

DFPEI 2017-12
DAIRY FARMERS OF PRINCE EDWARD ISLAND

ORDER NUMBER: DFPEI 2017-12

EFFECTIVE: 29 September 2017

Under the *Natural Products Marketing Act*, R.S.P.E.I.1988, Cap. N-3, and the Dairy Farmers of Prince Edward Island Regulations thereunder, Dairy Farmers of Prince Edward Island makes the following order:

proAction® Order

Application

1. This order establishes the process for administration of the proAction® Program as a quality standard for dairy farms in Prince Edward Island.

Definitions

2. The words herein shall have the meanings as found in the *Prince Edward Island Natural Products Marketing Act* and the *Dairy Farmers of Prince Edward Island Regulations* under the Act, unless differentiated herein and as hereinafter defined:

- 1) “DFPEI” means Dairy Farmers of Prince Edward Island;
- 2) “dairy animal” means a cow of the bovine family kept for the purposes of milking;
- 3) “dairy farm” means a farm where dairy animals are kept for milking and from which milk is marketed or sold for processing in a dairy plant or for human consumption, and includes all buildings, yards and premises occupied or used in connection with the production of milk;
- 4) “inhibitor” means any substance, other than a bacterial culture, that does not occur naturally in milk and inhibits the growth of bacteria in milk or negatively affects the organoleptic properties of milk or dairy products;
- 5) “NEAS” means the National Electronic Administration System – the computer based system used to administer the proAction® system and record registrations;
- 6) “proAction®” means a program of farm management practices developed to ensure milk is produced in conditions that meet standards for:
 - a) animal care;
 - b) biosecurity;
 - c) environmental sustainability;
 - d) milk quality;
 - e) food safety, and;

f) livestock traceability;

7) “proAction® manuals” means books that specify the requirements and procedures for implementation of proAction® on dairy farms, which are developed nationally and approved by the DFPEI board of directors from time to time for the purposes of administering this order;

8) “proAction® Validation Training Manual” is a book that provides more detailed interpretation of validation standards and is used by validators as a guide for orderly completion of validations.

9) “producer” means a person who holds quota and who markets or sells milk that has been produced by a herd of dairy animals owned or controlled by the person;

10) “Provincial Coordinator” is a person who is designated by the DFPEI board of directors to administer all aspects of the proAction® program;

11) “validation” means the process of evaluation to ensure compliance with proAction® standards. It may be accomplished through an independent evaluation of on farm proAction® records or through a self-declaration, as directed by DFPEI; and

12) “validation checklist” is a form that is completed by a validator, either manually or electronically, to ensure that validations are completed methodically and to record the outcomes of the validation.

Mandatory Registration

3. proAction® registration is a mandatory requirement for marketing milk. Producers previously registered under the Canadian Quality Milk Program are deemed registered under proAction® until validation under this order is due. No person shall sell or offer to sell milk who has not been registered or issued conditional registration in accordance with this order.

New Producers

4. A new producer starting a new dairy farm who has completed the requirements outlined in Section 16 of this order shall be issued a conditional registration.

Record Keeping

5. All specific forms and documents required for proAction® record keeping are contained in the proAction® manuals, copies of which are available from the DFPEI office. In any instance where alternate forms of record keeping are desired, DFPEI personnel shall provide guidance and assistance to ensure those alternate forms of record keeping meet proAction® requirements.

proAction® Standards

6. proAction® standards are set out in proAction® manuals, which are available to all dairy producers in Prince Edward Island. A dairy producer must meet all proAction® standards established in each approved manual to achieve registration. Revisions to the manuals shall be communicated to

producers as they are released and approved by the DFPEI board of directors.

proAction® Validators

7. proAction® validators are persons appointed by DFPEI who have completed a course of training and on-the-job experience required to be employed in that role, as set out in the proAction® Validator Training Manual. proAction® validators are employed or contracted by DFPEI. A proAction® validator shall be assigned by DFPEI to perform validations on dairy farms as specified in this order.

Validation Process

8 Validators shall perform validations in accordance with the methods specified in the proAction® Validator Training Manual. Validations will determine if each dairy farm is in compliance with the proAction® standards defined by this order. The validator shall complete a validation checklist as a means of performing the validation (a copy of the validation checklist is provided to all producers and is available through the DFPEI office). The validation checklist classifies each proAction® standard as a major compliance item, minor compliance item, or demerit point item. Validations must be completed for each dairy farm at least annually, as scheduled by DFPEI. Validations may be required more often than annually (triggered) if there is evidence that a producer has failed to meet proAction® standards.

Self-declaration

9. A self-declaration is a form of validation that permits the producer to complete a questionnaire for submission to DFPEI. The completed questionnaire and any required supporting documentation is evaluated by the proAction® coordinator, or a validator, to confirm compliance with this order, in lieu of an on-farm examination of records by a validator. Producers may be permitted to complete a self-declaration if:

- 1) their last regularly scheduled validation was not a self declaration;
- 2) their two previous validations demonstrated compliance with this order, including that any corrective actions were completed within the time specified on the validation report; and
- 3) their dairy farm has not been found in violation of any DFPEI order since its last validation.

Self declaration return date

10. If validation is offered through a self-declaration by DFPEI, the self declaration is due and shall be completed and returned to DFPEI by the last day of the month preceding the month the producer's proAction® registration is due for renewal. Failure to return a self-declaration by the last day of the month in which the proAction® is due for renewal is a violation of this order. Corrective actions resulting from a self-declaration shall be completed not more than 30 days from the date the corrective action requests are presented to the producer. Corrective action requests shall be deemed presented to the producer when they are delivered by hand or three days following the date they have been placed in the mail to the producer.

Deficiencies	<p>11. A deficiency is a failure to meet any standard established in this order. Deficiencies shall be determined to be: major compliance item deficiencies; minor compliance item deficiencies; or demerit point item deficiencies, in accordance with the proAction® Manuals and as specified in the proAction® Validation Checklist. All deficiencies must be corrected to the standards as set out and in the times specified in the proAction® manuals.</p>
Corrective Actions	<p>12. If a deficiency or deficiencies are recorded on any validation, the validation report shall be delivered to the producer indicating the outstanding deficiencies, together with directions entitled corrective action requests that specify the requirements to correct those deficiencies. Failure to complete required corrective actions and submit any specified documentation within one month of the date of validation shall result in the producer being deemed non-compliant and in violation of this order.</p>
Violation	<p>13. A producer who has failed to meet the standards specified in this order and has failed to implement corrective actions within one month of any validation, or within one month of the date they have received corrective action requests resulting from a self-declaration, is in violation of this order and shall:</p> <ol style="list-style-type: none"> 1) be designated as holding a conditional proAction® registration; and 2) be subject to the penalties specified in the DFPEI Violations and Penalties Order.
Compliance after violation	<p>14. A producer who has been in violation and has subsequently completed all corrective action requests delivered with the validation report shall be deemed in compliance with this order. proAction® registration shall be granted at the completion of the specified conditional registration period, or sooner, at the discretion of DFPEI.</p>
Conditional Registration	<p>15. A conditional registration shall be issued for a period not exceeding six months. It is intended to allow a new dairy producer or a producer who is found in violation and has subsequently complied with this order, as specified in Section 14, time to:</p> <ol style="list-style-type: none"> 1) establish practices and create documents required for proAction® registration; 2) record at least three months of operating data as required by proAction®; and 3) be validated.
Conditional Registration Conditions	<p>16. Conditional registrations are subject to the following conditions:</p> <ol style="list-style-type: none"> 1) New producers shall:

- a) create a plan for achieving proAction® registration;
 - b) receive approval from the proAction® Coordinator for the plan; and
 - c) implement the plan and complete all proAction® requirements that may be achieved prior to beginning milk production.
- 2) Any producer who has been issued a conditional registration shall:
- a) maintain all records as directed in the proAction® Reference Manuals;
 - b) ensure all proAction® records are available for verification as required;
 - c) submit a copy of all records completed during the conditional registration period to DFPEI monthly, or as specified in a registration plan;
 - d) in any instance where records are maintained by an electronic means, such as a digital time-temperature recorder, ensure the equipment is available for random verification by DFPEI personnel; and
 - e) be subject to additional conditions imposed by DFPEI, as required to ensure proAction® standards are met.
- 3) If a producer has not achieved proAction® Registration during the term of conditional registration, the conditional registration may not be renewed or extended without review and approval by the DFPEI board of directors or a committee designated by that board.

ProAction® Registration

17. Completed proAction® validations shall be forwarded to the Provincial Coordinator for review. When corrective actions are required, the Provincial Coordinator shall communicate corrective action requests to the producer and initiate the process set out in Sections 12 through 16 of this order. When validations indicate that all standards set out in this order have been met and the validator recommends registration, the Provincial Coordinator shall review the validation report to confirm compliance. If the Provincial Coordinator determines that compliance has been achieved, either through confirmation of a validator's recommendation or through confirmation that corrective actions have been completed, the Provincial Coordinator shall endorse the validation and register the producer in the NEAS. Registration shall continue in force until the next validation is completed.

Triggered validations

18. A farm may be subject to a validation, called a triggered validation, at any time if:

- 1) an investigation into a failure to meet quality standards indicates that proAction® standards may not be met;

- 2) the ownership or personnel managing a farm is changed;
- 3) a new milking facility is constructed or additions are made to existing facilities;
- 4) a new milking system is installed;
- 5) validation indicates periods of substandard compliance with proAction® standards;
- 6) the producer fails to return a self-declaration by the last day of the month in which their proAction® registration is due for renewal;
- 7) an observation or report is made by an animal protection officer appointed by the Minister of Agriculture and Fisheries, or other similar authority, that indicates animal welfare standards are compromised on a farm;
- 8) a farm has incurred more than one violation for milk contaminated by inhibitors or any other substance within a twelve-month period; or
- 9) any observation is made by a dairy inspector or other competent authority that indicates proAction® standards are not being met.

Revoking Registration

19. proAction® registration may be immediately revoked and a producer shall be prohibited from selling or offering to sell milk if:

- 1) conditions specified in a conditional registration are not met; or
- 2) a period of 105 days has elapsed from the date corrective actions requests have been delivered to the producer and all corrective action requests directed by that validation have not been completed.

Commencement

20. This order comes into force on the 29th day of September, 2017.

Revocation

21. DFPEI Order 2014-03 is hereby revoked.

DATED at Charlottetown, Prince Edward Island, this 29th day of September, 2017.

<Original signed by>

Harold MacNevin, Chair

<Original signed by>

Ronald Maynard, Secretary