

Egg Farmers of Nova Scotia Egg Regulations
made under subsection 9(1) of the
Natural Products Act
R.S.N.S. 1989, c. 308
N.S. Reg. 325/2022 (effective December 13, 2022)
amended to N.S. Reg. 184/2023 (effective November 1, 2023)

Citation

1 These regulations may be cited as the *Egg Farmers of Nova Scotia Egg Regulations*.

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Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

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Interpretation

2 (1) In these regulations,

“Act” means the *Natural Products Act*;

“Animal Care Program” means the Animal Care Program established by the Egg Farmers of Canada, as amended from time to time;

“associated persons” means persons that are any of the following:

- (i) members of the same immediate family,
- (ii) trustees, personal representatives or beneficiaries of the same trust or estate,
- (iii) 1 of them is a donor of a power of attorney and the other is the attorney,
- (iv) 1 of them is a corporation and the other is an officer, director or shareholder of the corporation,
- (v) 1 of them is a partnership and the other is a partner in the partnership,
- (vi) 1 of them is a trust or corporation that owns shares of a corporation or has an interest in a partnership and the other is that corporation or partnership,
- (vii) each of them is a corporation, partnership or trust and they are all controlled directly or indirectly by the same person;

“Canadian Egg Marketing Agency” means the Canadian Egg Marketing Agency established under the *Farm Products Agencies Act* (Canada);

“certified enriched housing” means housing that has been certified by Egg Farmers of Canada as meeting all final housing requirements for enriched cages in the Code of Practice for the Care and Handling of Pullets and Laying Hens;

“Code of Practice for the Care and Handling of Pullets and Laying Hens” means the Code of Practice for the Care and Handling of Pullets and Laying Hens as established by the National Farm Animal Council, as amended from time to time;

“commercial pullet quota” means commercial quota as defined in the *Egg Farmers of Nova Scotia Pullet Regulations* for the production and marketing of pullets;

“commercial pullet quota holder” means a commercial pullet producer who holds commercial pullet quota under the *Egg Farmers of Nova Scotia Pullet Regulations*;

“conventional housing” means housing that meets the conventional cage requirements in the Code of Practice for the Care and Handling of Pullets and Laying Hens;

“Egg Farmers of Canada” means the trade name for the Canadian Egg Marketing Agency established under the *Farm Products Agencies Act* (Canada);

“egg quota” means the maximum number of layers that the holder is entitled to use in producing eggs;

“enriched differential amount” means the difference between the certified enriched housing cost of production and the conventional housing cost of production, as determined by the Egg Farmers of Canada from time to time;

“enriched producer price” means the producer price plus the enriched differential amount;

“facility” means the building, land, fixture or laying facility used by a person for egg production, grading or processing, or pullet production;

“Federal-Provincial Agreement” means the agreement respecting the revision and consolidation of the comprehensive egg marketing program for the purpose of regulating and marketing eggs in Canada, as amended from time to time, and as authorized by Order in Council P.C. 1976-1979;

“final housing requirements for enriched cages” means the final housing requirements for enriched cages established in the Code of Practice for the Care and Handling of Pullets and Laying Hens;

“*Force Majeure*” means an extraordinary event, including, but not limited to, a natural disaster, a fire, or a severe illness, in which a producer was unable to prevent or protect against by the exercise of reasonable diligence at a reasonable cost;

“free range”, in relation to an egg, means an egg produced in free range housing;

“free range housing” means a free run housing system where laying hens may roam freely and have access to an outdoor enclosed pasture or range area when weather permits;

“free run”, in relation to an egg, means an egg produced in free run housing;

“free run housing” means a housing system where the laying hens roam freely inside a laying facility;

“grade” means sorting and classifying eggs;

“grader” means a person designated as a grader under subsection 13(3) of the *Canadian Food Inspection Agency Act*;

“grader licence” means a licence issued by the Board that allows the holder to grade eggs;

“grading station” means a facility where a grader licensee washes, grades, packs, offers for sale, sells, stores, transports or markets eggs;

“hatchery” means a hatchery for which a permit to operate a hatchery has been issued by the Minister of Agriculture and Agri-Food (Canada) under the *Hatchery Regulations* made under the *Health of Animals Act* (Canada);

“house” means to provide layers with shelter;

“housing system” means the type of housing utilized for housing layers inside a laying facility, and for a free range housing system, includes an outdoor enclosed pasture or range area;

“immediate family” of an individual means the individual’s spouse, parent, child and grandchild and the spouse of any parent, child or grandchild of the individual;

“interest in egg quota” means a legal or beneficial interest of a person in egg quota, as described in subsection (2);

“layer” means a laying hen;

“laying facility” means an area within a facility that is used to shelter layers;

“laying hen” means a hen that is 19 weeks of age or older;

“market producer price” means the producer price plus an adjustment amount, as determined by the Board each year, to be paid to producers by grader licensees for ungraded eggs;

“market producer price adjustment” means the difference between the producer price and the market producer price;

“non-commercial pullet quota holder” means a pullet producer that holds non-commercial pullet quota under the *Egg Farmers of Nova Scotia Pullet Regulations*;

“organic”, in relation to the production of an egg, means organic product as certified under the *Safe Food for Canadians Regulations* (Canada);

“parcel of land” means an area of land that may be owned in fee simple absolute, and includes any facilities located on the area of land;

“person” means any of the following:

(i) a natural person,

(ii) a corporation,

(iii) a partnership,

(iv) a trust or estate;

“placement egg quota” means that part of egg quota allotted to a producer licensee which the Board allows the licensee to house in their housing system;

“Plan” means the *Egg Farmers of Nova Scotia Marketing Plan*;

“pro rata” means proportionate;

“Pullet Placement Permit” means a permit, issued to a producer by the Board, authorizing the producer to order pullets or layers;

“resident in the Province” or “resident of the Province”, in relation to a corporation, means that the voting shares of the corporation are owned by shareholders who are resident in the Province;

“Safe Food for Canadians Regulations (Canada)” means the regulations made under the *Canadian Dairy Commission Act* (Canada), *Controlled Drugs and Substances Act* (Canada), *Consumer Packaging and Labelling Act* (Canada), *Feeds Act* (Canada), *Health of Animals Act* (Canada), *Seeds Act* (Canada), *Food and Drugs Act* (Canada), *Customs Tariff* (Canada), *Criminal Code* (Canada), and the *Safe Food For Canadians Act* (Canada);

“specialty eggs” means any of the following types of eggs:

(i) free run,

(ii) free range,

(iii) organic eggs,

(iv) any other type of egg designated by the Board as a specialty egg;

“Specialty Licence Quota Pool” means egg quota designated by the Board to be used for egg quota leases to specialty licensees;

“Start Clean Stay Clean Program” means the Start Clean Stay Clean Program™ established by the Canadian Egg Marketing Agency, as amended from time to time;

“total provincial allotment of egg quota” means Nova Scotia’s share of the national egg quota as established by the Federal-Provincial Agreement;

“transfer” means a change in legal or beneficial ownership, and in relation to egg quota, includes all of the following:

- (i) any transfer from one person to another person,
- (ii) any change in the shareholders or beneficial shareholders of a corporation,
- (iii) any change in the partners of a partnership,
- (iv) any change in the income beneficiaries or capital beneficiaries of a trust, whether the change occurred before or after the final distribution of that trust,
- (v) any change other than those listed in subclauses (i) to (iv) that results in a person acquiring or disposing of an interest in egg quota or that otherwise affects a person's interest in egg quota;

“unlicensed person” means a person who is not required to hold a licence from the Board to produce eggs under Section 5; and

“unplaceable egg quota” means egg quota allocated to a producer licensee which the Board does not allow the producer to house due to housing density requirements set out in the Animal Care Program.

(2) A person has an interest in egg quota if that person is any of the following:

- (a) a person that has a direct interest in egg quota, or has an interest in egg quota through a series of associated persons with direct or indirect ownership interests in one another;
- (b) a shareholder of a corporation that has an interest in egg quota;
- (c) a partner in a partnership that has an interest in egg quota;
- (d) a trustee or beneficiary of a trust that has an interest in egg quota;
- (e) a personal representative or a beneficiary of an estate that has an interest in egg quota.

(3) Unless a different definition for the same term is set out in subsection (1), definitions in the Plan apply to these regulations.

Written notice

3 (1) In these regulations, unless otherwise specified, written notice means a written communication that is sent by one of the following methods:

- (a) registered mail;
- (b) courier;

- (c) letter mail;
 - (d) email.
- (2) If written notice is sent by registered mail, the notice is deemed to be received on the 5th business day after it was postmarked, or accepted, by Canada Post.

Licensing

Licences

4 The Board may issue the following types of licences in accordance with these regulations:

- (a) producing licence which includes
 - (i) producer licence,
 - (ii) specialty licence,
 - (iii) heritage licence;
- (b) marketing licence which includes
 - (i) processor licence,
 - (ii) grader licence.

Licence exceptions

- 5**
- (1) Despite Section 20 of the Plan, a person is exempted from the requirement to hold a licence to produce eggs if they produce eggs using 200 or fewer layers in a year.
 - (2) For the purposes of subsection (1), in determining a person's egg production for a year, the egg production of an unlicensed person is deemed to include any licensed or unlicensed egg production of that person's spouse, common-law spouse, or registered domestic partner.
 - (3) An unlicensed person may produce eggs only in a facility owned or leased by that person, and an unlicensed person must not house any layers in a facility that the unlicensed person does not own or lease.
 - (4) No parcel of land may be used by one or more unlicensed persons for unlicensed production of eggs using more than 200 layers in a year.
 - (5) No parcel of land may be used for any combination of licensed and unlicensed production of eggs.

Licence application

- 6** A person may apply to the Board for a licence or a renewal of a licence by completing an application in the form and the manner determined by the Board.

Application information

- 7** (1) An application must include all of the following information:
- (a) the type of application, as one of the following:
 - (i) new licence,
 - (ii) renewal of licence;
 - (b) the type of licence applied for;
 - (c) the date of application;
 - (d) the name and civic address of the applicant, and the location and a description of the applicant's facilities;
 - (e) the applicant's mailing address, if different than civic address;
 - (f) the applicant's fax number, if any;
 - (g) the applicant's email address, if any.
- (2) Upon review of an application, the Board may request, and if requested, the applicant must provide to the Board, information regarding the applicant's experience, equipment or financial ability.

Issuing licence

- 8** (1) The Board must issue or refuse to issue a licence to an applicant within 90 days of the date of receipt of the application by the Board.
- (2) The Board may refuse to issue a licence
- (a) if the application does not include all required information and all applicable fees;
 - (b) if the applicant, in the Board's opinion, lacks the experience, equipment or financial ability to engage in the activity to which the application relates;
or
 - (c) if, in the Board's opinion, the issuance of a licence to the applicant is not in the best interests of the egg industry in the Province.

Form of licence

- 9** (1) A licence must include all of the following information:

- (a) the type of licence;
 - (b) the licensee's name and address;
 - (c) the term of the licence, including the effective date and expiry date;
 - (d) the issue date of the licence;
 - (e) the licence number.
- (2) The Board may issue a licence subject to any term or condition that the Board considers appropriate, provided that the term or condition is a requirement of the Act, Plan or applicable regulations made under the Act.
- (3) A licence issued by the Board expires on December 31 of the year in which it is issued unless renewed by the Board prior to its expiration.
- (4) The General Manager of the Board must sign a licence that is issued by the Board.

Suspending, revoking, or refusing to renew a licence

- 10 (1) If a licensee violates the Act, the Plan, an applicable regulation made under the Act, or a term or condition of their licence, or the licensee is insolvent, the Board may refer the matter to the Council for a decision on suspending, revoking or refusing to renew their licence under Section 10 of the Act.
- (2) The Board must provide written notice to the licensee who is the subject of a referral of a matter to the Council under subsection (1).
- (3) The Board must send the written notice required by subsection (2) to the licensee by one of the following methods:
- (a) registered mail;
 - (b) courier;
 - (c) email.

Grader and Processor Licences

Grader licence required

- 11 A person must possess a grader licence to grade eggs at a grading station.

Grader licence requirements

- 12 A grader licensee must be licensed to grade eggs under the *Safe Food for Canadians Act* (Canada).

Processor licence requirements

- 13 A processor licensee must be licensed to process eggs under the *Safe Food for Canadians Act* (Canada).

Specialty Licence Production

Licence eligibility

- 14 (1) Subject to subsection (2), a person is eligible to apply for a specialty licence if the person is all of the following:
- (a) the age of majority;
 - (b) a Canadian citizen;
 - (c) a resident of the Province;
 - (d) primarily responsible for the production of eggs under the proposed licence.
- (2) A person is not eligible to apply for a specialty licence if the person is any of the following:
- (a) a child, spouse, common-law spouse, or registered domestic partner of a present or former egg quota holder;
 - (b) a current or past shareholder of a company, a child, a spouse, a common-law spouse, or registered domestic partner of a current or past shareholder of a company which holds or has held quota;
 - (c) a current or former holder of any type of quota under the Act, or the *Dairy Industry Act*, or similar legislation in other provinces of Canada.

Specialty licence application

- 15 In addition to the information required for an application under Section 7, an application for a specialty licence must include all of the following information:
- (a) a business plan for producing and supplying the commercial retail market with specialty eggs;
 - (b) evidence that the applicant either possesses, or has the ability to acquire, adequate knowledge and skills of animal husbandry for the proper care of laying hens;
 - (c) an application fee of \$250.00 payable to the Board, but the Board must return the fee if the application is rejected;
 - (d) a declaration that the applicant will not commence production before obtaining *Salmonella enteritidis* insurance in compliance with these regulations;

- (e) the applicant's province of residence, and if the applicant is a corporation, a statutory declaration confirming that the corporation is resident in the Province.

Review of specialty licence applications

16 The Board may designate a person to review applications for specialty licences.

Issuing specialty licences

17 In addition to the reasons set out in Section 8, the Board may refuse to issue a specialty licence in either of the following circumstances:

- (a) the Board determines there is insufficient egg quota available in the Specialty Licence Quota Pool to support additional specialty licences at that time;
- (b) the Board determines that it is not in the best interests of the industry to issue additional specialty licences at that time.

Selection process for new specialty licences

18 If, at any time, the Board decides to issue additional specialty licences in a number less than the number of eligible applicants, an applicant that meets the eligibility requirements under Section 14 will be entered in a random draw, administered by the Board, to determine one or more successful specialty licensees.

Notification of specialty licence

19 (1) Upon determining a successful applicant for a specialty licence, the Board must issue a conditional specialty licence to the applicant, conditional upon the Board receiving written confirmation from the applicant of both of the following:

- (a) that the applicant is ready to begin production of specialty eggs, provided that the confirmation is received within 18 months of the date of the specialty licence;
- (b) that the applicant is compliant with the Plan, these regulations, and any applicable order of the Board or the Council.

(2) Upon the Board receiving written confirmation that the applicant has met the requirements in clauses (1)(a) and (1)(b), the Board must issue a specialty licence to the applicant.

Renewal of specialty licence

20 In addition to the reasons set out in Section 10, if a specialty licensee did not produce eggs in the year in which a renewal of their specialty licence is requested, the Board may refer the matter to Council for a decision on refusing to renew the specialty licence.

Requirements for specialty production

21 (1) A specialty licensee may produce only specialty eggs.

- (2) A specialty licensee must adhere to the applicable housing density standards set out in the Animal Care Program.
- (3) A specialty licensee must not produce eggs within 5 kilometres of the facility of any producer licensee or other specialty licensee.
- (4) A specialty licensee is authorized to produce eggs only in accordance with egg quota leased to the licensee by the Board under Section 43.
- (5) A specialty licensee must not cease production of specialty eggs for more than 18 months without the prior written approval of the Board.
- (6) A specialty licensee must obtain *Salmonella enteritidis* insurance from an insurance provider approved by the Board, and must provide proof of insurance to the Board, prior to commencing specialty egg production.

Specialty licensee rights

22 A specialty licence does not entitle the holder to do any of the following:

- (a) vote in a Board election;
- (b) vote at a producer meeting;
- (c) become a member of the Board.

Specialty licence and egg quota transfers

23 A specialty licensee is not entitled to transfer their licence, or their leased egg quota, for specialty production unless approved by the Board and all of the following apply:

- (a) the transferee is either the spouse or child of the specialty licensee;
- (b) the transferee agrees to produce eggs under the terms and conditions established by the licence, including producing eggs in the same quantities in the same facility;
- (c) the transferee is a resident of the Province.

Heritage Licence

Heritage licence eligibility

24 Only those persons that have produced and marketed eggs in the Province without holding egg quota in every year since July 25, 1984[,] are eligible for a heritage licence.

Heritage licence additional application requirement

25 (1) Except as provided in subsection (2), in addition to the application requirements set out in Section 7, an applicant for an initial heritage licence must provide the Board with a statutory declaration that the applicant has produced and marketed eggs in the Province without holding egg quota in every year since July 25, 1984.

- (2) An applicant that has produced and marketed eggs in the Province without holding egg quota in every year since July 25, 1984, and has been recognized by the Board as having done so under any previous Nova Scotia Egg Producers' Egg Regulations before April 27, 2020, is not required to provide the Board with a statutory declaration under subsection (1).

Heritage licence production

- 26 (1) The Board must set production amounts for a heritage licence and must include that production amount in the licence.
- (2) A heritage license must not exceed 499 layers in a year.
- (3) A heritage licensee must produce eggs only in a facility that is owned or leased by the licensee.
- (4) A heritage licensee must adhere to the applicable housing density standards set out in the Animal Care Program.

Heritage rights

- 27 (1) A heritage licence is not eligible to be transferred or assigned.
- (2) A heritage licence does not entitle the holder to
 - (a) hold egg quota;
 - (b) vote in a Board election;
 - (c) vote at a producer meeting; or
 - (d) become a member of the Board.

Producer Licences

Producer licence applications

- 28 (1) In addition to the information required under Section 7, an applicant for a producer licence must include in their application:
 - (a) all of the following information:
 - (i) the type of housing system for the layers,
 - (ii) the number of layers to be housed,
 - (iii) the source of layers,
 - (iv) the prospective egg grader,

- (v) the spent fowl removal arrangements,
 - (vi) confirmation that the applicant is a resident of the Province, and, if the applicant is a corporation, a statutory declaration confirming that the corporation is resident in the Province;
 - (b) a declaration that the applicant understands, and will comply with, the Animal Care Program and the Start Clean Stay Clean Program; and
 - (c) a declaration that the applicant will not commence production before obtaining *Salmonella enteritidis* insurance in compliance with these regulations.
- (2) In addition to the reasons set out in Section 8, the Board may refuse to issue a producer licence in any of the following circumstances:
- (a) the Board determines the applicant has no reasonable opportunity to obtain egg quota during the term of the licence;
 - (b) the Board determines that it is not in the best interests of the industry to issue additional producer licences at that time.
- (3) In addition to the reasons set out in Section 10, the Board may request permission from Council to refuse to renew a producer licence if the licensee has any outstanding levy payments as calculated under Section 46.

Producer licence transfers

- 29 (1) A producer licence must not be transferred to another person by the licensee unless the Board approves the transfer.
- (2) The Board must not approve the transfer of a producer licence if the transferee is not a resident of the Province.

Production requirements

- 30 (1) A producer licensee is authorized to produce eggs only in accordance with the egg quota issued or leased to that licensee.
- (2) A producer licensee must produce eggs only in a facility that is owned or leased by the licensee.
- (3) A producer licensee must adhere to the applicable housing density standard set out in the Animal Care Program.
- (4) A producer licensee must obtain *Salmonella enteritidis* insurance from an insurance provider approved by the Board, and must provide proof of insurance to the Board, prior to commencing production.

Overhousing penalty

- 31 (1) A producer licensee must not house more layers in their facilities than the number authorized by the Board for the licensee.
- (2) A producer licensee is subject to a penalty of \$1.00 per layer over the authorized amount for each week the licensee is in violation of this Section.

Layer replacement

- 32 (1) A producer licensee who orders pullets from a hatchery or a commercial pullet quota holder must provide the Board with all the following information prior to the expected hatch date for the pullets:
- (a) the producer licensee's name and quota registration number;
 - (b) the name and address of the commercial pullet quota holder or the non-commercial pullet quota holder;
 - (c) the identification number of the facility in which the pullet will be placed, and the pullet quota associated with that facility;
 - (d) the name and address of the pullet hatchery;
 - (e) the number and type of pullets ordered, including their breed and colour;
 - (f) the expected hatch date for the pullets;
 - (g) the date the pullets turn 19 weeks old.
- (2) A producer licensee must obtain a Pullet Placement Permit from the Board before the pullets hatch.
- (3) The Board may issue a Pullet Placement Permit to a producer licensee who is in compliance with these regulations and submits all the information required under subsection (1) to the Board.
- (4) A Pullet Placement Permit must include all of the information in clauses (1)(a) to (g).

Using egg quota as security

- 33 (1) A producer licensee may apply to the Board to use their egg quota, in whole or in part, as security for a loan by submitting an application in a form determined by the Board.
- (2) The Board may approve an application under this Section if the applicant submits all required information under subsection (1) and is in compliance with these regulations.
- (3) The Board must provide the applicant with written notice of the Board's decision under subsection (2).

- (4) A lender who forecloses on a loan must apply to the Board to do either of the following:
- (a) transfer egg quota to one or more producer licensees, but the lender must follow all applicable rules for such transfers set out in Section 41;
 - (b) lease egg quota to a producer licensee, but the lender may lease the egg quota only once and must follow all requirements for such leases set out in Section 42.
- (5) A lender must pay the Board any costs incurred by the Board in administering a transaction under this Section.

Producer licensee entitlement

34 A producer licensee who holds egg quota is entitled to do any or all of the following:

- (a) vote in a Board election;
- (b) vote at a producer meeting;
- (c) become a member of the Board.

Egg Quota

Egg quota required

35 A person must have a producer licence or a specialty licence to hold or lease egg quota.

Quota limits

36 (1) Except as provided in subsection 39(3), a producer licensee may not hold more than 125,000 units of egg quota, unless the licensee held more than 125,000 units before April 27, 2020, in which case that licensee may continue to hold that amount of egg quota.

- (2) In determining a producer licensee's egg quota under subsection (1), the licensee's egg quota includes all of the following:
- (a) if the licensee is a natural person, egg quota held by the natural person;
 - (b) if the licensee is a partner in a partnership that holds egg quota, the egg quota held by the partnership in which the producer licensee is a partner and held collectively by each of the partners;
 - (c) if the licensee is a shareholder of a corporation, the egg quota held by the corporation in which the producer licensee owns shares;
 - (d) if the licensee is a trustee or beneficiary of a trust that holds egg quota, the egg quota held by the trust;

- (e) if the licensee is a personal representative or beneficiary of an estate that holds egg quota, the egg quota held by the estate;
- (f) egg quota leased by the licensee under Section 40;
- (g) if the licensee has any other direct or indirect interest in an entity holding egg quota, the egg quota held by the entity.

Calculating placement egg quota and unplaceable egg quota for producer licensee

37 The Board may use the housing density standards in the Animal Care Program to determine both of the following:

- (a) placement egg quota for each of the producer licensee's facilities;
- (b) the total amount of the producer licensee's unplaceable egg quota, if any.

Egg quota certificate and egg quota leasing certificate

38 (1) An egg quota certificate issued by the Board to each producer licensee must state

- (a) the licensee's egg quota registration number;
 - (b) total egg quota allotted or leased by the Board to the licensee in accordance with Section 40;
 - (c) the placement egg quota for each laying facility used by the licensee;
 - (d) the amount of unplaceable egg quota held by the licensee, if applicable.
- (2)** An egg quota leasing certificate issued by the Board to each specialty licensee must state the total egg quota leased by the Board to the licensee in accordance with Sections 43 and 44.

Allotting egg quota

39 (1) If the total provincial allotment of egg quota is increased, the Board may allocate the increase using any or all of the following means:

- (a) allocating all or part of the increase to the Specialty Licence Quota Pool, to be used for specialty production in accordance with Section 43;
- (aa) allocating all or part of the increase to producer licensees on a *pro rata* basis;
- (b) leasing egg quota to each producer licensee in accordance with Section 40;
- (c) leasing egg quota to specialty licensees in accordance with Section 44;
- (d) retaining all or part of the increase for such period of time and for such use as determined by the Board to be in the best interest of the egg industry.

- (2) If the total provincial allotment of egg quota is decreased, the Board may apportion the decrease using any or all of the following sources of egg quota:
- (a) egg quota that is allocated to the Specialty Licence Quota Pool, but that is not yet leased to a specialty licensee for production;
 - (b) egg quota reserved by the Board under clause (1)(d);
 - (c) egg quota held by producer licensees, but the decrease must be shared by all producer licensees on a *pro rata* basis;
 - (d) egg quota increases leased to specialty licensees in accordance with Section 44, but the decrease must be shared by all specialty licensees leasing an increase on a *pro rata* basis.
- (3) Despite subsection 36(1), a producer licensee may hold more than 125,000 units of egg quota if the Board offers an increase of egg quota to producer licensees under clause (1)(b).
- (4) The Board must update an egg quota certificate or quota leasing certificate whenever a producer licensee's egg quota or specialty licensee's leased egg quota changes, which includes a lease of egg quota from the Board to a producer licensee, but does not include a lease of egg quota from one producer licensee to another producer licensee.

Board leasing egg quota to producer licensees

- 40** (1) If the Board leases egg quota to producer licensees as a result of an increase in the total provincial allotment of egg quota, the Board must offer the increase on a *pro rata* basis to each producer licensee.
- (2) A producer licensee is not entitled to lease any amount of egg quota from the Board that would result in unplaceable egg quota for the producer licensee.
- (3) A producer licensee may accept an offer to lease egg quota from the Board by submitting all of the following within 1 month of receiving the offer:
- (a) a deposit, in an amount determined by the Board;
 - (b) confirmation that the licensee is capable of complying with the housing density standards after receiving the lease;
 - (c) confirmation of the total amount of egg quota the licensee is capable of adding to their operations at that time.
- (4) If there is any egg quota remaining after the period in subsection (3) expires, the Board may do either of the following:

- (a) offer the remaining egg quota to all producer licensees who are capable of housing additional egg quota on a *pro rata* basis; or
 - (b) retain the egg quota in accordance with clause 39(1)(d).
- (5) If a producer licensee is unable to house their full share of an egg quota lease offered under subsection (1) because the licensee is incapable of complying with housing density requirements, the producer licensee may apply to lease that amount of egg quota in a subsequent year, unless the Board has already issued that egg quota to another producer licensee under subsection (9).
- (6) The producer licensee must pay a fee for leasing egg quota from the Board of \$0.00 per unit of egg quota.
- (7) The term of any egg quota lease under this Section is a maximum of 56 weeks, but a producer licensee may apply to the Board to renew the lease for additional terms.
- (8) The Board may refuse to renew a lease if the producer licensee has not commenced production of eggs under the lease or has ceased producing eggs under the lease.
- (9) If a producer licensee's lease is renewed for 5 or more consecutive terms, that producer licensee may apply to the Board, in a form approved by the Board, to be issued the egg quota from the lease.

Egg quota transfer between producers

- 41 (1) A producer licensee may apply to the Board to transfer all or part of their egg quota from one laying facility to another owned by the licensee, or to transfer the egg quota to another producer licensee.
- (2) An application under subsection (1) must include all of the following information:
- (a) the transferor's name;
 - (b) the current and prospective production facilities;
 - (c) the amount of egg quota to be transferred;
 - (d) the transfer date;
 - (e) the name of the transferee and the address of the transferee's facilities, if the transfer is to another producer licensee.
- (3) The Board must not approve a transfer of egg quota between producer licensees if the transferee is not a resident of the Province.

Producer leasing egg quota to another producer

- 42 (1) A producer licensee may apply to the Board to lease their egg quota to another producer licensee, including a sublease of egg quota that the producer is leasing from the Board.
- (2) An application under subsection (1) must include all of the following:
- (a) the lessor and lessee's names, facility locations, and province of residence;
 - (b) the amount of egg quota to be leased;
 - (c) the proposed dates for the lease;
 - (d) the signatures of the lessor and the lessee.
- (3) The Board may approve an application if the lessor and lessee are in compliance with these regulations.
- (4) A lease under this Section must not exceed 56 weeks.
- (5) A lessee under this Section is responsible for paying any levies due on the egg quota during the term of the lease.
- (6) A producer licensee may not be a lessor of egg quota on more than three occasions, unless either of the following apply:
- (a) the licensee's operations are affected by an event of *Force Majeure*;
 - (b) the licensee is leasing unplaceable egg quota, in which case the egg quota holder may lease the unplaceable egg quota without limit up to, and including, December 28, 2024.

Egg quota for specialty licensees

- 43 (1) The New Entrant Quota Pool established in the *Nova Scotia Egg Producers New Entrant Program Regulations* is hereby continued as the Specialty Licence Quota Pool.
- (2) A New Entrant that has been leased egg quota by the Board prior to April 27, 2020, under the *Nova Scotia Egg Producers New Entrant Program Regulations*, provided that the New Entrant meets all of the requirements for a specialty licence under these regulations, is a specialty licensee under these regulations and continues to hold the leased egg quota until December 31, 2020.
- (3) The Board may lease egg quota in the Specialty Licence Quota Pool to a specialty licensee.
- (4) The Board may lease egg quota to specialty licensees in lots of up to 1500 units of egg quota.

- (5) A lease under this Section expires on December 31 each year, but the Board may renew the lease annually.
- (6) Egg quota that is leased to a specialty licensee from the Specialty Licence Quota Pool is not subject to any egg quota increases or decreases under these regulations, except as provided in Section 39.
- (7) The Board may stop leasing egg quota to a specialty licensee if the licensee fails to comply with any term or condition of the licensee's licence or any applicable provision of the Act, Plan or these regulations.
- (8) In the event that the Board stops leasing egg quota to a specialty licensee under subsection (7), the egg quota must be returned to the Specialty Licence Quota Pool.

Board leasing increase to specialty licensee

- 44** (1) In addition to the egg quota leased to a specialty licensee under subsection (2), if the total provincial allotment of egg quota is increased, the Board may lease a *pro rata* share of the egg quota increase to a specialty licensee in accordance with clause 39(1)(c), based on the specialty licensee's leased share of the Province's total provincial allotment of egg quota.
- (2) A specialty licensee may apply to the Board to lease the *pro rata* share of an egg quota increase under subsection (1) by submitting a completed application, on a form approved by the Commodity Board, including all the following information:
- (a) the licensee's name;
 - (b) the licensee's address and facilities location;
 - (c) the amount of egg quota to be leased;
 - (d) the confirmation that the licensee is capable of complying with the housing density standards after receiving the lease;
 - (e) the signature of the licensee.

Levies

Levy period

- 45** (1) In this Section,

“levy period” means a 4- or 5-week period, the dates for which are established by the Board; and

“production year” means a period of time established by the Board under subsection (2) consisting of up to 13 consecutive levy periods.

- (2) The Board, in consultation with the Canadian Egg Marketing Agency, may establish dates for each production year, but no production year may last for more than 53 weeks.
- (3) The Board may determine dates for up to 13 levy periods in a production year.
- (4) The Board must issue levy invoices to each specialty licensee, producer licensee, and heritage licensee on the 1st day of each levy period.

Levy required

46 (1) A licensee must pay the levy invoice issued to the licensee by the Board by the 14th day of each levy period.

- (2) The levy for a specialty licensee or a producer licensee for a levy period is determined by using the following calculation:

$$A = ((B \times C) \times D) \div 52) \times E$$

in which,

“A” is the levy payable by the licensee to the Board;

“B” is the licensee’s egg quota in units;

“C” is the applicable national rate of lay, as determined by the Canadian Egg Marketing Agency;

“D” is the levy rate as set out in the *Egg Farmers of Nova Scotia Levy Order*; and

“E” is the number of weeks in the levy period.

- (3) The levy for a heritage licensee is determined by using the following calculation:

$$A = ((B \times C) \times D) \div 52) \times E$$

in which,

“A” is the levy payable by the licensee to the Board;

“B” is the number of layers authorized by the Board for production;

“C” is the applicable national rate of lay, as determined by the Canadian Egg Marketing Agency;

“D” is the levy rate as set out in the *Egg Farmers of Nova Scotia Levy Order*; and

“E” is the number of weeks in the levy period.

- (4) If a licensee does not pay their levy in accordance with this Section, the Board may order the grader of the licensee’s eggs to deduct the outstanding amount from the payment due to the licensee and remit that amount directly to the Board.
- (5) If a licensee does not pay a levy within 30 days of the levy being due, the Board may, after holding a hearing in accordance with Section 47, suspend 1/13th of the licensee’s egg quota for a period of one year.
- (6) If a licensee does not pay a levy within 90 days of the levy being due, the Board may, after holding a hearing in accordance with Section 47, permanently revoke 1/13th of the licensee’s egg quota for each 30-day period the levy is unpaid.

Procedure for hearing

- 47
- (1) A hearing to be held by the Board, as required by subsection 46(5) or 46(6), before suspending or permanently revoking a portion of a producer’s licensee’s egg quota, must proceed in accordance with this subsection.
 - (2) The Board must provide written notice to the producer licensee of the date, time, location and reason for the hearing.
 - (3) The Board must send the written notice required by subsection (2) to the licensee by one of the following methods:
 - (a) registered mail;
 - (b) courier.
 - (4) A hearing may be held in person, by telephone conference, or by video conference.
 - (5) The Board must not suspend or permanently revoke a portion of the producer licensee’s egg quota if, after the hearing for the producer licensee, the Board determines that
 - (a) there are exceptional circumstances that justify a decision not to suspend or permanently revoke a portion of the producer licensee’s egg quota; and
 - (b) the producer has taken appropriate steps to ensure payment of the overdue levy to the Board.

Levy abatement

- 48
- (1) In this Section, a “levy abatement” means a reduction in the levy amount a licensee is required to pay under Section 46 of these regulations.
 - (2) A producer licensee, specialty licensee or heritage licensee may apply to the Board for a levy abatement in any of the following circumstances:

- (a) the licensee has suffered a loss from a *Force Majeure*, but the application for an abatement must occur within one month of the date of the event;
 - (b) for a planned event, but the application must be approved before the planned event occurs;
 - (c) for a partial levy abatement for unplaceable egg quota, at year end.
- (3) An application for a levy abatement must include all of the following information:
- (a) the licensee's name;
 - (b) the reason for the levy abatement request;
 - (c) the number of layers affected;
 - (d) the dates for the abatement;
 - (e) any additional information required by the Board.
- (4) The Board may impose or include a mandatory production downtime period, prior to, or during, a levy abatement period.
- (5) The Board may approve an application if the applicant is in compliance with these regulations and submits all information required by this Section.
- (6) The Board must provide written notice of the Board's decision to the applicant.

Pricing

Minimum producer price

49 (1) In this Section,

“minimum producer price” means the minimum price to be paid by a grader licensee to a producer for eggs of any variety, class or grade; and

“producer” includes a producer licensee, heritage licensee, and specialty licensee.

- (2) The Board must establish the minimum producer price, the market producer price, and the enriched producer price, and provide written notice of the prices to all of the following:
- (a) producer licensees;
 - (b) specialty licensees;
 - (c) heritage licensees;

- (d) grader licensees;
 - (e) the Council.
- (3) A producer must not sell eggs to a grader licensee, and a grader licensee must not purchase eggs from a producer, for a price that is less than the market producer price.
 - (4) A producer must not market eggs with any other product or service at a combined price.
 - (5) A grader licensee must not accept eggs from a producer unless the grader pays the producer a price that is not less than the market producer price.
 - (6) A grader licensee must not impose any direct or indirect costs on a producer when purchasing eggs from the producer, including costs incurred by the grader licensee in transporting the eggs or the cost of egg packing materials supplied by the grader licensee.

Market producer price adjustment

- 50 (1) All producers must remit to the Board, in the manner and within the time period established by the Board, the market producer price adjustment on all production, other than production from free range housing or free run housing.
- (2) If a producer does not pay the market producer price adjustment to the Board under subsection (1) within 30 days of the date it becomes due, the Board may suspend 1/13th of the producer's egg quota for a period of one year for each market producer price adjustment installment not paid by the producer.
- (3) If a producer does not pay the market producer price adjustment to the Board under subsection (1) within 90 days of the date it becomes due, the Board may permanently revoke 1/13th of the producer's egg quota for each marketing producer price adjustment installment not paid by the producer.

Eligibility for enriched producer price

- 51 Only eggs produced in certified enriched housing will be eligible for the enriched producer price.

Reporting and Records

Bird inventory report

- 52 (1) In this Section,

“19-week date” means the date a layer turns 19 weeks old;

“bird inventory period” means a four-week period for dates established by the Board; and

“bird inventory report” means a report identifying a specialty licensee, producer licensee or heritage licensee’s inventory of layers and pullets.

- (2) A specialty licensee, producer licensee or heritage licensee must submit bird inventory reports to the Board on dates determined by the Board.
- (3) The Board must send written notice of the dates for submission of the bird inventory reports to the licensees.
- (4) A bird inventory report for each bird inventory period must include all of the following information:
 - (a) licensee’s name and licence number;
 - (b) submission date for the report;
 - (c) information on the licensee’s layers, including
 - (i) the facility and the Pullet Placement Permit number for the layers,
 - (ii) the 19-week date for the layers,
 - (iii) layer mortality,
 - (iv) number of layers disposed of, including the person taking ownership of the layers and the method of disposing of the layers,
 - (v) date of disposal, and
 - (vi) number of layers at the end of each bird inventory period;
 - (d) for a commercial pullet quota holder or non-commercial pullet quota holder, information on the licensee’s pullets, including
 - (i) the facility in which the pullets are housed,
 - (ii) the hatchery and hatch date for the pullets, and
 - (iii) details of any pullets that have been ordered by the licensee but not received as of the end of a period.

Producer licensee weekly grading and marketing reports

- 53
- (1) A producer licensee must submit a weekly grading and marketing report to the Board each week on dates determined by the Board.
 - (2) The Board must send written notice of the dates for submission of the weekly grading and marketing reports to the licensees.

- (3) A weekly grading and marketing report must include all of the following information:
- (a) the licensee's name and number;
 - (b) the dates covered by the report;
 - (c) the date the report is submitted;
 - (d) the number of eggs marketed in dozens and categorized by size and grade;
 - (e) the number of eggs produced by the licensee but not shipped to a grading station.

Quarterly grading and marketing report

- 54 (1) A heritage licensee, or an unlicensed person producing eggs under Section 4, must submit quarterly grading and marketing reports to the Board on dates determined by the Board.
- (2) The Board must send written notice of the dates for submission of the quarterly grading and marketing reports to the heritage licensees, and unlicensed persons producing eggs under Section 5.
- (3) A quarterly grading and marketing report must include all of the following information:
- (a) the heritage licensee or unlicensed person's name;
 - (b) the heritage licensee or unlicensed person's civic address and mailing address, if different;
 - (c) the heritage licensee or unlicensed person's telephone number and email address, if applicable;
 - (d) the license number, if applicable;
 - (e) the number of eggs marketed in dozens, categorized by size and grade;
 - (f) the dates covered by the report;
 - (g) the date the report is submitted.

Grading station report

- 55 (1) A grader licensee must submit a grading station report every week, for the previous week, to the Board, unless the grader licensee is grading eggs only from unlicensed persons, in which case the grader licensee must submit grading station reports on a quarterly basis.

- (2) A grading station report must include all of the following information:
- (a) the location of the grading station;
 - (b) the grader licensee's name and number;
 - (c) the dates covered by the report;
 - (d) the date the report is submitted;
 - (e) all of the following information for each transaction with an egg producer:
 - (i) the producer's name,
 - (ii) the producer's licence type and number, if applicable,
 - (iii) the date of transaction,
 - (iv) the number of eggs marketed in dozens and categorized by size and grade.

Records

- 56 The Board may review a licensee's records to verify any information included in a report, and the licensee must ensure that records are properly maintained for at least 18 months.

Inspection

- 57 The Board may inspect the operations of any of the following in the Province to ensure compliance with these regulations, including the counting of a person's layers:
- (a) producer licensee;
 - (b) heritage licensee;
 - (c) specialty licensee;
 - (d) unlicensed person operating under Section 5;
 - (e) grader licensee;
 - (f) processor licensee.

Animal Care and On Farm Food Safety

Animal Care Program

- 58 Specialty licensees and producer licensees must comply with all the requirements set out under the Animal Care Program.

Start Clean Stay Clean Program

- 59 Specialty licensees and producer licensees must comply with all the requirements set out under the Start Clean Stay Clean Program.

Transition

Transitional

- 60 On April 27, 2020, a person who holds egg quota or a licence under the *Egg Producers' Egg Regulations*, or *Nova Scotia Egg Producers New Entrant Program Regulations*, that comes within the definition of egg quota or licence under these regulations continues to hold that egg quota or licence under these regulations until December 31, 2020, unless renewed by the Board.

Legislative History Reference Tables

Egg Farmers of Nova Scotia Egg Regulations

N.S.
Reg. 325/2022

Natural Products Act

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Egg Farmers of Nova Scotia Egg Regulations* made under the *Natural Products Act* includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
325/2022	Dec 13, 2022	date specified	Dec 30, 2022
341/2022	Jan 1, 2023	date specified	Jan 13, 2023
59/2023	Apr 1, 2023	date specified	Apr 21, 2023
184/2023	Nov 1, 2023	date specified	Oct 20, 2023

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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*See subsection 3(6) of the *Regulations Act* for rules about in force dates of regulations.

Amendments by Provision

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected	How affected
39(1)(aa).....	ad. 59/2023
40(6).....	am. 341/2022
58-59.....	rs. 184/2023

Note that changes to headings are not included in the above table.

Editorial Notes and Corrections

Note	Effective date
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Repealed and Superseded

N.S. Regulation	Title	In force date	Repealed date
211/1985	<i>Nova Scotia Egg Producers' Egg Regulations</i>	Nov 18, 1985	Apr 27, 2020
369/2015	<i>Nova Scotia Egg Producers New Entrant Program Regulations</i>	Jan 15, 2016	Apr 27, 2020
55/2020	<i>Nova Scotia Egg Producers' Egg Regulations</i>	Apr 27, 2020	Dec 13, 2022

Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.