

MMB93-1
 PRINCE EDWARD ISLAND
 MILK MARKETING BOARD

BOARD ORDER: MMB93-1

EFFECTIVE: August 1, 1993

Under the Prince Edward Island Milk Marketing Regulations and under the **Natural Products Marketing Act**, R.S.P.E.I.1988, Cap. N-3, the Prince Edward Island Milk Marketing Board makes the following Order:

CLASS 1 MILK QUALITY, PREMISES AND SANITATION STANDARDS

Application

1. This Order establishes the minimum quality, premises and sanitation standards for milk producers to be eligible to market class 1 milk at the start of a dairy year and the minimum standards which must be maintained by milk producers to be eligible to market class 1 milk during a dairy year.

Definitions

2. The words herein shall have the meanings as found in the **Natural Products Marketing Act** and the Prince Edward Island Milk Marketing Regulations and in this Order:

(a) "class 1 bacteria violation" means an official payment test taken during a milk pay period which is in excess of the bacteria standard established for class 1 milk.

(b) "class 1 somatic cell count violation" means an official payment test taken during a class 1 premium pay period which is in excess of the somatic cell count standard established for class 1 milk.

(c) "class 1 premium" means the amount of money due to the Board from class 1 milk processors from the sales of class 1 milk which is above the base price for industrial milk.

(d) "class 1 premium pay period" means the calendar month in which a producer is eligible to receive a share of the class 1 premium.

(e) "class 1 premium standards" means the standards established by the Board which must be met and maintained by a producer for that producer to receive a share of the class 1 premium and for that producer's milk production to be acceptable for use in the manufacture of class 1 milk products.

(f) "dairy year" means the period from August 1 of one year to July 31 of the following year.

(g) "Department" means the Prince Edward Island Department of Agriculture.

(h) "milk pay period" means the period from the 1st of a month to the 15th of a month and from the 16th of a month to the end of a month.

(i) "official payment test" means the test performed by the Department on the producer's milk which is reported to the producer and the Board and the milk purchaser and used for payment purposes.

Class 1
eligibility

3. A producer shall receive a share of the class 1 premium and have his milk production acceptable for use in class 1 milk products at the start of a dairy year, if the producer has:

(a) shipped bulk milk for at least twelve consecutive months during the previous dairy year, and

(b) has received a bacteria count of not more than 50,000 per ml in at least twenty (20) of the twenty-four (24) official payment tests reported to the producer and the milk purchaser by the Department during the twelve months immediately preceding the start of a dairy year, and

(c) has received a somatic cell count of not more than 500,000 cells per ml in at least nine (9) of the official payment tests reported to the producer and the milk purchaser by the Department during the twelve months immediately preceding the start of a dairy year, and

(d) has received a score of at least 90, with all recommendations completed, on a routine inspection of the producer's premises as evidenced by a Dairy Farm Inspection Report carried out by an inspector of the Department during the preceding dairy year, and

(e) has received a score of at least 90, with all recommendations completed, on a routine inspection of the producer's sanitation conditions on his dairy farm, as evidenced by a Dairy Farm Inspection Report carried out by an inspector of the Department during the preceding dairy year.

Transfer of
class 1
eligibility

4. Class 1 eligibility may only be transferred from one producer to another where:

(a) the ongoing dairy enterprise is being transferred to an immediate family member who will carry on the operation at the same farm location, or

(b) the ongoing dairy enterprise is being purchased by a new or expanding producer who will carry on the operation at the same farm location.

Premises and
sanitation
inspections

5. Where a producer fails to meet the standards established in Section 3(d) or 3(e) above, a follow up random inspection shall be performed by the inspector within thirty days of the initial inspection.

Idem

6. The follow-up inspection referred to in Section 5 shall be the final inspection for the purposes of determining the eligibility of a producer for a share of the class 1 premium or the acceptability of his milk for use in the manufacture of class 1 milk products at the start of a dairy year.

Quality
standards

7. During a dairy year, a producer shall receive a share of the class 1 premium and have his milk acceptable for use in class 1 milk products during each class 1 premium pay period, provided he has met the bacteria and somatic cell count standards for class 1 milk as established in the regulations enacted under the Dairy Industry Act, except that a producer who has met the bacteria standards for class 1 milk during only one-half of a class 1 premium pay period shall receive one-half of the class 1 premium due for that pay period.

Failure to meet standards

8. Where a producer fails to meet any of the standards set out in Section 6 or Section 7 above, the producer shall not receive a share of the class 1 premium during the class 1 pay period in which the violation occurs and shall not have his milk acceptable for use in class 1 milk products from the date the notice of the violation is received by the Board and the milk purchaser until such time as the Department advises the producer and the Board and the milk purchaser that the producer has met the standards.

Idem

9. A producer who has more than four class 1 bacteria violations or more than three somatic cell count violations in a dairy year shall not receive a share of the class 1 premium or have his milk acceptable for use in class 1 milk products during the remainder of the dairy year.

Cause for additional inspection

10. Where the Board or the purchaser of the producer's milk feels there is cause to have an additional routine inspection carried out, the Board or the milk purchaser shall request the Department to carry out such an inspection.

Commencement

11. This Order comes into force on August 1, 1993.

DATED at Charlottetown, Prince Edward Island, this 31st day of May, 1993.

<<original signed by>>

Steven Horne, Chairman

<<original signed by>>

Ronald Maynard, Secretary