(b) 100 metres or more.	+0
6.	Covers and tarps	The site is covered with a rain-shedding tarp that, (a) has been anchored against wind removal; (b) has been placed on the site on the same day on which the first materials were placed on the site; and (c) remains in place for the entire storage period.	+120
		The site is not covered with such a rain-shedding tarp.	+0
7.	Distance to surface water	The site has a flow path to the nearest surface water or water inlet for field tile drainage of,	
		(a) 150 metres or more;	+30
		(b) at least 50 metres but less than 150 metres.	+0
8.	Location of the site	The site is situated on the same location, or within 125 metres of the same location,	
		(a) not more often than once every three years;	+60
		(b) more often than once every three years.	+0
9.	Materials removed from the site	The site is not situated on the same location, or within 125 metres of the same location, more often than once every three years and the materials stored on the site are removed from the site and applied to land during the period between August 15 and October 15 in any one year.	+60
		The situation described in the box immediately above does not apply to the site.	+0

Item	Column 1		Column 2
	Management Techniques and Field Conditions for Materials Stored in a Temporary Field Nutrient Storage Site		Days
10.	Turning of stored materials	The pile of materials stored on the site, (a) has a dry matter content of between 25 and 60 per cent; (b) has a ratio of carbon to nitrogen of between 20:1 and 40:1; and (c) is turned so that every piece of material in the pile is displaced from its former position and mixed or inverted once weekly for the first three weeks, and once monthly after that.	+120
		The situation described in the box immediately above does not apply to the site.	+0

Records

86. The operator shall maintain records for all temporary field nutrient storage sites under the operator's control that include,

(a) the date on which the site was established;

(b) the dates on which the site was displaced and mixed or inverted, if applicable;

(c) the date on which the site was removed; and

(d) a sketch indicating the location of the site relative to setback distances, surface waters and other temporary field nutrient storage sites.

LIQUID NUTRIENT TRANSFER SYSTEMS

Design and construction

87. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct a liquid nutrient transfer system in the course of the operation, other than a floor transfer system defined in section 88, unless,

(a) the system is constructed and designed in accordance with chapter NSTS-09 of the Construction and Siting Protocol;

(b) a professional engineer designs the system;

(c) the construction takes place under the supervision of a professional engineer; and

(d) a professional engineer inspects the construction upon completion to confirm that it is in accordance with the design.

(2) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install pipe connections in a liquid nutrient transfer system used in the course of the operation unless they are installed using specifically designed gasketed fittings, such as tees, saddles, end caps and elbows, that are compatible with the pipe material.

(3) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install a liquid nutrient transfer system used in the course of the operation with the pipe entering the permanent liquid nutrient storage facility unless a flexible watertight gasket or membrane has been installed between the pipe and the floor or wall of the storage tank to serve as an anti-seepage collar.

(4) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install a liquid nutrient transfer system used in the course of the operation where the elevation of the facility is higher than the elevation of the transfer system and where there is an opportunity for backflow to the pump or pump-out chamber unless the transfer system has a primary shut-off valve and secondary shutoff value.

Floor transfer systems

88. (1) In this section,

"floor transfer system" means a system where a floor is used to transfer liquid manure, but does not include,

(a) areas within a barn that are designed to house livestock and that are not intended to collect liquid manure,

(b) areas under dairy free-stalls,

(c) feed trough areas,

(d) floors under solid manure pack areas.

(2) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall use a floor to transfer liquid manure in the course of the operation unless the floor is part of a floor transfer system that complies with this section.

(3) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct a floor transfer system used in the course of the operation unless the system complies with this section.

(4) A floor transfer system must have a floor constructed of concrete and must be capable of containing the anticipated volume of liquids that are generated on the farm unit on which the system is located and transferring the liquids directly to a permanent liquid nutrient storage facility.

PART IX
SAMPLING, ANALYSIS, QUALITY STANDARDS AND LAND APPLICATION RATES

GENERAL

Definitions

89. In this Part,

"approved design capacity", in relation to a sewage treatment works, means design capacity as approved for the sewage treatment works pursuant to an approval issued under the *Ontario Water Resources Act*;

"five years" means the period of time consisting of the current year and the previous four years;

"land" means land that is used for an agricultural purpose and excludes residential gardens;

"parameter" means one of the following:

1. Ammonia and ammonium nitrogen.
2. Available phosphorus.
3. Available potassium.
4. *Escherichia coli* (E.coli).
5. Organic nitrogen.
6. Nitrate and nitrite nitrogen.
7. Regulated metal.
8. Soil pH.
9. Total kjeldahl nitrogen.
10. Total phosphorus.
11. Total potassium.
12. Total solids.
13. Volatile solids;

"regulated metal" means a metal listed in Column 1 of Table 1 to this Part.

Sampling, analysis and calculation procedures

90. (1) Each person who is required to have a sample analyzed in relation to a parameter under this Part shall have the person specified in the Sampling and Analysis Protocol do the analysis in accordance with the methods and at the locations specified in the Protocol, unless this Regulation specifies otherwise.

(2) For the purposes of making a calculation under this Part in relation to a sample, a person shall use the actual analytical result obtained by the person who does an analysis of the sample under this Part, unless the person who makes the calculation is authorized to use data in NMAN.

(3) If this Part requires an arithmetic average or geometric mean of concentrations to be determined, the most recently determined arithmetic average or geometric mean, as the case may be, shall be used.

AGRICULTURAL SOURCE MATERIAL

Sampling obligations

91. (1) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which agricultural source materials are to be applied to land, that is the first such plan for the operation, shall, as part of preparing the plan,

(a) collect at least one sample from the soil of the land and have the sample analyzed to determine the concentration of each of the following parameters: available phosphorus, available potassium and soil pH; or

(b) obtain the default data from NMAN in relation to each parameter listed in clause (a).

(2) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which agricultural source materials are applied to land, that is not the first such plan for the operation, shall, as part of preparing the plan, collect at least one sample from the soil of the land and have the sample analyzed to determine the concentration of each of the following parameters: available phosphorus, available potassium and soil pH.

(3) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which agricultural source materials are applied to land, shall, as part of preparing the plan,

(a) collect at least one sample of the materials and have the sample analyzed to determine the concentration of each of the following parameters: total kjeldahl nitrogen, ammonia and ammonium nitrogen, total phosphorus, total potassium and total solids; or

(b) obtain the default data from NMAN in relation to each parameter listed in clause (a), if the plan is the first such plan for the operation or the number of farm animals on the farm unit to whose land the materials are to be applied is not sufficient to generate 300 nutrient units annually.

Maximum application rate

92. (1) Each person who is required to collect samples and have them analyzed under section 91 shall enter the most recently determined concentration under the applicable subsection into NMAN.

(2) The result that NMAN gives under subsection (1) is the maximum application rate to land for the agricultural source material in the sample.

(3) The person shall enter the rate into the nutrient management plan.

(4) A nutrient management plan does not come into force until the person who is required to comply with section 91 and this section has complied with those sections.

(5) No person shall apply agricultural source materials to land at a rate that exceeds the maximum application rate to land for the materials.

NON-AGRICULTURAL SOURCE MATERIAL

Soil samples

93. (1) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials are applied to land, shall, as part of preparing the plan, collect at least one sample from the soil of the land and have the sample analyzed to determine the concentration of each of the following parameters: available phosphorus, available potassium, regulated metals and soil pH.

(2) In the case of the analysis for each regulated metal, the analysis must report the concentration of each regulated metal in the sample in milligrams of metal per kilogram of total solids, dry weight.

(3) A nutrient management plan does not come into force until the person who is required to comply with subsections (1) and (2) has complied with those subsections.

Material samples

94. (1) Subject to subsection (2) and the frequency set out in section 95, each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials are applied to land, shall, before applying the materials to land, subject to,

(a) collect a sample from each type of material set out in Column 1 of Table 3 to this Part; and

(b) have the sample analyzed to determine the concentration of each parameter set out opposite it in Column 2.

(2) No person who, under subsection (1), is required to collect samples and to have them analyzed shall apply non-agricultural source materials to land unless the person has collected at least four samples and had them analyzed in accordance with that subsection.

(3) The analysis of the material must report the concentration of each parameter being analyzed in the sample,

(a) in milligrams of metal per kilogram of total solids, dry weight, in the case of the analysis of regulated metals in sewage biosolids or in materials that are not sewage biosolids and that have a concentration of total solids of 10,000 milligrams per litre or more;

(b) in milligrams of metal per litre, in the case of the analysis of regulated metals in materials that are not sewage biosolids and that have a concentration of total solids of less than 10,000 milligrams per litre; and

(c) in colony forming units per gram of total solids, dry weight, in the case of the analysis of E.coli.

(4) After the analysis has been done, the person who had it done shall calculate,

(a) the arithmetic average of the concentrations of each of the following parameters in the four most recent samples collected at same sampling location: total kjeldahl nitrogen, ammonia and ammonium nitrogen, nitrate and nitrite nitrogen, regulated metals, total phosphorus, total solids and volatile solids; and

(b) the geometric mean of the concentrations of E.coli in the four most recent samples collected at the same sampling location.

Material sampling frequency

95. (1) Subject to this section, a person who, under subsection 94 (1), is required to collect samples and to have them analyzed shall do so in accordance with the frequency requirements of the approval issued in relation to the material under the *Environmental Protection Act* or the *Ontario Water Resources Act*, as the case may be, and in any event not less often than the frequencies set out in Column 3 of Table 3 to this Part opposite the type of material set out in Column 1.

(2) Subsection (3) applies to a person who has collected 12 or more previous samples from non-agricultural source materials applied to land in the course of an agricultural operation for which there is a nutrient management plan and has analyzed the samples for regulated metals in the frequency set out in Column 3 of Table 3 if the previous 12 samples, or the samples from the previous year if there are more than 12, have a mean concentration plus two standard deviations that are no more than,

(a) the maximum metal concentration set out in Column 2 of Table 1 to this Part opposite the regulated metal set out in Column 1, if the materials are sewage biosolids;

(b) the maximum metal concentration set out in Column 2 of Table 2 to this Part opposite the regulated metal set out in Column 1, if the materials are not sewage biosolids.

(3) A person to whom this subsection applies shall collect the samples and have them analyzed for regulated metals, as required by subsection 94 (1), in accordance with the frequencies set out in Column 4 of Table 3 for the type of non-agricultural source material set out opposite it in Column 1.

(4) Subsection (5) applies to a person who has collected 12 or more previous samples from non-agricultural source materials applied to land in the course of an agricultural operation for which there is a nutrient management plan and has analyzed the samples for E.coli in the frequency set out in Column 3 of Table 3 if the previous 12 samples, or the samples from the previous year if there are more than 12, have a running geometric mean of concentration of E.coli, as calculated under clause 94 (4) (b), in all cases that is no more than the maximum concentration of 2×10^6 colony forming units per gram total solids, dry weight.

(5) A person to whom this subsection applies shall collect the samples and have them analyzed for E.coli, as required by subsection 94 (1), in accordance with the frequencies set out in Column 4 of Table 3 for the type of non-agricultural source material set out opposite it in Column 1.

(6) Subsection (7) applies to a person who has collected 12 or more previous samples from non-agricultural source materials applied to land in the course of an agricultural operation for which there is a nutrient management plan and has analyzed the samples for total kjeldahl nitrogen, ammonia and ammonium nitrogen, nitrate and nitrite nitrogen and total phosphorus in the frequency set out in Column 3 of Table 3 if the previous 12 samples, or the samples from the previous year if there are more than 12, have a coefficient of variation of less than 20 per cent.

(7) A person to whom this subsection applies shall collect the samples and have them analyzed for total kjeldahl nitrogen, ammonia and ammonium nitrogen, nitrate and nitrite nitrogen and total phosphorus, as required by subsection 94 (1), in accordance with the frequencies set out in Column 4 of Table 3 for the type of non-agricultural source material set out opposite it in Column 1.

(8) Subject to a Director's order issued under section 29 or 30 of the Act, a person is not required under subsection 94 (1) to collect samples and have them analyzed for nitrate and nitrite nitrogen if the concentration of nitrate and nitrite nitrogen in the material is less than 5 per cent of the total kjeldahl nitrogen.

(9) A Director's order issued under section 29 or 30 of the Act may restore the frequency set out in subsection (1) for collecting samples for nitrate and nitrite nitrogen and having them analyzed.

(10) The frequency set out in Column 4 of Table 3 for collecting samples and having them analyzed is discontinued and the frequency set out in subsection (1) for collecting samples and having them analyzed is immediately restored if,

(a) in the case of an analysis for regulated metals, the maximum metal concentration in sewage biosolids exceeds that set out in Column 2 of Table 1 opposite the regulated metal set out in Column 1 or the maximum metal concentration in material other than sewage biosolids exceeds that set out in Column 2 of Table 2 opposite the regulated metal set out in Column 1;

(b) in the case of an analysis for E.coli, the geometric mean of concentration of E.coli, as calculated under clause 94 (4) (b), exceeds the maximum concentration of 2×10^6 colony forming units per gram total solids, dry weight; and

(c) in the case of an analysis for total kjeldahl nitrogen, ammonia and ammonium nitrogen, nitrate and nitrite nitrogen and total phosphorus, the previous 12 samples, or the samples from the previous year if there are more than 12, have a coefficient of variation of 20 per cent or more.

Maximum application rate

96. (1) Subject to subsection (2), each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials are applied to land, shall, before the materials are applied to land, calculate a maximum application rate to land for the materials by entering into NMAN,

(a) the most recently determined concentration of available phosphorus, available potassium, regulated metals and soil pH in the soil sample under subsection 93 (1); and

(b) the most recently determined arithmetic average concentrations of total kjeldahl nitrogen, ammonia and ammonium nitrogen, nitrate and nitrite nitrogen, regulated metals and total phosphorus in the material sample under clause 94 (4) (a).

(2) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials that are sewage biosolids are applied to land, shall ensure that the maximum application rate to land for the materials, in relation to regulated metals in the materials, does not exceed,

(a) 8 tonnes of the materials, dry weight per hectare of land in five years, if no concentration of a regulated metal in the materials exceeds the maximum metal concentration set out in Column 3 of Table 1 to this Part but a concentration of a regulated metal in the materials exceeds the maximum metal concentration set out in Column 2 of Table 1;

(b) 22 tonnes of the materials, dry weight per hectare of land in five years, if no concentration of a regulated metal in the materials exceeds the maximum metal concentration set out in Column 2 of Table 1; and

(c) the maximum permissible metal addition to the soil of the land in five years, as set out in Column 4 of Table 1, in relation to each regulated metal set out in Column 1 opposite the rate.

(3) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials that are not sewage biosolids are applied to land, shall ensure that the maximum application rate to land for the materials, in relation to regulated metals in the materials, does not exceed the maximum permissible metal addition to the soil of the land in five years, as set out in Column 4 of Table 2 to this Part, in relation to each regulated metal set out in Column 1 opposite the rate.

(4) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials are applied to land, shall enter the maximum application rate determined under subsections (1), (2) and (3) into the nutrient management plan.

(5) No person shall apply non-agricultural source materials to land at a rate that exceeds the maximum application rate for the materials determined under subsections (1), (2) and (3).

Prohibitions on application to land

97. (1) Despite any other provision of this Regulation or a nutrient management plan, no person shall apply non-agricultural source materials to land if,

(a) the concentration of a regulated metal set out in Column 1 of Table 1 or 2 to this Part in the soil of the land exceeds the maximum metal concentration set out opposite it in Column 5 of the applicable Table, depending on whether the materials are sewage biosolids or not, respectively;

(b) the most recently determined arithmetic average for a concentration of a regulated metal in the materials, as determined under clause 94 (4) (a), exceeds the maximum metal concentration set out in Column 3 of Table 1 for the regulated metal, if the materials are sewage biosolids;

(c) the most recently determined arithmetic average for a concentration of a regulated metal in the materials, as determined under clause 94 (4) (a), exceeds the maximum metal concentration set out in Column 3 of Table 2 opposite the metal in Column 1, if the materials are not sewage biosolids and if they contain total solids dry weight of 10,000 milligrams per litre of material or more; or

(d) the most recently determined arithmetic average for a concentration of a regulated metal in the materials, as determined under clause 94 (4) (a), exceeds the maximum metal concentration set out in Column 2 of Table 2 opposite the metal in Column 1, if the materials are not sewage biosolids and if they contain total solids dry weight of less than 10,000 milligrams per litre of material or more.

(2) Despite any other provision of this Regulation or a nutrient management plan, no person shall apply sewage biosolids to land if the most recently determined geometric mean for a concentration of E.coli in the sewage biosolids, as determined under clause 94 (4) (b), exceeds the maximum concentration of 2×10^6 colony forming units per gram total solids, dry weight.

Prohibition on transfer of sewage biosolids

98. No person shall transfer sewage biosolids to a centralized storage or mixing facility that receives sewage biosolids generated by other generators if,

(a) the most recently determined arithmetic average for a concentration of a regulated metal in the sewage biosolids, as determined under clause 94 (4) (a), exceeds the maximum metal concentration set out in Column 3 of Table 1 for the regulated metal; or

(b) the sewage biosolids have not been subjected to a pathogen treatment process option set out in the Nutrient Management Protocol.

TABLE 1
STANDARDS FOR REGULATED METALS IN MATERIALS APPLIED TO LAND THAT ARE SEWAGE BIOSOLIDS

Column 1	Column 2	Column 3	Column 4	Column 5
Regulated Metals	Maximum metal concentration in material to be applied up to 22 tonnes per hectare per five years	Maximum metal concentration in material to be applied up to 8 tonnes per hectare per five years	Maximum permissible metal addition to soil receiving non-agricultural materials	Maximum metal concentration in soils receiving non-agricultural materials
	(mg / Kg of total solids dry weight)	(mg / Kg of total solids dry weight)	(Kg / Ha / 5 Years)	(mg / Kg of Soil, dry weight)
Arsenic	75	170	1.40	14
Cadmium	20	34	0.27	1.6
Cobalt	150	340	2.70	20
Chromium	1060	2800	23.30	120
Copper	760	1700	13.60	100
Mercury	5	11	0.09	0.5
Molybdenum	20	94	0.80	4
Nickel	180	420	3.56	32
Lead	500	1100	9.00	60
Selenium	14	34	0.27	1.6
Zinc	1850	4200	33.00	220

TABLE 2
STANDARDS FOR REGULATED METALS IN MATERIALS APPLIED TO LAND THAT ARE NOT SEWAGE BIOSOLIDS

Column 1	Column 2	Column 3	Column 4	Column 5
Regulated Metals	Maximum metal concentration in materials that contain total solids of less than 10,000 milligrams per litre of material	Maximum metal concentration in materials that contain total solids of 10,000 milligrams per litre of material or more	Maximum permissible metal addition to soil receiving non-agricultural materials	Maximum metal concentration in soils receiving non-agricultural materials
	(mg / L of sample)	(mg / Kg of total solid dry weight)	(Kg / Ha / 5 Years)	(mg / Kg of Soil, dry weight)
Arsenic	1.70	170	1.40	14
Cadmium	0.34	34	0.27	1.6
Cobalt	3.4	340	2.70	20
Chromium	28	2800	23.30	120
Copper	17	1700	13.60	100
Mercury	0.11	11	0.09	0.5
Molybdenum	0.94	94	0.80	4
Nickel	4.2	420	3.56	32
Lead	11	1100	9.00	60
Selenium	3.4	34	0.27	1.6
Zinc	42	4200	33.00	220

TABLE 3
NON-AGRICULTURAL SOURCE MATERIALS SAMPLING — PARAMETERS AND FREQUENCIES

Column 1	Column 2	Column 3	Column 4
Type of non-agricultural source material	Parameters	Sampling Frequency	Alternate Sampling Frequency
Sewage biosolids	1. total kjeldahl nitrogen 2. ammonia and ammonium nitrogen 3. nitrate and nitrite nitrogen 4. total phosphorus 5. total solids 6. volatile solids 7. regulated metals 8. E.Coli	For parameters 1 to 8 in Column 2, (a) for sewage treatment works with an approved design capacity of 45,400 cubic metres per day or less, the person shall collect two samples no less than 30 days before the application of the material to land and two additional samples no less than 90 days before the application of the material to land and each sample shall be collected with a minimum interval of two days between the samples collected; (b) for sewage treatment works with an approved design capacity of greater than 45,400 cubic metres per day, the person shall collect no less than two samples per month with a minimum interval of two days between each sample.	For parameters 1 to 8 in Column 2, (a) for sewage treatment works with an approved design capacity of 45,400 cubic metres per day or less, the person shall collect one sample no less than 30 days before the application of the material to land and one additional sample no less than 90 days before the application of the material to land, with a minimum interval of two days between each sample; (b) for sewage treatment works with an approved design capacity of greater than 45,400 cubic metres per day, the person shall collect no less than one sample per month with a minimum interval of two days between each sample.
Materials that are not sewage biosolids	1. total kjeldahl nitrogen 2. ammonia and ammonium nitrogen 3. nitrate and nitrite nitrogen 4. total phosphorus 5. total solids 6. volatile solids 7. regulated metals	For materials having a concentration of total solids of 10,000 milligrams per litre or more, (a) in relation to generators that generate the material at a rate of 2,500 tonnes dry weight per year or less, the person shall collect two samples within 30 days before the application of the material to land and two additional samples within 90 days before the application of the material to land, each sample shall be collected with a minimum interval of two days between the samples collected; (b) in relation to generators that generate the material at a rate greater than 2,500 tonnes dry weight per year, the person shall collect no less than two samples per month with a minimum interval of two days between the samples collected. For materials having a concentration of total solids of less than 10,000 milligrams per litre, (a) in relation to generators that generate the material at a rate of 250,000 cubic meters per year or less, the person shall collect two samples within 30 days before the application of the material to land and two additional samples within 90 days before the application of the material to land, each sample shall be collected with a minimum interval of two days between the samples collected; (b) in relation to generators that generate the material at a rate greater than 250,000 cubic meters per year, the person shall collect no less than two samples per month, each sample shall be collected with a minimum interval of two days between the samples collected.	For materials having a concentration of total solids of 10,000 milligrams per litre or more, (a) in relation to generators that generate the material at a rate of 2,500 tonnes per year or less, the person shall collect one sample within 30 days before the application of the material to land and one additional sample within 90 days before the application of the material to land, each sample shall be collected with a minimum interval of two days between the samples collected; (b) in relation to generators that generate the material at a rate greater than 2,500 tonnes per year, the person shall collect no less than one sample per month with a minimum interval of two days between the samples collected. For materials having a concentration of total solids of less than 10,000 milligrams per litre: (a) in relation to generators that generate the material at a rate of 250,000 cubic metres per year or less, the person shall collect one sample within 30 days before the application of the material to land and one additional sample within 90 days before the application of the material to land, each sample shall be collected with a minimum interval of two days between the samples collected; (b) in relation to generators that generate the material at a rate greater than 250,000 cubic metres per year, the person shall collect no less than one sample per month, each sample shall be collected with a minimum interval of two days between the samples collected.

PART X
CERTIFICATES AND LICENCES

CERTIFICATES RELATING TO NUTRIENT MANAGEMENT

Prescribed nutrient managements practices

99. The following are prescribed as management practices for the purposes of this Part:

1. Preparing a nutrient management strategy or nutrient management plan for an agricultural operation, both in cases where this Regulation requires an approval for the strategy or plan and where it does not require an approval for the strategy or plan.
2. Preparing a nutrient management strategy for a non-agricultural operation.
3. Reviewing a nutrient management strategy or nutrient management plan for certification under Part IV.
4. Providing training in a management practice described in paragraph 1, 2 or 3.
5. Acting as a broker.

Agricultural operation strategy or plan development certificate

100. (1) Before September 30, 2004, no person shall prepare a nutrient management strategy or nutrient management plan for an agricultural operation of which the person is not the owner, the operator or an employee unless the person has attended the training course specified by a Director with respect to preparing a nutrient management strategy or plan for an agricultural operation.

(2) On or after September 30, 2004, no person shall prepare a nutrient management strategy or nutrient management plan for an agricultural operation of which the person is not the owner, the operator or an employee, unless the person holds an agricultural operation strategy or plan development certificate issued under this section.

(3) Despite subsection (2), a person may prepare a nutrient management strategy or nutrient management plan solely for the purpose of submitting it to a Director for approval.

(4) A Director shall issue an initial agricultural operation strategy or plan development certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

(b) has completed a course specified by the Director on preparing nutrient management strategies and plans for agricultural operations or has previous formal or non-formal training that the Director considers equivalent;

(c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on preparing nutrient management strategies and plans for agricultural operations; and

(d) has had a Director approve at least two nutrient management plans for an agricultural operation and at least one other nutrient management plan or strategy for an agricultural operation.

(5) A Director shall issue a subsequent agricultural operation strategy or plan development certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

(b) holds an initial or subsequent agricultural operation strategy or plan development certificate that a Director has not cancelled; and

(c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on preparing nutrient management strategies and plans for agricultural operations.

(6) An initial or subsequent agricultural operation strategy or plan development certificate expires on the fifth anniversary of the date on which it is issued.

Agricultural operation planning certificate

101. (1) On or after December 31, 2005, no person who owns or operates an agricultural operation, for which this Regulation requires an approved nutrient management strategy or nutrient management plan, shall prepare a nutrient management strategy or plan for the operation unless the person holds an agricultural operation planning certificate issued under this section or an agricultural operation strategy or plan development certificate issued under section 100.

(2) A Director shall issue an initial agricultural operation planning certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act; and

(b) has successfully completed, within one year of making the application, a course specified by the Director on preparing nutrient management strategies and plans for agricultural operations or has previous formal or non-formal training that the Director considers equivalent.

(3) A Director shall issue a subsequent agricultural operation planning certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

(b) holds an initial or subsequent agricultural operation planning certificate that a Director has not cancelled; and

(c) has successfully completed, within one year of making the application, a course specified by the Director on preparing nutrient management strategies and plans for agricultural operations or has alternate qualifications that the Director considers equivalent.

(4) An initial or subsequent agricultural operation planning certificate expires on the fifth anniversary of the date on which it is issued.

Agricultural operation simplified planning certificate

102. (1) On or after December 31, 2007, no person who owns or operates an agricultural operation, for which this Regulation does not require an approved nutrient management strategy or nutrient management plan, shall prepare a nutrient management strategy or a nutrient management plan for the operation unless,

(a) the person holds an agricultural operation simplified planning certificate issued under this section, an agricultural operation strategy or plan development certificate issued under section 100 or an agricultural operation planning certificate issued under section 101; or

(b) the person is the owner of the operation and has engaged a manager who is responsible for preparing a nutrient management strategy and a nutrient management plan for the operation and who holds an agricultural operation simplified planning certificate issued under this section, an agricultural operation strategy or plan development certificate issued under section 100 or an agricultural operation planning certificate issued under section 101.

(2) A Director shall issue an agricultural operation simplified planning certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act; and

(b) has successfully completed a training course specified by the Director on preparing nutrient management plans and strategies for agricultural operations or has previous formal or non-formal training that the Director considers equivalent.

(3) An agricultural operation simplified planning certificate does not expire.

Non-agricultural operation strategy development certificate

103. (1) Before September 30, 2004, no person shall prepare a nutrient management strategy for a non-agricultural operation unless the person has attended the training course specified by a Director with respect to preparing a nutrient management strategy for a non-agricultural operation.

(2) On or after September 30, 2004, no person shall prepare a nutrient management strategy for a non-agricultural operation unless the person holds a non-agricultural strategy development certificate issued under this section.

(3) A Director shall issue an initial non-agricultural operation strategy development certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

(b) has completed a course specified by the Director on preparing nutrient management strategies for non-agricultural operations or has previous formal or non-formal training that the Director considers equivalent; and

(c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on preparing nutrient management strategies for non-agricultural operations.

(4) A Director shall issue a subsequent non-agricultural operation strategy development certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

(b) holds an initial or subsequent non-agricultural operation strategy development certificate that a Director has not cancelled; and

(c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on preparing nutrient management strategies for non-agricultural operations.

(5) An initial or subsequent non-agricultural operation strategy development certificate expires on the fifth anniversary of the date on which it is issued.

Reviewer certificate

104. (1) On or after December 31, 2005, no person shall review a nutrient management strategy or nutrient management plan for certification under Part IV unless the person holds a reviewer certificate issued under this section.

(2) A Director shall issue an initial reviewer certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

(b) holds an agricultural operation strategy or plan development certificate issued under section 100;

(c) has successfully completed a course specified by the Director on reviewing nutrient management strategies and plans or has previous formal or non-formal training that the Director considers equivalent;

(d) within one year of making the application, has obtained a passing grade on an examination specified by the Director on reviewing nutrient management strategies and plans for certification under Part IV; and

(e) has had no less than ten nutrient management strategies, nutrient management plans, or a combination of plans and strategies approved by a Director.

(3) A Director shall issue a subsequent reviewer certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

(b) holds an initial or subsequent reviewer certificate that a Director has not cancelled; and

(c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on reviewing nutrient management strategies and plans for certification under Part IV.

(4) An initial or subsequent reviewer certificate expires on the fifth anniversary of the date on which it is issued.

Trainer certificate

105. (1) On or after December 31, 2006, no person shall provide training in a nutrient management practice described in paragraph 1, 2 or 3 of section 99 unless the person holds a trainer certificate issued under this section.

(2) Subsection (1) does not apply to employees of the Ministry who are appointed for the purpose of providing training in a nutrient management practice described in paragraph 1, 2 or 3 of section 99.

(3) A Director shall issue an initial trainer certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

(b) holds a reviewer certificate issued under section 104;

(c) has successfully completed a course specified by the Director on training persons to prepare nutrient management strategies and plans and to review them for certification under Part IV or has previous formal or non-formal training that the Director considers equivalent; and

(d) within one year of making the application, has obtained a passing grade on an examination specified by the Director on training persons to prepare nutrient management strategies and plans and to review them for certification under Part IV.

(4) A Director shall issue a subsequent trainer certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

(b) holds an initial or subsequent trainer certificate that a Director has not cancelled; and

(c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on training persons to prepare nutrient management strategies and plans and to review them for certification under Part IV.

(5) An initial or subsequent trainer certificate expires on the fifth anniversary of the date on which it is issued.

Broker certificate

106. (1) On or after December 31, 2005, no person shall act as a broker unless the person holds a broker certificate issued under this section.

(2) A Director shall issue an initial broker certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act; and

(b) has successfully completed, within one year of making the application, a broker training course specified by the Director or has previous formal or non-formal training that the Director considers equivalent.

(3) A Director shall issue a subsequent broker certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act;

(b) holds an initial or subsequent broker certificate that a Director has not cancelled; and

(c) within one year of making the application, has successfully completed a broker training course specified by the Director.

(4) An initial or subsequent broker certificate expires on the fifth anniversary of the date on which it is issued.

BUSINESS LICENCES

Prescribed materials application business licence

107. (1) On or after December 31, 2005, no person shall engage in the business of applying prescribed materials to lands unless the person holds a prescribed materials application business licence issued under this section.

(2) A Director shall issue an initial prescribed materials application business licence to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act; and

(b) has successfully completed, within one year of applying for the licence, a training course specified by the Director on the business of applying prescribed materials to lands or has previous formal or non-formal training that the Director considers equivalent.

(3) A Director shall issue a subsequent prescribed materials application business licence to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act;

(b) holds an initial or subsequent prescribed materials application business licence that a Director has not cancelled; and

(c) within one year of applying for the licence, has successfully completed a training course specified by the Director on the business of applying prescribed materials to lands.

(4) An initial or subsequent prescribed materials application business licence expires on the fifth anniversary of the date on which it is issued.

Nutrient application technician licence

108. (1) On or after December 31, 2006, no person shall apply materials containing nutrients to lands in the course of an agricultural operation of which the person is not the owner, operator or an employee unless the person holds a nutrient application technician licence issued under this section.

(2) A Director shall issue an initial nutrient application technician licence to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act; and

(b) has successfully completed, within one year of applying for the licence, a training course specified by the Director on applying materials containing nutrients to lands or has previous formal or non-formal training that the Director considers equivalent.

(3) A Director shall issue a subsequent nutrient application technician licence to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act;

(b) holds an initial or subsequent nutrient application technician licence that a Director has not cancelled; and

(c) within one year of applying for the licence, has successfully completed a training course specified by the Director on applying materials containing nutrients to lands.

(4) An initial or subsequent nutrient application technician licence expires on the fifth anniversary of the date on which it is issued.

GENERAL

Cancellation of certificates and licences

109. (1) A Director may, by written notice, amend or cancel a certificate or licence issued under this Part if,

(a) the holder of the certificate or licence, as the case may be, contravenes the Act or regulations or, in the opinion of the Director, has demonstrated incompetence or bad faith in carrying out the activity with respect to which the certificate or licence is issued; and

(b) the Director has given at least 15 days written notice to the holder of the certificate or licence, as the case may be, of the Director's intention to amend or cancel the certificate or licence.

(2) A notice issued under clause (1) (b) must provide reasons for the Director's intention.

(3) A notice issued under subsection (1) that amends or cancels a certificate or licence must provide reasons for the amendment or cancellation and set out the procedure for appeals under section 9 of the Act.

PART XI
RECORDS

Duty to keep records

110. (1) Every owner or operator of an operation for which this Regulation requires a nutrient management strategy or nutrient management plan shall keep detailed records of the operation, including the following records:

1. Copies of the nutrient management strategy and the nutrient management plan.
2. The record that the Nutrient Management Protocol requires with respect to the implementation of the nutrient management strategy and the nutrient management plan.
3. The site characterization, if any, that Part VIII requires for the farm unit on which the operation is carried out.
4. The annual report of the operation that subsection (2) requires.

(2) Every owner or operator of a non-agricultural operation for which this Regulation requires a nutrient management strategy or nutrient management plan shall prepare an annual report on the operation within 60 days after the end of the operation's financial year that includes the information that the Nutrient Management Protocol requires.

Copy of licences

111. In addition to section 110, a person who holds a certificate or licence under Part X shall keep a copy of it at the location of the person's operation or business.

Form of records

112. A person who is required to keep records under section 110 shall,

(a) keep them by means of paper copies, mechanical, electronic or other devices;

(b) take adequate precautions, appropriate to the means used, to guard against the risk of falsification or alteration of the information in the records; and

(c) provides a means for making the information in the records available in an accurate and intelligible form within a reasonable time to any person lawfully entitled to examine the records.

Location and time for storage

113. (1) A person who is required to keep records under section 110 shall ensure that the records are stored,

(a) at the location of the operation, unless it is not practical to do so; or

(b) at a location that is accessible to the operator of the operation on a 24-hour a day basis, if it is not practical to store the records at the location of the operation.

(2) The person shall ensure that the records are kept in storage for a period of at least two years from the day on which the nutrient management strategy or the nutrient management plan ceases to be in force.

Identification numbers for nutrient management strategies and plans

114. (1) If it is necessary, for the purposes of this Regulation, to distinguish between two or more nutrient management strategies or plans, a Director shall assign each of them a unique identification number and advise the person by or for whom the nutrient management strategy or plan was prepared of the identification number.

(2) If a nutrient management strategy or plan that deals with nutrients provides for the use of another nutrient management strategy or plan for the use or disposal of some or all of the nutrients, the person by or for whom each nutrient management strategy or plan was prepared shall give notice of its identification number assigned under subsection (1) to the person by or for whom the other nutrient management strategy or plan was prepared and the person receiving the notice shall keep a record of the number.

PART XII
LOCAL ADVISORY COMMITTEES

Definitions

115. In this Part,

"committee" means a local advisory committee.

Establishment of committees

116. (1) A council of a municipality may, by by-law, establish a committee to address nutrient management issues in the municipality.

(2) The council shall appoint the members of the committee who shall consist of not fewer than five persons.

(3) The members of the committee shall be residents of the municipality and the council shall ensure that they have knowledge of nutrient management practices.

(4) A majority of the members of the committee shall be persons who are farmers or who represent an agricultural operation located in the municipality.

(5) At least one member of the committee shall be a person who is not a farmer or a representative of an agricultural operation.

(6) At least one member of the committee shall be a member of the council or an employee of the municipality.

Operation of committees

117. (1) The council of the municipality that establishes a committee shall appoint a chair and one or more vice-chairs from among the members of the committee.

(2) The committee shall adopt rules of procedure to facilitate its activities and the rules must be consistent with the Local Advisory Committee Protocol.

(3) The members of the committee shall follow the rules of procedure that apply to the activities of the committee.

Mediation

118. (1) A member of a committee may mediate disputes in connection with the following matters that involve the management of materials containing nutrients on lands if the council of the municipality that established the committee is satisfied that the member has knowledge of mediation practices:

1. Matters that a resident of the municipality reports to the municipality and that do not amount to a contravention of the Act, the *Environmental Protection Act*, the *Ontario Water Resources Act* or the *Safe Drinking Water Act, 2002*.
2. Matters that are reported to the Minister of Agriculture and Food or the Minister of the Environment and that either of those Ministers refers to the committee.

(2) The Minister of Agriculture and Food and the Minister of the Environment may delegate, to persons whom they authorize, their power under paragraph 2 of subsection (1) to refer matters to a committee.

(3) The Minister of Agriculture and Food, the Minister of the Environment and their authorized delegates may use their statutory discretion when referring matters to a committee.

(4) If a member of a committee who is assigned to mediate a matter in dispute under this section has, either on his or her own behalf or while acting for, by, with or through another, has a pecuniary interest in the matter, whether direct or indirect as described in section 2 of the *Municipal Conflict of Interest Act*, the member,

(a) shall, before beginning to mediate the dispute, disclose to all parties the interest and the general nature of it; and

(b) shall not proceed to mediate any question in respect of the matter unless all parties agree to having the mediation proceed.

(5) If a Director or a provincial officer advises a member of a committee who is mediating a matter in dispute under this section that the matter involves a contravention of the Act, the *Environmental Protection Act*, the *Ontario Water Resources Act* or the *Safe Drinking Water Act, 2002*, the member shall suspend the mediation until the alleged contraventions have been dealt with in accordance with the applicable legislation.

(6) Subject to the requirements of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable legislation, a member of a committee who conducts a mediation under this section shall do so on a confidential basis.

(7) A member of a committee who acts as a mediator of a dispute under this section shall not provide advice that might be regarded as legal advice to any of the parties to the dispute or their representatives.

(8) The outcome of a mediation of a dispute under this section does not relieve any of the parties to the dispute of the responsibility to comply with the requirements of any Act that governs the management of materials containing nutrients.

Education

119. A committee or its members may engage in activities designed to educate people about matters related to the management of materials containing nutrients and for that purpose may consult with representatives of the Ministry of Agriculture and Food and the Ministry of the Environment regarding the presentation and content of educational seminars.

Consultation

120. (1) In carrying out its powers or duties, subject to subsection (2), a committee or its members may consult with representatives of the municipality that established the committee with respect to issues related to the management of materials containing nutrients, including site plan or building permit issues.

(2) A committee or its members shall not participate in any way in evaluating, approving or endorsing nutrient management strategies or nutrient management plans.

Reports to clerk of municipality

121. The by-law of the municipality that establishes a committee may require the chair of the committee to provide reports about the committee's activities to the clerk of the municipality at the times that the by-law specifies.

PART XIII
COMMENCEMENT

Commencement

122. This Regulation comes into force on September 30, 2003.

29/03

ONTARIO REGULATION 268/03

made under the

SAFE DRINKING WATER ACT, 2002

Made: June 25, 2003
Filed: June 30, 2003

Amending O. Reg. 169/03
(Ontario Drinking-Water Quality Standards)

Note: Ontario Regulation 169/03 has not previously been amended.

1. (1) Item 33 of Schedule 2 to Ontario Regulation 169/03 is revoked and the following substituted:

33.	2,4-Dichlorophenol	0.9

(2) Item 57 of Schedule 2 to the Regulation is revoked and the following substituted:

57.	N-Nitrosodimethylamine (NDMA)	0.000009

29/03

ONTARIO REGULATION 269/03

made under the

SAFE DRINKING WATER ACT, 2002

Made: June 25, 2003
Filed: June 30, 2003

Amending O. Reg. 170/03
(Drinking-Water Systems)

Note: Ontario Regulation 170/03 has previously been amended by Ontario Regulation 249/03.

1. The definition of "point of entry treatment unit" in subsection 1 (1) of Ontario Regulation 170/03 is revoked and the following substituted:

"point of entry treatment unit" means equipment that,

(a) is designed to provide primary disinfection,

(b) is installed in a drinking-water system at or near where water from the system enters a building or other structure, and

(c) is connected to the plumbing associated with the building or other structure;

2. (1) Subsection 5 (1) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

Exemptions: residential systems

(1) If a large municipal residential system or small municipal residential system obtains all of its water from a large municipal residential system or small municipal residential system to which this Regulation applies that provides secondary disinfection in accordance with section 1-5 of Schedule 1, Schedules 1, 7, 10, 11 and 13 do not apply to the system that obtains the water, except for the following provisions:

. . . . .

(2) Section 5 of the Regulation is amended by adding the following subsection:

(4) This Regulation, except sections 8.1 and 9 and subsections 11 (2.1), (8) and (9), does not apply to a drinking-water system that obtains all of its water from another drinking-water system if,

(a) pursuant to subsection (1), (2) or (3), the drinking-water system that obtains the water is exempt from provisions of this Regulation; and

(b) the owner of the drinking-water system from which the water is obtained has agreed in writing,

(i) to ensure that the treatment equipment that provides secondary disinfection in accordance with section 1-5 of Schedule 1 or 2-5 of Schedule 2 is operated so that, at all times and at all locations within the distribution system of the system that obtains the water,

(A) the free chlorine residual is never less than 0.05 milligrams per litre, if the drinking-water system from which the water is obtained provides chlorination and does not provide chloramination, or

(B) the combined chlorine residual is never less than 0.25 milligrams per litre, if the drinking-water system from which the water is obtained provides chloramination, and

(ii) to sample and test the water in the distribution system of the system that obtains the water as if it were part of the distribution system of the system from which the water is obtained.

3. (1) Subsection 6 (1) of the Regulation is amended by striking out "except subsection 9 (1)" in the portion before clause (a) and substituting "except section 8.1 and subsections 9 (1) and 11 (2.1), (8) and (9)".

(2) Clause 6 (1) (c) of the Regulation is revoked and the following substituted:

(c) the owner of the drinking-water system from which the water is obtained has agreed in writing,

(i) to ensure that the treatment equipment that provides the secondary disinfection referred to in clause (b) is operated so that, at all times and at all locations within the distribution system of the system that obtains the water,

(A) the free chlorine residual is never less than 0.05 milligrams per litre, if the drinking-water system from which the water is obtained provides chlorination and does not provide chloramination, or

(B) the combined chlorine residual is never less than 0.25 milligrams per litre, if the drinking-water system from which the water is obtained provides chloramination, and

(ii) to sample and test the water in the distribution system of the system that obtains the water as if it were part of the distribution system of the system from which the water is obtained.

4. Section 7 of the Regulation is amended by adding the following subsections:

(3) Subsection (2) does not apply to a drinking-water system on days on which all designated facilities and all public facilities served by the system are not open.

(4) Subsection (2) does not apply to a drinking-water system if the system provides disinfection equipment for primary disinfection that does not use chlorination or chloramination and the disinfection equipment is operated in accordance with the following standards:

1. The disinfection equipment has a feature that causes an alarm to sound in the following locations if the disinfection equipment malfunctions, loses power or ceases to provide the appropriate level of disinfection:
   i. The building or structure where the disinfection equipment is installed.
   ii. A location where a person is present, if a person is not always present at the location described in subparagraph i.
   iii. Every designated facility served by the drinking-water system.
2. If an alarm sounds under paragraph 1, a person who is at the building or structure where the disinfection equipment is installed must take appropriate action or a person must promptly be dispatched to that location to take appropriate action.
3. A person who is dispatched under paragraph 2 must arrive at the building or structure where the disinfection equipment is installed as soon as possible.

5. Section 8.1 of the Regulation is amended by adding the following subsections:

(3) Section 12 of the Act does not apply to a non-municipal year-round residential system if,

(a) pursuant to subsection 5 (2) of this Regulation, provisions of this Regulation do not apply to the system; and

(b) the system does not rechlorinate the water it obtains.

(4) Section 12 of the Act does not apply to a non-municipal year-round residential system if, pursuant to subsection 5 (4) of this Regulation, provisions of this Regulation do not apply to the system.

(5) Section 12 of the Act does not apply to a large non-municipal non-residential system if, pursuant to section 6 or 7 of this Regulation, provisions of this Regulation do not apply to the system.

6. (1) Section 11 of the Regulation is amended by adding the following subsection:

(2.1) If a drinking-water system is connected to and receives all of its drinking water from another drinking-water system, the owner of the system from which the water is obtained shall ensure that, at the same time that the annual report for the system is given to the Director, a copy of the report is given to the owner of the system that obtains the water.

(2) Subsections 11 (7), (8) and (9) of the Regulation are revoked and the following substituted:

(7) The owner of a drinking-water system shall ensure that a copy of an annual report for the system is given, without charge, to every person who requests a copy.

(8) If a drinking-water system is connected to and receives all of its drinking water from another drinking-water system, the owner of the system that obtains the water shall ensure that a copy of an annual report for the system from which the water is obtained is given, without charge, to every person who requests a copy.

(9) Subsections (7) and (8) do not apply to an annual report that is more than two years old.

(9.1) Every time that an annual report is prepared for a drinking-water system, the owner of the system shall ensure that effective steps are taken to advise users of water from the system that copies of the report are available, without charge, and of how a copy may be obtained.

7. Section 2-2 of Schedule 2 to the Regulation is amended by adding the following subsection:

(3) Subsection (2) does not apply during a period of 60 or more consecutive days when,

(a) the drinking-water system is not in operation; or

(b) the drinking-water system supplies water only to private residences that are occupied by the owner of the system, members of the family of the owner of the system, employees or agents of the owner of the system, or members of the families of employees or agents of the owner of the system.

8. (1) Paragraph 1 of section 3-2 of Schedule 3 to the Regulation is amended by striking out the portion before subparagraph i and substituting the following:

1. A point of entry treatment unit belonging to the owner of the drinking-water system is connected to the plumbing of every building and other structure served by the system, other than buildings and other structures to which water is supplied exclusively for,

. . . . .

(2) Paragraph 3 of section 3-2 of Schedule 3 to the Regulation is revoked and the following substituted:

3. The owner of the drinking-water system has access at all times to shut-off valves that enable the owner to shut off the supply of water to the plumbing to which point of entry treatment units are connected.

9. The Table to section 6-5 of Schedule 6 to the Regulation is revoked and the following substituted:

TABLE

Item	Parameter	Minimum Testing and Recording Frequency	Maximum Alarm Standard	Minimum Alarm Standard
1.	Free chlorine residual required to achieve primary disinfection	5 minutes	Not applicable	0.1 milligrams per litre less than the concentration of free chlorine residual that is required to achieve primary disinfection
2.	Free chlorine residual and total chlorine residual measured for the purpose of determining combined chlorine residual required to achieve primary disinfection	5 minutes	Not applicable	0.1 milligrams per litre less than the concentration of combined chlorine residual that is required to achieve primary disinfection